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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a visiting Chaplain this morning, Father Paul E. Lavin, pastor of St. Joseph Church on Capitol Hill, Washington, DC. We are pleased to have you with us.

PRAYER

The guest Chaplain, Father Paul E. Lavin, pastor of St. Joseph Church on Capitol Hill, Washington, DC, offered the following prayer.

Let us listen to the Word of the Lord in the Book of Ecclesiastes:

''There is an appointed time for everything,
and a time for every affair under the heavens.
''A time to be born, and a time to die;
a time to plant, and a time to uproot the plant.
''A time to kill, and a time to heal;
a time to tear down, and a time to build.
''A time to weep, and a time to laugh;
a time to mourn, and a time to dance,
''A time to scatter stones; and a time to gather them;
a time to embrace, and a time to be far from embraces.
''A time to seek, and a time to lose;
a time to keep, and a time to cast away.
''A time to rend, and a time to sew;
a time to be silent, and a time to speak.
''A time to love, and a time to hate;
a time of war, and a time of peace.

''What advantage has the worker from his toil? I have considered the task which God has appointed for men to be busied about. He has made everything appropriate to its time, and has put the timeless into their hearts, without men's ever discovering, from beginning to end, the work which God has done.''

Let us pray:

We stand before You, O Lord conscious of our sinfulness but aware of Your love for us.

Come to us, remain with us, and enlighten our hearts.

Give us light and strength to know Your will be make it our own and to live it in our lives.

Guide us by Your wisdom, support us by Your power, Keep us faithful to all that is true.

You desire justice for all: Enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor.

Glory and praise to You for ever and ever. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator GREGG, is recognized.

Mr. GREGG. Thank you, Mr. President.

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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SCHEDULE

Mr. GREGG. Mr. President, for the information of all Senators, this morning there will be a period for morning business, and we will be awaiting possible House action on the omnibus appropriations bill, which is a result of negotiations completed early this morning. The Senate may also be asked to turn to consideration of any other items cleared for action, including the Presidio-parks bill conference report and the FAA reauthorization conference report. Rollcall votes are possible today, and if votes should prove to be necessary, the leader will attempt to give Members as much notice as possible prior to those rollcall votes.

MEASURE PLACED ON THE CALENDAR—H.R. 3452

Mr. GREGG. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes.

Mr. GREGG. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

DESIGNATING THE AMOS F. LONGORIA POST OFFICE BUILDING

Mr. GREGG. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2700 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2700) to designate the building at 8302 FM 327, Elmendorf, Texas, which houses operations of the United States Postal Service, as the ''Amos F. Longoria Post Office Building.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 5413

(Purpose: To clarify the provision of section 3626(b) of title 39, United States Code, defining an ''institution of higher education'')

Mr. GREGG. Mr. President, Senator PRYOR has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. PRYOR, proposes an amendment numbered 5413.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, insert after line 9 the following new section:

SEC. 2. INSTITUTION OF HIGHER EDUCATION.

Paragraph (3) of section 3626(b) of title 39, United States Code, is amended by striking the period and inserting '', and includes a nonprofit organization that coordinates a network of college-level courses that is sponsored primarily by nonprofit educational institutions for an older adult constituency.''.

Mr. PRYOR. Mr. President, today I am asking the Senate to approve H.R. 2700, a bill to name a post office in Elmendorf, TX, the ''Amos F. Longoria Post Office Building,'' with an amendment. The amendment, which I offered in the Governmental Affairs Post Office and Civil Service Subcommittee and which was unanimously adopted, addresses mailing problems faced by Elderhostel, an independent, nonprofit organization which operates a central course catalog and registration system for college level classes for people over the age of 60. These courses are sponsored by colleges and universities at more than 1,900 colleges, universities, museums, national parks, and environmental education centers in the United States, Canada, and 47 other countries. Elderhostel receives no Federal or State support.

Elderhostel provides easy access to these continuing education programs through the mailing of its course catalog. Unfortunately, a U.S. Postal Service definition prevents Elderhostel from mailing their catalog at a second-class catalog rate. This catalog rate is used, for example, by the American Bar Association's continuing legal education material. Elderhostel is barred from using that rate because rather than being a catalog of one institution of higher learning, it is a compilation of courses offered by otherwise eligible ''regularly incorporated nonprofit institutions of learning.''

The amendment I am offering to H.R. 2700 simply expands the definition of an institution of higher education eligible to mail at second-class rates to include a nonprofit organization that coordinates a network of college level courses that nonprofit colleges and universities offer to older adults. The National Federal of Nonprofits, the Advertising Mail Marketing Association, and the Direct Marketing Association have no objection to this legislation.

Mr. President, H.R. 2700, as amended, will solve a problem caused by the fact that Elderhostel doesn't fit neatly into the Postal Service's definitions and I urge my colleagues to support the amendment and pass the bill.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 5413) was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2700) was deemed read the third time and passed.

JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2153, which was introduced earlier today by Senator COHEN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2153) to designate the United States Post Office building located in Brewer, Maine, as the ''Joshua Lawrence Chamberlain Post Office Building,'' and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. COHEN. Mr. President, at the request of the city of Brewer, ME, I am introducing S. 2153, legislation to name the post office building in Brewer the ''Joshua Lawrence Chamberlain Post Office Building.''

For the people of Maine, Joshua Chamberlain is a household name—Civil War hero, four-term Governor of Maine, president of Bowdoin College, scholar and professor. He is recognized among many historians as one of the most remarkable soldiers in American history. He played a crucial role at Little Round Top, on the second day of the Battle of Gettysburg, when he led the 20th Regiment Infantry, Maine Volunteers in holding the extreme left flank of the Union line against Confederate attack. After running out of ammunition and being outnumbered two to one, Chamberlain rallied his regiment, charged down Little Round Top using bayonets to break up the Confederate attack and took nearly 400 Confederate prisoners. In 1893, Congress gave him the Medal of Honor for his gallantry at Gettysburg.

He is also remembered for the surrender of Gen. Robert E. Lee's Army of Northern Virginia at Appomattox, when Gen. Ulysses S. Grant chose Chamberlain to receive the formal surrender of weapons and colors.

His ancestors migrated from England in the mid 1600's settling in Woburn, MA, and made their own significant contributions serving this country. His great-grandfathers served in the Revolution, his grandfather was a colonel in the War of 1812, and his father acted as second in command on the American side in the Aroostook War in 1839.

Joshua Chamberlain was born in Brewer, ME, in 1828. He attended school in Brewer, graduated from Bowdoin College, in Brunswick, ME, in 1852 and

completed a course at the Bangor Theological Seminary in 1855. He married that year and served as professor of rhetoric, oratory, and modern languages at Bowdoin.

In 1862, he was granted a leave of absence to study abroad but he abandoned this plan and enlisted as lieutenant colonel of the 20th Maine. He remained in active service until the end of the Civil War, taking part in 24 battles including Antietam, Fredericksburg, Chancellorsville, Gettysburg, Spottsylvania, Cold Harbor, Petersburg, and Five Forks. He was wounded six times, once almost fatally at Petersburg. He was made a brigadier general on the field by Gen. Ulysses S. Grant.

Chamberlain returned briefly to his academic duties at Bowdoin, but was soon elected Governor of Maine, a position he served with great distinction for four terms. He helped to establish the new agricultural and technical college at Orono which eventually grew into the University of Maine.

In 1871 he returned to Bowdoin to serve as president while also lecturing on mental and moral philosophy, political science, and public law. He died in Portland in 1914 at the age of 85.

The Civil War, comments historian Geoffrey Ward, ''was a war that thrust figures of common clay into monuments of true grandeur.'' How well the actions of Joshua Chamberlain affirm this observation. He was a man inspired to greatness by the cause he served. I hope my colleagues will work with me in passing this legislation as a means of paying tribute to the many years of outstanding service Joshua Chamberlain gave to the State of Maine and the country.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague Senator Bill COHEN in sponsoring legislation to name the U.S. Post Office in Brewer, ME, in honor of Joshua Lawrence Chamberlain. Chamberlain, who was born in Brewer on September 8, 1828, and grew up there, went on to play an important role in the history of Maine and the United States.

Historians will recognize the name of Joshua Chamberlain, whose remarkable military career placed him at some of the most critical battles of the Civil War. At the Battle of Gettysburg, Colonel Chamberlain commanded the 20th Maine Infantry Regiment which held down the extreme left flank of the Union line. Chamberlain and his regiment defended Little Round Top until their ammunition ran out, at which point he ordered ''fix bayonets'' and led an unexpected charge down the hill capturing nearly 400 Confederate prisoners. Chamberlain's leadership is credited with contributing significantly to the North's victory at the pivotal Battle of Gettysburg.

During the Civil War, Chamberlain commanded troops in 24 battles as well as numerous skirmishes. He was wounded six times and was promoted to general on the battlefield by Gen. U.S. Grant. At the war's end, General Chamberlain was given the honor of receiving the Southern Surrender at Appomattox Court House, ordering his own troops to stand at attention and salute the defeated Army of Northern Virginia. General Chamberlain was given the honor of first place in the last Grand Review in Washington following the Civil War.

Mr. President, the extraordinary public service of Joshua Chamberlain did not end with the Civil War. After he returned to Maine following his military career, Chamberlain was elected Governor by the largest majority in the State's history. He was subsequently reelected three times.

The people of Brewer and Maine are rightfully proud of their distinguished native son. The Brewer City Council and the Brewer-Orrington Customer Advisory Council have both requested that the memory of Joshua Chamberlain be honored by naming the U.S. Post Office in Brewer after him. This is a fitting tribute to an outstanding American.

Mr. GREGG. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed at the appropriate place in the RECORD.

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

The bill (S. 2153) was deemed read the third time and passed, as follows:

S. 2153

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

SECTION 1. DESIGNATION OF JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING.

The United States Post Office building located at 22 Parkway South, Brewer, Maine, shall be known and designated as the ''Joshua Lawrence Chamberlain Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''Joshua Lawrence Chamberlain Post Office Building''.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed in morning business for a period up to 30 minutes.

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

THE OMNIBUS APPROPRIATIONS BILL

Mr. GREGG. Mr. President, we are now in the final hours, it appears, of the process of wrapping up this session of Congress and putting together an omnibus appropriations bill, which I understand late last night was agreed to between the White House and the Congress.

I want to talk a little bit about this process and specifically about sections of that bill which I have responsibility for, or had responsibility for as chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and State.

I have to say, I was startled by the manner in which these proceedings went forward. I was discouraged. The taxpayers, to put it quite simply, have been fleeced. It is beyond my most pessimistic anticipations that the events that occurred in the spending of taxpayers' dollars over the last few days would have occurred under a Republican Congress. I can understand that they have occurred under a liberal Presidency, a Democratic Presidency, but to have them occur under a Republican Congress is, I think, a sad and trying day for the American taxpayer who has traditionally looked to the Republicans for fiscal responsibility.

The budget, as it was proposed by the Republican Congress, basically flat funded discretionary spending accounts of the United States for the next year. We were, however, put in the very difficult position—and the blame does not really lie with the Congress here; it lies with the Presidency—we were put, I should say are put, in the very difficult position by the President that if we did not spend a heck of a lot more money in a heck of a lot of other accounts, he would veto the proposals of our Congress. The Congress had put together proposals, the purpose of which was to institute financial responsibility.

You have to understand that not only ourselves, but especially our children will be facing a nation which will end up being fiscally bankrupt if we do not undertake some responsibility.

We have been spending more money than we have been taking in for a long period of time. Although the number is going down, the fact is, it still is a considerable number, over $100 billion of deficit this year, and as we move into the outer years here, as we move into the year 2000 and beyond, it goes back rather sharply.

So the need for fiscal responsibility has not left, or should not have left, the agenda of American Government. Yet, the White House told us that if we did not spend a great deal more money in a number of accounts which they were interested in, that they would veto the bills and they would force us into a shutdown of the Government.

The leadership of the Congress, appreciating the fact that the last time the Government was shut down—the Congress came out with a pretty black eye—decided to try to accommodate the White House. Every time a decision was made to accommodate the White House and the administration, more money was demanded. It became a process of goal posts moving, which has become the term around here that most adequately describes how this spending has occurred. But what it has meant is basically a geometric progression, the spending of which the American taxpayers have to bear.

Some of these accounts which the White House has asked to spend money on are just classic liberal, profligate spending undertakings, and they are dollars which the American people, if they knew about them, if they were put in the context of disclosure, simply would not accept that type of spending.

Some of those accounts, unfortunately, were in categories which were under my auspices with the Commerce, Justice, and State Subcommittee, and I want to discuss a few of them because I think they should at least be on the record as to what has happened here, how American tax dollars are being spent by this administration. This is the most liberal administration that I have ever seen during my term in Government.

You know, this President wanders around the countryside talking as a moderate, but the simple fact is that this administration is governing on the far left of the spending when it comes to spending American tax dollars. Let me cite a few examples that I think confirm this.

Let us begin with the United Nations. In the bill which we proposed, which Congress proposed, we had limited the amount of spending to the United Nations. We had decided that we would not pay what is known as arrearages in peacekeeping and we would not pay what is known as arrearages to the various international organizations.

Why? Because the United Nations is an institution that is penetrated throughout with patronage. It is an institution which has wasted millions and millions of dollars, and every dollar that is wasted at the United Nations, every time some friend of some friend or some cousin of some leader from some country is hired by the United Nations to fill a nonexisting job or a job that is basically nonfunctional at some outrageous pay level, every time that occurs, 25 percent of the dollars spent on that individual come out of an American taxpayers's wallet. The record is replete with abuses and with mismanagement and with waste which has become the character of the United Nations management.

The average U.N. salary for a mid-level accountant is $84,000—$84,000 for a mid-level accountant. That same person living in New York City working for a non-United Nations entity would be paid on the average $41,000. Twice as much is paid to the U.N. individual, plus they do not pay taxes. The man or woman who is working in New York City has to pay taxes.

The average U.N. computer analysis person receives $111,000 tax free—$111,000. The average American doing that same job, and probably does a lot better job and I bet works a lot more hours, gets $56,000.

An assistant to the Secretary-General, of which there are innumerable, gets $190,000. That is $60,000 more than we pay the Mayor of New York who actually works for a living.

The fact is that this institution is mismanaged and is dominated by patronage.

Now the administration wants us to spend an extra $225 million to pay back fees, back payments and to pay operating costs so that we can reimburse them for this mismanagement and we can fund this mismanagement out into the future.

In order to try to get some hold on this, the Congress said to the administration, well, before we are going to pay anything more of any significance, we want a certification that the United Nations is living within the agreement which was reached as a result of the pressure put on it by us that it would have a no-growth budget.

In an act of a very serious—I think very serious—question of integrity, we have now received such a certification that the United Nations has a zero-growth budget. Well, that is impossible because the United Nations is already over its budget. We know it is over its budget. It is over its budget, by our estimates, by over $100 million. Yet, we received this certification from the administration. So you have to even question the atmosphere in which this administration is functioning relative to the United Nations.

It appears they are willing not only to throw money at it, but they are willing to stand up for their dishonesty within the United Nations. They are willing to stand up for the mismanagement within the United Nations. They are willing to stand up for the patronage within the United Nations at the expense of the American taxpayer.

Then, of course, we also know that this administration, on a number of occasions, has expressed their willingness to have American troops fight under the command of the United Nations, which is a mistake in and of itself. What is more classically liberal—what is more classically liberal—than funding an agency like the United Nations at an excessive level?

I do not argue with the need to have the United Nations. I happen to think the United Nations makes a great deal of sense. My disagreement here goes to the fact that we are essentially paying for its mismanagement, gross mismanagement, and that we are doing it with blinders on. This administration takes the attitude that anything that is a world community exercise, the United States taxpayers should pay for it, and pay dearly for it.

When they came to us after we had raised the level of reimbursement to the United Nations to a level which I felt was unacceptable—but I went along with the House—the administration came back and said that we were $220 million short—$220 million short—of what they wanted for the United Nations. In fact on my bill, they said we are a half a billion short, let us throw another half billion dollars into these programs. Why? Because they knew they had the Congress between a rock and a hard place.

They wanted to fund all their favorite little interest groups, in this case, interest groups within the international community, different international organizations, some of which are only marginal in their worth. They wanted to fund all these little different interest groups, and they knew they could do it because they recognized they had won the last battle about closing the Government down, and now they figured, well, the Congress is going to have to fold on all these issues. And unfortunately we have.

So, out of the taxpayers' pocketbooks and wallets in New Hampshire and Arizona, hard-earned dollars—people working 40, 50 hours a week trying to make mortgage payments, trying to send their kids to school, having to pay their taxes now at a rate barely as high as a result of the tax increase under the first 2 years of this administration—those dollars are now going to fund John Jones, I suspect the person's name is not John Jones, some name I probably could not pronounce, from some country because John Jones had a cousin in the government who could get him a job at the United Nations where he would get paid x thousands of dollars more than an American doing the same job, and the person does not even have to show up to work.

In fact, ironically, one of the reforms we asked for and which was put in at the United Nations was a turnstile. We ask for a turnstile so we could figure out who was going to work. It turns out the returns were so bad that the United Nations staff forced the administration to take the turnstile out because they did not want to have people keeping track whether they ever showed up for work.

The fact is the United Nations is an institution, is an institution that is good, relative to its purpose, but as a practical manner, the matter in which it practices, the manner in which it manages itself, and the manner in which it spends its money is horrible. It is the American taxpayer that bears the burden, and the administration at the last minute, because they had the Congress by the throat, came in and said we need hundreds of millions—not hundreds, but $200 million. That is a lot. In fact, we could run the State of New Hampshire for quite a while on $200 million—more money to take care of their activities and to fund an agency which has not shown any fiscal discipline at all.

That is only one example of this liberal agenda which has caused the White House to come in here and dump all sorts of new dollars into different interest groups. This administration uses the Federal Treasury as its own little campaign financing mechanism. They used something called SCSEP (Senior Community Service Employment Program) to finance some of the most activist labor groups, and they use something called ATP to finance the friendships with the corporate world. ATP you probably have never heard of that. Well, it is something called the Advanced Technology Program where we go out and pick winners and losers in the technology communities—not with a lot of dollars, but we go out and we pick them. It is ironic who gets picked, ironic who gets picked.

The idea here was we would set up a pool of money and people with good ideas that could not get it funded in the private sector would be able to come to the Government and the Government would fund those ideas. That, in concept, is good, a good idea I suppose. If you happen to believe the Government should be in the business of deciding winners and losers in the marketplace and in the technology arena and there are certain technologies which the private sector is not going to fund, then it probably makes sense to do that.

I suspect there are some instances where a technology concept—remember, this is commercialization, this is not R&D. I should make that point. This is not R&D activity, but for items which will commercialize. We have literally billions of dollars committed to research, billions of dollars in all sorts of different accounts. This is purely an R&D, purely an applied research effort. The expectation is that almost all this will go to some sort of commercialization.

The argument was that the opportunity for return on these undertakings was so low or the likelihood of return was so low that nobody would fund them. First, that assumes that the marketplace cannot pick winners and losers in the technology field. That is a position that is hard to defend in America today where we see such an explosion of technology activity, literally billions and billions of dollars going into research which is applied and presumed going to go to commercialization, where we see billions and billions of dollars going into IPO's, where we see major corporations spending billions and billions of dollars on research. The concept that an idea which really has a commercial applicability, which has a potential, will not find a place to be funded, within the private sector is, I think, hard to argue, but that was the argument that was made.

So we set up this thing called the ATP. You would presume if that was the case, we are going to fund technology which has only a marginal likelihood of success, so marginal that the private sector is not willing to fund it, but has commercial applicability. You would think if that were the case, then the logical recipients of those funds would be small entrepreneurial efforts. That should be the case. Obviously, if someone cannot get funded, the odds are that they are a small entrepreneurial effort. You would not expect that General Motors, Ford, Exxon, AT&T, IBM, General Electric, the biggies, the international organizations, a few Japanese organizations, a few German organizations, you would not expect those types of companies would be in line for this type of a grant program.

In fact, I think, most Americans if they were told this type of program existed, would say, sure, Mary Mason down the road, who happened to be a brilliant computer person, should have a right to compete for that. But General Motors, are you kidding me—General Motors? I just bought a car from them and it was an outrageous price. They make tons of money.

This program has become a little piggy bank, a little cookie jar is a better term, a cookie jar into which the Fortune 500 companies stick their hands. This is the list of how the awards under this program went in 1994 and 1995. I will read down through the companies that received these awards because I think it is important, because it shows the nature of this program and what it is really being used for, which is to basically try to buy friendships in the business communities: General Motors, Ford, Exxon, AT&T, IBM, General Electric, Mobile, Chrysler, DuPont, Texaco, Chevron, Hewlett-Packard, Amoco, Motorola, Lockheed Martin, United Technologies, Dow Chemical, Boeing, Xerox, U.S. Steel, Bell South, 3M, Caterpillar—the list goes on. You get the idea. The fact is this program has become an outrage. It is corporate pork at its worst.

However, the administration comes in and says we must continue this program. You would think, listening to the administration, especially this President, that the Republican Party was the voice of corporate America. Well, it happened to be the Republican Senate which zeroed this program out, and it happens to be the Democratic liberal Presidency which wants to continue this program at excessive levels of funding—$265 million was their demand for next year's funding of this program, $265 million.

Now, why? Well, because, basically it takes care of their friends in the corporate community. It is a way for the Secretary of Commerce to be able to communicate. We have corporate America—send in a grant, we will send you some money; now, what do you want to talk about? It is done with the tax dollars of the American people and the American people should be outraged. It is classic liberal government, spending their money on programs that picks winners and losers in the marketplace, which goes to the Fortune 500 leadership, dollars which are scarce and which could be used much better by an American to go out and buy a product that was important to them and their family, or maybe help them go to school, or maybe help pay their mortgages, but instead this President wants to take those dollars out of your pocketbook and give them to these corporations to do things which obviously companies of this size, if they want to do it, they can do it. The idea that these companies need help in deciding their priorities on research and spending money on research is so absurd it should not even be discussed.

So it is not an argument for the substance of the program that generates this funding, because the substance cannot be defended. The only reason this funding exists is because under the liberal form of leadership which this administration represents they like to be able to pick winners and losers in the marketplace and they like to spend tax dollars.

Now, this bill overall that I had jurisdiction over until I was unceremoniously removed because I was too disruptive to the process, because I kept saying we should be concerned about our tax dollars, this bill spends $500 million more. It does not spend it yet, that is what the administration wants, $500 million more than what was offered to the administration, which happened to be $1 billion more than what the bill was when it left this Senate Chamber.

It never left the Chamber. It never got out. When it left the Senate subcommittee that I chair, we were a billion dollars below our offer to the White House, as we brought up all these different accounts to try to satisfy the profligacy of the White House spending condition over some significant frustration of my own. And then the administration came in and said that is not enough. They wanted another $500 million. I wish that that were all that were in this package, $500 million. We could live with that. This is true across the board, in account after account. The administration came in and demanded massive more dollars in spending, and because they know that we have the Congress in a position basically where politically they have us by the throat, to be very honest, where they know that they have set up a scenario where if this Government is shut down, they feel they win politically and the American people will take their frustrations out on the Congress—that the Congressional leadership decided that they are going to allow the White House to get away with this raid on the American Treasury and, therefore, the American taxpayer.

I think it is a mistake, and I think we ought to take this issue to the American people. I think the American people will understand that there is a big difference between the shutdown that occurred a year ago and the desire of this administration to spend money

like it is water. The fact is that this President is now in the middle of a Presidential election. He is campaigning on the theme that he is a moderate. In fact, I heard AL GORE in New Hampshire call himself of a ''fiscal conservative''—the Vice President of the United States. Well, this is not fiscal conservatism, spending this type of money. Spending $220 million more on the United Nations so they can hire patronage is not fiscal conservatism. Picking winners and losers in the marketplace and having the winners be Fortune 500 companies, who can take care of themselves when it comes to R&D, is not fiscal conservatism. Spending $6.5 billion more of the American taxpayers dollars and putting it, for all intents and purposes, on the deficit is not fiscal conservatism. It is liberalism. It is the classic situation where you buy votes with tax dollars and you spend money without regard to where it is going or how it is being accounted for, but only with regard to what the political pluses are from it. It comes back to roost—not to us, maybe, in our generation immediately, but certainly to our children, as they have to pay the bills.

It is a mistake. I felt it should be on the record from somebody, because nobody seems to want to talk about it around here. So I am taking these few minutes to make these points.

I yield back my time.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask unanimous consent to speak for 10 minutes.

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

POLITICAL GAMES

Mr. THOMAS. Mr. President, I want to tell you that I appreciate the comments of the Senator from New Hampshire. Certainly, this needs to be talked about. I have never seen anything quite like what is happening to us here at the end of this session. The idea that those on the other side of the aisle, the administration and the Democrats, would hold up progress over the last 3 weeks, as they have, by having 100 amendments to every appropriations bill, most of them not at all attached to the subject, simply to hold it up to bring us up to the edge of this business of shutting down Government, which they found to be a great political advantage last year, is absurd.

I have never seen anything like this in my life. The Senator from New Hampshire is exactly right. They have extracted $6.5 billion in additional spending simply by threatening—not on the merits of the spending—to close down the Government and blame the Republicans. I have never seen anything quite like that kind of deception—the idea that, for instance, talking about reducing the deficit and at the same time increasing deficit spending by $5.5 billion, reduce the deficit only by raising taxes—the largest tax increase we have ever had—and talk about reducing the numbers of employment when, in fact, almost all of it was as a result of base closures and civilian employees of DOD, and the end of the Resolution Trust Corporation, which had nothing to do with this President.

So that is where we are. I am just delighted that the Senator from New Hampshire, who has hands-on experience with this expenditure, as chairman of the subcommittee, has talked about where we are and where we need to go.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. THOMAS. Mr. President, I want to talk about a friend who will be leaving the Senate, a man whom I respect greatly, a man who—to quote a phrase he uses—is ''a friend of his friends,'' and that is Senator Alan SIMPSON, from Wyoming, who will be retiring from the Senate at the end of this session.

AL SIMPSON is particularly close to me. He is from Cody, WY, a town of 10,000 or 12,000. Cody is also the same town I am from. We were both there last weekend at the Buffalo Bill Museum event.

AL is a lifelong friend, a good and gracious man. He comes from a family of good and gracious leadership. The first person that I remember as a kid, who was an outstanding citizen, one of those kinds that you remember, was Milward Simpson, AL'S dad. Interestingly enough, the thing I remember the most was that he is the first guy I ever saw who could simply stand up and talk without being prepared, or without needing notes, and do it so eloquently. I guess that is where Al SIMPSON acquires his ability to do the same thing.

So many here in the Senate have known AL SIMPSON for a very long time, too, and are his friends. AL has been here for 18 years representing our State, battling for our State, battling for this country, and all of us feel so fortunate to have had him here. Some have mixed feelings about him leaving. On the one hand, all of us are happy that he and Ann will have an opportunity to do some other things. They have great interests, whether it be in museums, whether it be in health care, whether it be in the other historic things they have been interested in. But they have great grace and style in their personal relationships, and they will all be missed.

I have had the privilege of serving on the team from Wyoming with AL SIMPSON for the 5 years I was in the House, and these special 2 years, the last 2 years, I have been in the Senate. I suppose we have a unique closeness in our delegation from Wyoming. As everyone else does, we have two Members in the Senate, but we have just one in the House. There are just three of us. The people in Wyoming find it fairly easy to contact the delegation when they come, since there are just three of us.

We were talking yesterday about the population of Wyoming when I was presiding. There are about 470,000 people, and about 100,000 square miles for them to live. But in a State like that we become pretty personal in politics. We have an opportunity to talk. We have an opportunity to express the prejudices that each of us have, and ideas. It is truly unique. We have unique relationships. We have all been Republicans since I have been here. We have all been friends.

I have known ALAN virtually all my life. We lived basically up the street across the alley from the Simpson's in the wintertime. I knew him when he weighed 260 pounds, and had hair, and, as he says, thought beer was food. But fortunately Ann came along, and dressed him up. And he has been an outstanding representative of Wyoming since; frankly, not just of Wyoming. AL SIMPSON represents some of the best of this country; represents the kind of person who looks at an issue and takes the position that he believes is correct.

Clearly in this business there is a tendency to take the position that seems to be most popular. There is nothing unusual about that.

But AL SIMPSON has throughout his service here and in the Wyoming legislature been willing to take those positions that are not the most popular; that are not the easiest; that are not the road most traveled. And he has felt comfortable taking them.

I, particularly, will miss AL SIMPSON. We came from the same town, and the same university, since we only have one in Wyoming. We lived in the same athletic dorm, and now served in the same Senate.

So I have been around this guy a lot, and others will miss him too. He is a national figure.

He tells the story about a hotel in Cody where a lot of strangers come through, and someone coming up to him and saying —someone he did not know—''Did anyone ever tell you that you look like AL SIMPSON?'' He said, ''Yes. Sometimes.'' The man said, ''It makes you mad, doesn't it?''

He is well known—well known because of his humor; the great skill and gift of humor that he has to make things seem a little lighter than they are. He says continuously and so properly, ''You know, I take the issues seriously but I don't take myself seriously.'' We need more of that. We need more of that.

He is my political mentor and our senior Senator. I can tell you that Milward and Lorna, his parents, would be so proud. His father was a U.S. Senator as well as the Governor of our State, and president of the university and served on the board of trustees. AL and his brother have followed him in that great tradition of courage and class.

Let me just close by saying not only does he have great humor, great grace, and a great partner in Ann, but he is an extraordinary legislator. You can see

him working today on the illegal immigration bill, a tough issue; and, quite frankly, one that is not as important in Wyoming as it is in other places. But that does not matter. AL said this is an important issue to our country, as he has undertaken to deal with Social Security in ways to honestly change it, and has had some controversy with groups that want the status quo. He has been willing to undertake the difficult question of entitlements that, obviously, have to be dealt with but are political dynamite—the old third rail of politics that no one is willing to touch. AL SIMPSON has done that, and will continue to.

One of his first activities following his departure here—I thought about saying ''departed friend.'' That is not right. He has his whole life before him. He is not departing. He is simply moving on to Harvard to teach at the Kennedy School of Government. It will be interesting to see the impact he will have at Harvard. I think it will be wonderful.

He has taken on the media on entitlements. He has done all of those things that are not easy to do. He stands for the things that are good about this system.

So I will miss our good friend and mentor—lifelong friend—who has the wisdom and willingness to take on the tough problems. Besides, I will not have anyone to join with me in the recitations of the ''Cremation of Sam McGee'' which we enjoy doing from time to time.

So I want to say, ''Hats off'' to AL SIMPSON, and we wish him the very, very best. I know he and Ann will have a wonderful, continuous time.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

RETIREMENT OF SENATOR ALAN SIMPSON

Mr. BYRD. Mr. President, in a matter of days, or even hours, one of the finest individuals it has been my privilege to know will bring to a close another chapter in what has been, by any measure, an extraordinary legislative career.

Of course, no one should be surprised by the fact that our friend from Wyoming, who has served in the Senate for nearly 18 years, is one of the most accomplished legislative craftsmen to ever grace these hallowed halls. In fact, one could say that ALAN SIMPSON was born to a life in politics, that he really did not have a choice in the matter. One might say that. After all, when one's family has practiced law for the past 100 years, and when one's father has served the beloved State of Wyoming as both a Governor and as a U.S. Senator, it is hard to argue that one's fate was not predetermined.

Although actually born in Denver, CO, Senator SIMPSON is a lifelong native of Cody, WY, which, as he would be quick to remind us, is the home of the Buffalo Bill Historical Center. Following graduation from the University of Wyoming with a bachelor of science degree in law, the young Senator-to-be began his life of public service as a 2d Lieutenant in the U.S. Army, serving in the 5th Infantry Division in Germany.

After leaving the Army, ALAN SIMPSON returned to the University of Wyoming to obtain his juris doctor, and then commenced a law practice with his father in their hometown firm of Simpson, Kepler and Simpson. His love of the law is evident in the fact that ALAN remained with the firm for the next 18 years, during which time he served as the State's assistant attorney general, and the Cody city attorney.

Responding to the call of greater professional challenge, and carrying on in the family tradition, Senator SIMPSON entered the political arena when he won election to the Wyoming House of Representatives in 1964, a position he would occupy for the next 14 years. His love for the art and the process of legislating further propelled ALAN to seek and win a seat in this great legislative body.

Mr. President, having been elected to three terms here in the Senate, it is obvious that his Wyoming constituents understand and appreciate the degree of skill, dedication, and integrity that ALAN SIMPSON has brought to his work. And, as a former assistant majority leader, and a former assistant Republican leader, it is obvious that his Republican colleagues have understood and valued those qualities in Senator SIMPSON as well.

But despite his steady climb up the leadership ladder, no one should make the mistake of assuming that the senior Senator from Wyoming has shied away from controversy.

To the contrary, it is doubtful that there is any other Member of this body who is more willing to enter into the fray, who is more willing to take on the special interest groups, or who is more willing to apply his quick and often devastating verbal wit to any and all situations, including turning that laser-sharp humor on himself.

One need look no further than the difficult and contentious issue of immigration to see that ALAN SIMPSON is not content to simply sit by and watch others take the lead and take the heat. For more than 15 years, dating back to when he first became chairman of the Judiciary Committee's Immigration Subcommittee, ALAN has undertaken the arduous and generally thankless task of crafting bills that would discourage illegal immigration and bring much-needed common sense to our national policies with respect to legal immigration. He has led the way in calling for tough sanctions on those employers who hire illegal immigrants, by articulating the need to establish a strong and workable employment verification system and by speaking out on the necessity of lowering the total number of legal immigrants this Nation annually absorbs.

I have been fully supportive of ALAN SIMPSON in these endeavors.

I know I speak for many of my colleagues when I say that with respect to immigration, I will certainly miss the advice and counsel of my good friend from Wyoming, ALAN SIMPSON. All of us, on both sides of the aisle, will lament the loss of his informed and courageous leadership in this legislative area.

His work on immigration, though, was not the only complex and troubling issue that ALAN SIMPSON has been willing to tackle. After gaining a seat on the Finance Committee, Senator SIMPSON was resolute in his desire to stem the growth of entitlement spending. That conviction, of course, put him on track to collide with some of the most powerful and entrenched special interests Washington has ever known, but he did not waver. He did not tremble. He did not trim his sails. He did not run from the issue. He did not retreat from the battlefield. Instead, in his usual forthright and relentless manner, Senator SIMPSON, Senator ALAN SIMPSON—I say ALAN. I served with his father in this body—Senator ALAN SIMPSON coauthored a bipartisan proposal to make long-term cuts in Social Security spending including an eventual increase in the retirement age to 70.

Mr. President, ALAN's commitment to absolute honesty in addressing the many profound and troubling problems that face this Nation is emblematic of the devoted public servant that ALAN SIMPSON has shown himself to be over these past 18 years. There will be few, if any, who will match the accomplishments of our friend from the West, few who will bring to this body a deeper passion, and few who will legislate with greater skill.

And so, Mr. President, as he prepares to leave the Senate, not for a well deserved retirement but for new challenges, this time in academia, I offer my sincere gratitude to Senator ALAN K. SIMPSON for his professionalism, for his friendship, for his leadership, for his wit, for his candor, and for his many years of dedicated service to our Nation.

As Thomas Paine once wrote:

> I love the man that can smile in trouble, that can gather strength from distress, and grow brave by reflection. Tis the business of little minds to shrink; but he whose heart is firm, and whose conscience approves his conduct, will pursue his principle unto death.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I was very privileged to be in the Chamber as the senior Senator from West Virginia was making his remarks. I commend him for acknowledging one of our friends and leaders of the Senate who is

going to be such a loss as we lose so many of our retiring Members who have contributed so much. I think Senator BYRD's comments about our good friend serve him very well. I wish I could have said them as eloquently, but I join with him in commending Senator ALAN SIMPSON.

Mr. BYRD. Mr. President, I thank my distinguished friend. I am sure that Senator SIMPSON will be grateful for the expressions that have been made by the distinguished Senator from Louisiana [Mr. BREAUX].

Mr. BREAUX. I thank the Senator.

U.S. TREATY NEGOTIATIONS

Mr. BREAUX. Mr. President, I take the floor to make some comments on the current situation in this Senate with regard to relations with some of the other countries that we enter into negotiations with on a regular basis. I think today is a sad day for this country with regard to our relations with other countries with whom we negotiate treaties. In fact, this has been a sad week. This has been a sad Congress because despite the best efforts of many in this administration who have negotiated with friends and allies in other countries around the world for years, indeed decades, this Congress this session failed to follow through and ratify or approve these treaties that have been negotiated in good faith and signed by other countries including the United States. Just this session we failed to enact in this Congress a chemical weapons treaty.

Yesterday, I took the floor to lament the fact that this Congress and this Senate has refused to ratify the OECD agreement on shipping, which was negotiated for years and years and years, which our country signed and every country that signed with us expected us to ratify. It will not even be brought up in the Senate. Indeed, it was a sad week, and today unfortunately once again I say how terribly disappointed I am that apparently the Tuna-Dolphin Treaty, which this and previous administrations have worked on, which this country has signed along with 10 other countries around the world, will not be enacted in this Congress.

If I was a delegate from some other country, I would say, ''You know, I don't think I want to negotiate with the United States and spend a decade of trying to enter into an agreement which we all agree on and then have forces in the Congress stop it from even being considered.'' This Tuna-Dolphin Treaty, which we will apparently not bring up, was supported by the administration. I have letters from Vice President AL GORE, on two separate occasions, to the Republican leader, the Democratic leader, and to Members of Congress saying this is an important treaty, that it should be passed this session. Yet we have forces that say, ''No, it is not going to be considered. It is not going to be taken up.''

It is interesting that some will say it is not environmentally strong enough. The Vice President's letter to Senator DASCHLE and myself and to Senator LOTT and everybody else points out the strong support that this treaty has from environmental groups, from fishing groups, from industry groups. It points out that this treaty is supported by major environmental groups including Greenpeace, the World Wildlife Fund, the National Wildlife Federation, the Center for Marine Conservation, the Environmental Defense Fund—all have pledged their support. I commend them, because many times we have not been on the same side on some of these fisheries issues that I have been dealing with for over 20 years as a Member of Congress. But they recognize, as I do, that this agreement is by far the best agreement that countries could ever enter into, to allow an industry of multimillions of dollars to coexist with environmentalists who are legitimately concerned about protecting dolphin as fishermen are catching tuna in the same vicinity, the same areas.

There have been strong editorials endorsing this agreement from the New York Times and from the Washington Post, saying that this, indeed, is a solid and sound environmental treaty and should be adopted by the Congress—and we are not going to even be able to bring it up.

The countries around the world that do tuna fishing and have conflicts with dolphin, that have agreed to make major and significant changes to the way they catch tuna in order to implement this treaty, are now going to have the United States say: Well, we got you to negotiate it, we got you to sign it, we got you to make these concessions, we got you to put observers on your boats but, guess what, we are not going to ratify it now. Sorry, we were just joking.

What kind of feeling do these countries that have spent these years negotiating with us have when they find out Congress is not going to follow through? Countries like Mexico, Venezuela, Costa Rica, Nicaragua, Belize, Honduras, France, and Japan, who fish in the eastern tropical Pacific, Spain, Colombia, Vanuatu, all of these countries have negotiated this agreement in good faith. Environmental groups have signed off. The Vice President of the United States has sent two strong letters saying this should be passed this year, yet we will not bring it up.

I would say that those who think that they somehow are doing something to protect dolphin by killing this treaty are going to find that just the opposite will occur. When these countries that I have just read off find out the United States has turned its back on them at this late date, what incentive do they have to continue to follow the rules of this treaty? None. Mexico, for one, will probably—they should—file a GATT violation against our country because, right now, we are unilaterally banning the importation of tuna caught without following procedures that we have determined are the best procedures. That, in this Senator's opinion, is a clear violation of GATT because it sets into effect a unilateral embargo which is not based on science and not based on environmental concerns whatsoever. It is my opinion, if they proceed—and why should they not?—now to file a complaint against our country for a unilateral embargo of their product, then I suggest that, unfortunately, they will probably win that case against our country.

But even more important than some case before a GATT commission, as serious as that is, I am very concerned that other environmental efforts that people negotiate and try to enter into agreements on with these countries will not be able to be reached. We have just worked very hard with Mexico in order to get them to agree—and the Presiding Officer now in the chair knows this—to get Mexico to agree to take certain actions to protect turtles in their area. We have to do it in our country, and our shrimpers are adversely affected, but we are doing it. We have tried to get other countries to follow the same rules and regulations that we are following in trying to protect turtles. Yet, when we tell them with this agreement, ''We do not care what you negotiate, we are not going to enact it,'' then they are not going to have an incentive to follow these new rules and regulations that they have agreed to.

It is most unfortunate—most unfortunate—we are not able to enact this agreement, which has such far-reaching meaning as far as conservation is concerned.

The current situation is, I think, not very good, frankly. We have all of our people who buy tuna in stores have it labeled ''dolphin safe,'' and that is supposed to mean it was caught without any dolphin being killed by the fishermen. But it only affects one type of fishing, and that is the encirclement method, where fishermen encircle their nets around an area where dolphin are in order to catch the tuna that are below the dolphin. But fishermen can currently use any other effort, from log fishing, from school fishing, from kill fishing for tuna with nets of a certain size, and kill dolphin in the process and still allow it to come into this country and label it ''dolphin safe.'' That is not dolphin safe, if you take it to mean that dolphin should not be killed.

This agreement, for the first time, says we do not care how you fish, let us look at all the methods, and if the methods then produce tuna without any dolphin being killed, then you can label it dolphin safe. That is a huge improvement over the current situation, a huge improvement over the current practices by the industry out there because it looks at all methods of fishing, not just one method of fishing.

So it is very unfortunate that we will not be able to enact this legislation. It really has been bipartisan. We have had professional scientists who are not Republican or Democrat negotiate this

for years with these 11 other countries in addition to the United States. We have had strong bipartisan support from Senator STEVENS, a cosponsor of this legislation with me; from Congressman WAYNE GILCHREST from the House side, who has been a leader in this area; from Congressman CUNNINGHAM, who has been very helpful on this. There have been a large number of people and the environmental groups that have recognized this is by far the best opportunity because they see, as I do, these other countries in this area.

I am so distressed that we are wasting this golden opportunity because I think, as other environmental groups think and feel, if we do not enact this treaty, we are going to lose the great progress that has already been made. These countries now that are trying to cooperate are going to lose any incentive to do so. I think, from the gill fishing industry and the sport fishing industry, when these countries see what we are doing to them, they are going to, all of a sudden, say why should we allow you to fish in our waters for marlin and for billfish? They can move in that direction, causing us great problems in those areas, not to mention they would lose their incentive to have observers on their boats, where they now have observers on every tuna boat that reports to the public exactly what happens. If we lose that, do some groups realize what we are losing?

I suggest, in conclusion, we have missed a tremendous opportunity. This is the second time in 1 week I have come to the floor and had to say how unfortunate it is and how saddened I am by the fact we cannot approve agreements this country has entered into in good faith and that we have signed, because some people think they are not perfect. Nothing we do is perfect. But this agreement is a good, solid agreement. It should have been ratified. It should have been approved. Vice President AL GORE was strongly behind it. Responsible environmental groups were strongly behind it. Industry was strongly behind it. It almost makes you ask the question, how can this be?

How unfortunate that is, the situation we are in, and I fear for the consequences in a number of areas, particularly environmental laws, rules, regulations and standards. I think they will come tumbling down as a result of this effort in killing this agreement today.

I yield the floor.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO OUR RETIRING SENATORS

Mr. BURNS. Madam President, we are down to sort of the short rows, I guess, of the 104th Congress. We will be saying farewell to about 14 of our colleagues who have chosen to retire from the U.S. Senate, having given a good many years and a good amount of their talents to this country and to this body and, of course, to their constituencies in their respective States.

I have fond memories of every one of them, as I came in 1989 and have been doing business with all of these folks with a great deal of pleasure. But it has not been all pleasure. There has been some bitter with the good. But nonetheless, that is life and that is the legislative process. That is the way it is supposed to be.

I can remember my first speech on the floor of the Senate when I was standing in the Senators' lobby right behind the Senate, and I was a little bit nervous about my first time. Senator SIMPSON of Wyoming, my friend to the south, walked by me and said, ''You don't look very good. In fact, you look a little green around the gills and a little pale.'' I told him, ''You know, I've been in the auction business a long time and the public speaking business a long time, and this is the first time I think I've ever really known a little bit of fear.'' I was apologetic for that. I remember his answer was, ''If you weren't a little bit afraid, we'd be worried about you.''

He has been a great teacher, Senator SIMPSON. I cannot imagine this U.S. Senate without his presence, without his wit, without his humor, without his approach not only to the legislative process, but his approach to life, because I can remember when we used to have the old off-the-record days and the dialogue between the press and this body, and especially with him and his wife Ann and his family. We will miss them in the Washington scene.

Senator HEFLIN is going back to Alabama—the judge, we call him—who has been a teacher to me on the Energy Committee, facing some of the same kinds of problems in our respective States, even though he comes from the Southeast and I from the West.

Senator KASSEBAUM. NANCY will go home to Kansas. Kind, thoughtful, I did not always agree with everything she espoused, and she with me, but nonetheless I will miss her.

Senator SIMON from Illinois we will miss, with his voice, very distinctive voice in this body. But I think we will also miss the pragmatic way he confronted life in this body and what he could do. He will go home to southern Illinois, and we will miss him.

Senator PELL and his longtime association with foreign policy.

I can remember as a young man traveling for the American Polled Hereford Association, and I had the opportunity to travel to the Pacific Northwest, to Washington and Oregon. I can remember when I went to Oregon, MARK HATFIELD was Governor of that State. I deemed it a great, high honor to serve with him in his capacity both in Energy and Appropriations here, and I thought he was an outstanding Governor of the State of Oregon.

SAM NUNN will be missed. He is the leveling effect on the Armed Services Committee. We have had great shifts ever since the Wall came down in this historic time that he chaired that committee, and also as the ranking member in the last 2 years. But nonetheless, he was the chair when the Wall came down with a tremendous change, a tremendous shift in power, in world politics and in world military might. It happened on his wave. While I was concerned about this Russian situation, can they feed themselves; he was concerned, can they take care of all of the bumps in the road and the landmines that they will encounter while making this great transition from a world power into a market economy and providing more freedom for their people?

Senator BRADLEY, who has roots in Missouri, the same as mine, has done what he thought was right, not what everybody else thought was right.

We will miss DAVID PRYOR because he will go home to his homeland of Arkansas. Quiet, persuasive, knowledgeable, dedicated.

BENNETT JOHNSTON, who was the chairman of the Energy Committee when I first went on the Energy Committee. Again, he had a leveling effect because of the many contentious issues and emotional issues that we are confronted with every day when you come from a State that has a high proportion of public lands where the Government is really your neighbor, in fact the Government is the biggest neighbor you have. Thirty-eight percent of the State of Montana is owned by the U.S. Government.

For some of you who are not aware what it is like to live next to where the Government owns everything, there are times when they are not very good neighbors. Kind of like the fella who moved into your neighborhood, and they asked, ''How are the neighbors there?'' And he says, ''How were they where you come from?'' You know, they really do not practice that kind of philosophy sometimes.

But Senator JOHNSTON is one of those people who tries to level out the bumps, take some of the emotion out of it, to at least look at the public lands policy as far as the right thing to do for the land and the right thing for the people, for the people who lived where those lands existed, and the impact it would have on their lives. I appreciate that.

HANK BROWN of Colorado will go home, back to Colorado. I think he probably is one of the most intelligent men in this body, whose mind is so curious and his approach to life is so pragmatic that he will be sorely missed in this body. Probably there are not a lot of folks across the Nation who will really appreciate what he contributed

to the Senate and what he has contributed to the United States of America, because he quietly goes about his way in doing the right thing, and very intelligently.

JIM EXON was the Governor of Nebraska when I was traveling through Nebraska. There again, he is known as one of the outstanding Governors of the State of Nebraska. Nebraska is a diverse State, kind of like Montana, but of course a lot more robust because they have great agriculture across the State with all the different kinds of agriculture, because if you will look at Nebraska, it is pretty long. You have most of the manufacturing, farm manufacturing, which all pertained to agriculture, and the little towns in eastern Nebraska and the great grasslands and the sand hills to the west, and, of course, the North Platte River. I speak of Nebraska with great respect because I happened to have married my wife in Nebraska. I understand those folks. Of course, she comes from ranching people and the livestock industry. So we understand that.

SHEILA FRAHM will not be coming back after we drop the gavel on Congress. She will go back to Kansas, coming from a great part of Kansas, the western part, just about where the next Senator who will speak came from years ago, the able Senator from Pennsylvania.

All of these individuals will be missed for their individual talents and the resources they brought to this body. That is what we are, 100 different minds. We are 100 different methods of approaching different problems that this country faces.

I deem it a great honor to serve in the U.S. Senate with these men and women who we will not see on this floor again when the gavel falls this week. I say to my special friends, and especially to ALAN SIMPSON, who way back in 1988 was part of me getting into this political arena, we do not say goodbye, we just say so long, because even though our trails fork at this juncture in our lives, that is not to say that our trails will not cross in the future again.

I thank them for what they have given this body, for the service to their constituency, but, more importantly, I thank them for their service to the United States of America. It will never be forgotten.

I yield the floor.

Mr. SPECTER. Madam President, I ask unanimous consent I may speak for up to 20 minutes in morning business.

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

GOVERNMENT TODAY

Mr. SPECTER. I note no other Senators on the floor, Madam President, on this unusual Saturday session. There are a number of subjects I will address this morning, so I have asked for that period of time.

Madam President, at the outset, I want to express my concern, reservations, and perhaps objection to the process which is now underway to have an omnibus appropriations bill to fund the Federal Government into the next fiscal period starting Tuesday, October 1, which is being added to a conference report on the Defense appropriations bill.

I am concerned about that because it is an extraordinary procedure, probably never before undertaken in the Senate—at least I have not talked to anyone who knows that it has been undertaken. It totally undercuts the traditional procedures of the U.S. Government under our constitutional mandate on separation of powers. In effect, it drastically alters the rules of the U.S. Senate through what is essentially a procedural device to present to the Senate a conference report where there is a single vote without the opportunity of the Senate to make any amendment.

Now, traditionally and under our rules, a Senator may offer an amendment to any bill at any time with unlimited debate unless cloture is invoked. The Constitution and the rules of the Senate have given that extraordinary power to each Senator in order to slow down the legislative process. When the Constitution was adopted, the Senate was supposed to be the saucer which cooled the tea, the hot tea, as it came from the House of Representatives. Senators were really in a sense ambassadors from each of the sovereign States to the Congress of the United States, where we express the views of a sovereign.

That really is not true anymore, as the authority of the central Government has pretty much taken over and relatively little is left of the 10th amendment on reserving rights to the States. All that is coming back a little with the Supreme Court decision in Lopez, which gives more rights to the States. That is a complicated subject, but while the Federal Government has taken on more and more power, at least the Senate has been a bastion where we could take some time and debate issues. That will be totally gone as we work through the balance of the appropriations process and have only one vote on the conference report. I think that is a real danger to our system.

In a sense, we have only ourselves to blame. As appropriations bills have come to the floor of the U.S. Senate, while Senators have acted within the technical rules, the spirit of the process has, in my judgment, been abused. We have had the Interior appropriations bill, for example, on the floor of the Senate, when we should take up very important matters concerning the national parks and other matters related to forests and the environment. But, instead of dealing with the Interior appropriations bill, Senators have insisted on offering amendments on other subjects, many of them legislative authorizations outside the purview of the appropriations process, with an enormous amount of political gamesmanship and one-upmanship and a real effort to outbid or embarrass the other political party. It is done on both sides. I do not say this in the context of criticizing the other party.

The subcommittee which I chair on Labor, Health and Human Services, and Education never even had its bill come to the Senate floor because it was anticipated that it would be very contentious and that many diverse amendments would be offered. At least it has been my hope and the hope of Senator HARKIN, the ranking Democrat, that we would have a chance to bring the bill to the floor. Instead, the bidding war on education started on the Interior appropriations bill. That is why the Interior appropriations bill was pulled down.

Last year's budget, which we should have finished on September 30, 1995, was not finished until late April 1996. On that bill earlier this year, Senator HARKIN and I came forward with a bipartisan approach to add $2.7 billion so we could have adequate funding on Education and on Health and Human Services and on Labor, where a big issue was worker safety.

We have found within the appropriations process itself, that the subcommittee chair and the ranking members have been able to work on a harmonious basis and really get the job done in the kind of collegiality and a relationship that develops when you work with an individual and move ahead. Just as the distinguished Senator from Nebraska, Senator BOB KERREY, and I have done on the Intelligence Committee, where I serve as chair and Senator KERREY serves as vice chair. We have had very contentious issues which have potential partisan overtones, some fierce matters there that we have kept under wraps.

We are still working on that, as a matter of fact, in the closing days of the Congress. We have done that because of our concern, shared by the Intelligence Committee members generally and by the distinguished presiding officer, who is a member, because of our view that a bipartisan and nonpartisan approach to intelligence matters and comprehending foreign affairs is very important for the welfare of the country. And as I say, the subcommittee chairs have done that. Senator HATFIELD made a report yesterday to the Republican caucus identifying quite a number of chairmen and ranking members who have been able to work it out on a harmonious basis, which is the essence of compromise in a democracy, to get it done. But when the matters come to the floor, and 100 Senators are present, the temptation has been, so far, irresistible to add so many items to the appropriations bills that bills have had to be pulled down.

The Appropriations Committee has become even more powerful. There are always comments about the ''powerful Appropriations Committee.'' It has become even more powerful because, at

present, its bills are the only bills that have to be passed. And so many of the matters—not all, but so many—on authorization come to the Appropriations Committee. We are wrestling, right now, with many requests from Senators to have authorizations done on the appropriations bill for Labor, Health, Human Services, and Education. Other bills don't have to be passed, but the spending bills have to be passed, or else the Government comes to a halt. So the Appropriations Committee has the bills that are the last vehicle.

Now we see a total subversion of the process, when we have so many appropriations matters coming up in this one omnibus measure and it isn't even brought to the floor in the traditional way so that amendments may be offered. It will come over as part of a conference report, which will not allow any Senator to do anything except have one vote, ''yes'' or ''no,'' on that report. That is a subversion of our process.

It is my hope, Madam President, that next year we will finally get some rules changes, so that on appropriations matters we have only germane matters related to the bill. We would still leave ample Senators' rights, in a variety of ways, but not, for example to bring to the Interior appropriations bill an education issue. Education is a very popular matter, a very important political matter, and Members of both parties seem to want to gain a political advantage in outspending the other party on education. Well, Senator HARKIN and I were able to accomplish that in April with the amendment we offered on a bipartisan basis, which got 86 votes. That is a lot of votes around this place. That is the way we should have handled it this year, instead of the bidding war, which required the Interior bill to be taken down. That is only one illustration as to how extraneous matters have really led us to a position where the conclusion, far and wide, is that we have to go to this single omnibus bill, now tacked on to a conference report.

Many people have asked me when the Senate is going to adjourn. My standard answer has always been that the Senate will adjourn when the last Senator stops talking. And that is a very questionable and indecisive matter. That draws a smile from the Presiding Officer. When will the Congress go out of session? Who knows? A couple of the barometers are, when the time is up, or exhaustion totally sets in. The time is up on September 30, Monday, at midnight.

So we now have a schedule, with this extraordinary process, to finish up our work in advance of that date. Frequently, exhaustion and time run out at about the same time. The negotiators in the appropriations process worked through until 4 a.m. yesterday morning, and I believe until about 7 a.m. this morning—not exactly conditions to have the optimum deliberative process on what we were accomplishing. But it is illustrative of the fact that the only time when these matters are settled is when exhaustion sets in or the time has run out. This year, there is one other ingredient, and that is leaving Washington to campaign. When the self-interest for reelection appears, it is a pretty substantial motivating factor for Members of Congress. Members are no different than anybody else in the motivation to keep their jobs. When that sets in, there is an additional ingredient—and that is certainly present at this time—when Members up for election want to go home to campaign to keep their seats.

Madam President, on another aspect of the same issue, we have seen in this legislation a process which I believe is a perversion of the constitutional mandate of separation of powers which makes the Congress of the United States responsible for legislation. The President of the United States, after Congress acts, is responsible for signing or vetoing a bill. And then if it is vetoed, the Congress of the United States can override, in the legislative process, with a two-thirds vote.

But this year, instead, we have had the executive branch as a prime participant in the legislative process. We have had the President's chief adviser, the very distinguished Chief of Staff, Leon Panetta, sitting in on the appropriations negotiations, which I have been a party to when they have affected the subcommittee jurisdiction that I chair. Mr. Panetta is there as the President's representative, to say whether or not what the legislators want will be acceptable to the President. I say that is just wrong, plain wrong, constitutionally. The President, the executive branch, ought not to be involved in the legislative process. We legislators ought to hammer out our ideas and our differences on the floor of this body and on the floor of the House, and we ought to go to conference and resolve the issues, and then we ought to present them to the President. At that point the President should exercise his constitutional responsibilities, instead of exercising our constitutional responsibilities earlier. There is a very, very serious problem of separation of powers at issue here. Here the powers are not separate; the powers are intermixed. That is not the way it is required under the Constitution.

It makes me wonder about where the President is. You have a situation where a deal was struck, apparently, in the early morning hours this morning, about 7 a.m. It is obvious, on the timetable, that the President could not have been informed of and given his approval to that deal. The obvious fact is that the President has delegated his authority to the Chief of Staff. You wonder, at least on appearances, if the President ought to be informed, at least on the outlines, as to what has been done, so that the President can exercise his authority under the Constitution to give consent to what the legislature has done. There is not even any respect for appearances here. The deal was done, cut and dry. There is no way the President could have known what was happening. That makes you wonder about delegation of authority.

The President really doesn't have the constitutional authority to delegate his responsibility, just as I can't allow staff, or anybody else, to come in here and vote for me. The President has the responsibility to review what Congress has done and decide whether or not that is acceptable to the President of the United States, who is duly elected. But there, again, in the rush to exit, constitutional mandates are blindly ignored.

I believe, Madam President, that this is a—it is hard to find the proper word—dastardly, reprehensible, outrageous precedent to set as we finish up our important responsibilities in Washington. Part of the problem arises as so much of the work of the Congress is being dominated by political considerations, or by those at the far ends of the political spectrum, leaving very little of centrism in the work we do.

It is very important that the Government of the United States, in my opinion, be governed from the center. You see that in the public reaction to what is going on. You see that in President Clinton, who is trying to establish a centrist position, which has been successful politically, because the people of the United States want to be governed from the center. You see that with Senator Dole, in his campaign for the Presidency, wanting to move to the center.

If I may make a personal reference, when I advanced my candidacy for the Republican Presidential nomination, I was a centrist, and many people have said to me recently, ''ARLEN, Senator Dole is now adopting many of the positions you articulated when you ran for the Republican nomination.'' My immediate response has been that if Senator Dole had articulated my position in his quest for the Republican nomination, he wouldn't have been the Republican nominee. It is very much illustrative of the campaign of Senator McGovern, whose candidacy was supported by people at one end of the political spectrum. In short, we have seen the primary process dominated by people from each end of the political spectrum.

I do not say that in a critical way, notwithstanding the fact that my efforts for the nomination met with so little success. I compliment the people who participate in the primary process because it is a very tough job to go out there in the winter snows of New Hampshire, to go through the farmlands of Iowa, or to travel this country from one end to the other.

Former President Nixon wrote to Senator Dole that you have to attract the people at one end of the political spectrum to win the nomination, and then you have to rush back to the center for the general election. We are now going to see if that is possible in a political contest. But just as we have

seen the primary process dominated by people at each end of the political spectrum, we have seen the work of the U.S. Senate also not benefited from the center.

When I came to this body after the 1980 election, I frequently said that out of 100 Senators, there were 40 on each side who took ideological positions—maybe 35—leaving 20 or 30 of us in the center to be the decisive voices. Now we find that number has been reduced drastically. That is part of the reason we have had such contentious debates in the Senate and why we have not been able to do our work in the traditional legislative way. We could have produced a budget differently than through this continuing resolution as part of a conference report. I think we are all going to have to try harder to do better next year.

We find with those who are departing from the Senate that we are losing a tremendous number of centrists. That is going to mean a heavier responsibility on those of us who are here next year to perhaps put aside some of our ideological predilections or preferences, and try to move to the center.

It is hard to calculate why we are having Senators leaving this institution in unprecedented numbers, and maybe it is the contentiousness in this body which has caused this to happen. We are losing an extraordinary group of Senators.

First, in priority, is Senator MARK HATFIELD, who has done such an extraordinary job since being elected in 1966; with an extraordinary conscience; taking stands which have pitted him really against the entire body of his own political party and voting as he did on the constitutional amendment for a balanced budget. I think he was the only one out of 54 Republican Senators to vote against the amendment, and although I didn't agree with him on the vote, I admired his courage. He has been up all night working through as the chief negotiator, as the center, on this continuing resolution.

We are losing SAM NUNN, who is without peer when it comes to matters of military affairs. Like MARK HATFIELD, BILL COHEN, NANCY KASSEBAUM, and ALAN SIMPSON, when SAM NUNN speaks—like E. F. Hutton—''everybody listens.''

We do not have anybody who is irreplaceable, but we are going to see what is going to happen on the Armed Services Committee, Madam President, where you serve, as to what is going to be done without SAM NUNN's voice—a big, big loss—and he is very much a centrist.

We are losing an extraordinary Senator—really, a great Senator in every sense of the word—in BILL COHEN. For those of you who really want to get to know BILL COHEN, you ought to get a volume of his poetry. I have had a chance to hear his poetry publicly and quasi-privately in our Intelligence Committee deliberations and hearings which are not public—but with extraordinary depth, and he has also made an extraordinary contribution as a centrist.

Senator NANCY KASSEBAUM is leaving. She had the extraordinary skill to bring forward reform on health care that so many of us talked about for so long with the Kassebaum bill, where finally we made some key structural changes without the massive proposals advocated by the administration depicted on the chart which my staff and I prepared, and which Senator Dole used last week in an attempt to depict the complicated bureaucracy the administration wanted to create. But when the chips were down, with one of her last two legislative acts, Senator KASSEBAUM led the way with health care reform.

We are losing another key centrist in ALAN SIMPSON, who has been able to bring so many people together with his wisdom and his sense of balance, illustrated by a sense of humor, in the work that he has done on the immigration bill, which is not yet completed. But he has been just extraordinary. He held the fort on the Gallegly amendment, which would have deprived education to children born of parents who are illegal immigrants. While we ought to protect our borders and not have illegal immigrants in the United States, we certainly ought not to deprive children of their educational opportunities, which will just haunt American society, where they will not be able to support themselves in adulthood and where they will be delinquents and perhaps criminals on the streets.

Madam President, may I inquire as to how much of the 20 minutes I have left?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I ask unanimous consent that I made proceed for an additional 10 minutes. No Senator has come to the floor in the interim. So I am not depriving any of my colleagues of an opportunity to speak.

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

Mr. SPECTER. I thank the Chair.

HOWELL HEFLIN is leaving, and he is also a centrist. I worked with Senator HEFLIN on the Judiciary Committee. He has made an extraordinary contribution as we have worked through some of the toughest problems on the nominating process—Judge Bork, Justice Thomas—the whole process.

Senator BRADLEY, perhaps not quite a centrist but not too far from center, has made an extraordinary contribution as he has done so much to awaken America to the problems of racism coming from a State with big cities, an issue that I have worked closely with him on.

Senator BROWN is a key loss—another centrist. I sat next to him on the Judiciary Committee. He would whisper most of the questions which have gotten me into so much trouble on the Judiciary Committee, also with a great sense of humor.

And Senator BENNETT JOHNSTON, who has added so much in four terms; Senator PRYOR, who has added so much in three terms—both southerners, but having a much broader focus than simply on the South.

Senator EXON who has contributed so much on Armed Services and as ranking member of Budget.

And Senator SHEILA FRAHM, who is here for too short of a period of time. Senator FRAHM comes from western Kansas, almost on the Nebraska border, on the northern Colorado border in the West.

As Senator BURNS said a few moments ago, my home was originally in Russell, KS, a hometown I share with Senator Dole.

While these outstanding men and women will be departing and many friendships will be lost, or at least not as close, the real meaning for the country is the issue of losing so many of this group which have contributed so much to the center and, I think, to the importance of governance in America.

THE PROBLEMS IN THE MIDEAST

Mr. SPECTER. Madam President, I would like to make some brief comments on the escalating problems in the Mideast, with the Israeli-Palestinian clashes which have been on the front pages, and which have been on the television screens, and my urging of parties on all sides to accelerate negotiations, because I am personally convinced that the bloodshed can be brought to a conclusion and that the peace process can move forward if the parties return to the bargaining table—and return to those pictures which are so meaningful of Israeli Prime Minister Benjamin Netanyahu and the Palestine Chairman Yasser Arafat shaking hands and talking out their problems.

I make this recommendation having been in Israel last month and having had a chance to talk with Prime Minister Netanyahu and Chairman Arafat. I am convinced that both of those leaders do want peace. And, candidly, it has been a tough time, watching Chairman Arafat honored on the White House lawn back on September 13, 1993. But my view is that now that the Israelis, who have been the chief victims of PLO terrorism, have welcomed Chairman Arafat, I think we in the United States should do what we can to promote the peace process.

Prime Minister Netanyahu is new at the job but a man of tremendous abilities—substantial experience generally, but limited experience as Prime Minister.

After talking to Prime Minister Netanyahu, I know that he wants to work out the issues—they are complicated. There is Hebron, where there are Jewish settlers, and the issue is, what will the degree of Palestinian control be. There is Jerusalem, which is the Holy City and in which the controversy has arisen over the tunnel. And there are so many corollary problems such as the closure of the borders

to Israel, an act Israel took for very strong security reasons but which is causing very substantial economic losses to the Palestinians.

I think the administration has done a good job there with the work of Dennis Ross, as a de facto roving ambassador, talking to the parties and trying to work through the issues. That is a matter which I think requires expedited assistance from the U.S. Government and others to try to bring those parties back to the conference table, to try to work out their problems, to try to stop the fighting and the bloodshed, and to move the peace process ahead.

While the Palestinian-Israeli problems are taking the front pages, the Syrian-Israeli problems still are very prominent, with the Syrians still undertaking military maneuvers which may threaten Israel.

I had an opportunity to discuss those issues when I was in the area last month with Syrian President Assad and also with Prime Minister Netanyahu. In fact, I carried two messages from Prime Minister Netanyahu to President Assad. One was on the subject of Israel's interest in cooling the contentiousness on the southern Lebanon border, where Prime Minister Netanyahu had publicly said that Syria would be held responsible for the Hezbolla attacks on northern Israel. President Assad's response was that those military maneuvers were not with hostile intent but were really of a routine nature. Whether that is exactly so or not, that process has to be moved forward.

Prime Minister Netanyahu asked me further to convey the message that he personally would engage in the negotiations, leaving, of course, the option to President Assad as to whether he would or would not so participate. But there again I think the administration has done a good job. I think the roving de facto ambassador, Dennis Ross, has done a good job. Those matters have to be moved forward through the negotiation process. I urge the parties to move ahead there. It is difficult, obviously, for Prime Minister Netanyahu to be handling the Palestinian controversies at the same time, and they are on the front part of the front burner, but the Syrian negotiations have to be addressed as well.

GULF WAR DRUG TESTING

Mr. SPECTER. Mr. President, I wish to comment briefly on a report on damage to United States troops from exposure to Iraqi poison gas back in 1991 during the gulf war. This is a subject on which there was a joint hearing earlier this week, on Wednesday, of the Intelligence Committee, which I chair, and the Veterans Affairs Committee, on which I serve, chaired by Senator ALAN SIMPSON.

During the course of those hearings, we heard from the chief medical officer of the Department of Defense, Dr. Stephen C. Joseph, as well as representatives from the CIA and the Veterans Administration. The views expressed by Senators on both sides of the aisle were that the Department of Defense had not done nearly enough to respond to the ailments which came out of that exposure to Iraqi chemical warfare agents.

There were those, principally Senator SIMPSON, who made the point in his customary strong way that the evidence was inconclusive, saying that people had not shown the effects of the poisonous gas immediately and that would have happened if there had really been a problem, and was in defense of the Department of Defense.

Virtually every other Senator—and I think some 14 attended, from both sides of the aisle—was very critical of what the Department of Defense had done. And perhaps no one was more critical than Senator ROCKEFELLER, the ranking Democrat, on the Veterans' Affairs Committee. He has sent a letter, which I was about to cosign but could not quite review fast enough on Thursday, over to the Pentagon and Secretary Perry asking for more action. In that letter, Senator ROCKEFELLER was very explicit about what the Department of Defense had not done in acting on the complaints of the service men and women in the area.

This morning the Washington Post has a story, page A18, which I will ask to be made a part of the RECORD as if read in full, which is headlined ''Pentagon Alters Stand on Gulf War Testing.'' The second paragraph—almost completely reversing comments made at a Pentagon briefing Thursday, that is, the day after our hearing—says that our troops were not told the drug was being used on an investigational basis and might have side effects, but said that information was not deliberately withheld from them.

Mr. President, it is a little hard at this stage to say that where you have withheld some key facts, it was not deliberate. After all, why wouldn't people on whom the drug was being used on an investigational basis be told? How can you say it is not deliberate if you do not tell people that they are, in effect, guinea pigs or not tell them that it might have side effects. Any person is entitled as a matter of fundamental fairness to know that. How can you subject someone to a drug testing without them being told that? It is more than a little incomprehensible.

The article then goes on to say: ''On Capitol Hill, Senator JOHN D. ''JAY'' ROCKEFELLER called on Defense Secretary William J. Perry to fire the Pentagon's top health official.''

Saying that the Department of Defense had squandered its credibility, which is a conclusion reached by the staff of a Presidential commission which I brought out at last Wednesday's hearing.

Then the article concludes by noting that Secretary of Defense Perry and Deputy Secretary of Defense John D. White ''continue to have the full and utmost confidence'' in the health leadership at the Department of Defense and that no ''health changes'' in ''health leadership are being contemplated.''

That, of course, again is a little surprising in the context that Secretary Perry could not conceivably have had an opportunity to review the Senate hearing since he has been at a NATO meeting. And when we have a hearing like that and many Senators are present and express themselves and facts are brought out, one would at least think that the Secretary of Defense would review the matter, or the Deputy Secretary also could not have had an opportunity to go through the complex matters which were raised at that time.

I ask unanimous consent a copy of this Washington Post article be printed in the CONGRESSIONAL RECORD.

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

[From the Washington Post, Sept. 28, 1996]

PENTAGON ALTERS STAND ON GULF WAR DRUG TESTING

The Defense Department said yesterday it did not deliberately withhold information from U.S. troops in the 1991 Persian Gulf War on an anti-nerve gas drug to keep Iraq from learning about U.S. defenses.

Almost completely reversing comments made at a Pentagon briefing Thursday, it said troops were not told the drug was being used on an investigational basis and might have side effects but said that information was not deliberately withheld from them.

Researchers are studying whether the drug, pyridostigmine bromide (PB), in combination with chemicals in the Gulf War, might be one cause for illnesses among thousands of veterans.

On Capitol Hill, Sen. John D. ''Jay'' Rockefeller IV (W.Va.), called on Defense Secretary William J. Perry to fire the Pentagon's top health official. Rockefeller, the ranking Democrat on the Senate Veterans Affairs Committee, told Perry in a letter that the Pentagon has ''squandered its credibility'' on the issue of Gulf War illness.

The senator did not name a specific official in his letter. But a spokeswoman for Rockefeller, Laura Quinn, said he was referring to Stephen C. Joseph, the Pentagon's assistant secretary for health affairs.

Perry has been attending a NATO meeting in Norway, but a spokesman said both Perry and Deputy Defense Secretary John D. White ''continue to have the full and utmost confidence'' in Joseph and that ''no changes'' in ''health leadership are being contemplated.''

Mr. SPECTER. Finally, I now turn to the introduction of legislation. I ask this be under a separate heading in morning business.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair will advise the Senator from Pennsylvania that his time has expired.

Mr. SPECTER. I ask unanimous consent for 3 additional minutes, Mr. President.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Pennsylvania, I be recognized for up to 10 minutes.

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

Mr. SPECTER. Mr. President, I thank my colleague from Texas for yielding me the additional 3 minutes. She had been presiding and has been waiting now to speak, and I will conclude briefly.

THE PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

MR. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2154 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under a previous unanimous-consent agreement, the Chair now recognizes the Senator from Texas.

THE CONTINUING RESOLUTION

Mrs. HUTCHISON. Mr. President, I rise today with a sense of both joy and disappointment as I am being briefed by my staff about what is the purported agreement for the continuing resolution that will fund our country for the next year. There are, indeed, some very good parts of that bill. But I have to say that the distinguished Senator from New Hampshire, Senator GREGG, made a compelling speech this morning about many of the fine points of this bill that are atrocious, and talking about dealing with the administration, the administration which changed the negotiating points constantly throughout this process. I think it is a sad way that we are going to end this session, that the administration has come in at virtually the last hour and held the threat of shutting down Government and blaming the Republican Congress for doing it, in an effort to win things that have been lost on the floor already.

So, it is with mixed feelings that I rise to talk about what is in this bill, both good and bad. I am very pleased that we are going to satisfy the basic responsibilities that we must. We are going to support our troops in the Mideast and in Bosnia. But we are going to do it with $1 billion less than we had hoped we could have in our defense budget because this is not a safe world. As we were sending troops into the Middle East—because in many ways it looks as if we did not have a clear policy on the Kurds, but nevertheless we sent troops in to reinforce—as we were doing it, the administration was asking us to cut the defense budget. We are going to be able to do the basic things that we need to do, but we are not making the plans for the future that we must make for our country to be secure from incoming ballistic missiles, in theaters, wherever our forces may be, to be secure from incoming ballistic missiles. We are not doing what we ought to be doing to plan for the future strength of our military so we will remain ready for any contingencies that might occur.

We are not planning as we should. I hope that next year, when the elections are over, we will be able to commit the amount of money and resources we need, first, to make sure that America stays secure and strong and, second, that we will protect our troops from disasters like the bombing that we saw just a few months ago in Saudi Arabia.

We are going to give pay raises to our young men and women in the military, who so richly deserve them, 3 percent pay raises. That is a good part of this bill. But we are not planning enough for their future with ballistic missile defenses and other major pieces of equipment and technologies that would look to the future so an incoming ballistic missile can be stopped before it goes into its downward track.

Mr. President, we are going to increase with this bill funding for breast cancer research, a long time coming. Women's diseases in this country have been made short shrift by Congresses of the past, but not in this Congress. This Congress has increased funding for breast cancer research and osteoporosis research, diseases that particularly afflict women in our country, and I am proud that we are doing that.

We are going to more fairly distribute the money for Amtrak in our country. I fought hard for that, and I appreciate the fact that all of us came together on a bipartisan basis to strengthen Amtrak for our country and to give all of the States that were told 2 months ago they would lose their service of Amtrak, including my State of Texas, but many States across the western part of our country.

We were told that we would have 90 days and these routes would be gone. Mr. President, 90 days is not enough for a State to be able to come in and add funding, resources to keep lines like this open. You have to have better planning. Most States have biennial legislatures. My State certainly does, and I wanted a 6-month extension to give all of us a chance to see if the States can come up with a better plan to help keep Amtrak service in our States, because I believe in a balanced transportation system, and I believe Amtrak is a major part of that.

Because I like the idea that we can have a bus feeder system into Amtrak stations so that people who do not have the mobility that many in our urban areas have will have access from the small communities of our country into the Amtrak stations, into our cities and our mass transit systems, and into our airports. That is what Amtrak can be if we can get a good system for Amtrak where the States and the Federal Government come together. So this bill does fund a 6-month extension for those important Amtrak lines that were told that they would close.

We are going to increase funding for medical research, including AIDS. AIDS is an epidemic in this country, and it is time that we realize it is hitting children, babies, as well as people from all walks of life. It is a tragedy, and we should be increasing our commitment to finding out what causes this deadly virus so that we can do something to save the lives of innocent people, and we are doing that.

We are putting major resources into antiterrorism measures and also drug interdiction.

Mr. President, we have been hearing just recently in the last 6 months about incredible statistics showing that drug abuse is now going back up among our teenagers and, even worse, Mr. President, under teenagers—under teenagers. Our children, starting at the age of 9, are abusing drugs in this country. This is a crime, it is a disease, and we must get rid of it. So our bill will put the resources into that.

But I am very concerned about the illegal immigration bill and what the administration did in negotiating that bill. That bill passed this body months ago. We had a strong bipartisan effort for a bill that does give us the tools to stop illegal immigration into our country that costs our taxpayers hundreds of millions of dollars. It was told to us that the bipartisan bill would be signed. It was told to us by the President that he would sign the bill. Yet, after that representation was made, he came in with the threat that he would shut down Government and blame the Republicans for it and reopen the illegal immigration bill that had bipartisan support in this Congress.

It appears that that bill has been changed and some of the key provisions have been taken out, such that a person on welfare would be able to bring other immigrants into this country and supposedly vouch that they would not become dependent on taxpayer resources. A person who is dependent on taxpayer resources saying that they will support another person coming into our country and that they will not be supported by taxpayer resources, how naive can we be?

Mr. President, I am hoping that this Senate will be able to vote on a bill, that we have already passed in both Houses of Congress, on Monday that will put those key provisions back in to the illegal immigration bill so that we will have teeth in it and we will protect the taxpayers from people who would come to this country with their hand out rather than coming to this country in the spirit and tradition of the legal immigrants looking for the opportunity to do better for themselves and for this country.

I am very concerned that we would renegotiate the bill on illegal immigration that gives us the chance, finally, to say it means something to be a legal immigrant in this country, because if you come in illegally, there will be a price to pay and that price is that you will not be able to come into our country and seek citizenship for 10 years if you have broken the laws of our country by entering illegally.

I hope that we can pass the illegal immigration bill in its entirety on Monday and that we will not succumb

to the pressures from the White House to renegotiate a bill that the President said he would sign after it had already been agreed to by both Houses of this Congress on a bipartisan basis.

I commend our majority leader, Senator LOTT, who came in to his job quite suddenly just a few months ago without very much notice and, yet, has fought so hard to make Congress live up to its responsibility to the people of our country and pass the laws that will improve the lives of the people of our country and improve accountability to the people of our country. He has said we must fund our Government in a responsible way, and he set out to make that happen.

So with very little experience, our majority leader has done an incredible job of making sure that we do not let the people of our country down, but it has been made a very difficult chore for him by a constantly moving negotiation.

We talked about the great sports metaphor using the goal posts. As the distinguished Senator from Wyoming said yesterday, we not only moved the goal posts, we moved the whole game. We moved it out of the stadium by acceding to a President's wishes who would not say, ''A deal is a deal,'' and kept saying, ''A deal is a deal, but what more can I get?''

So, Mr. President, I hope that, if this continuing resolution passes, we can reform the procedures here and that we can have a President whose word is good so that we will be able to become accountable to the taxpayers of our country, let the taxpayers know that they are getting their money's worth and that the test will be able to stand the light of day. Thank you, Mr. President. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, before I get into what I came on the floor to remark about, if I could just comment on the last part of what the distinguished Senator from Texas had to say.

While I would differ with her characterization of President Clinton's posture, her praise for Senator LOTT as majority leader is right on target. I had the privilege of serving with TRENT LOTT in the House and now here in the Senate. When a new leader comes in, there is a big question mark. Frankly, I did not know what kind of a majority leader he would be. My impression is he is serving his party and the Senate and the Nation very well. I, as one who was uncertain, now have the impression that Senator LOTT and his leadership is going to be very good for the Nation.

Mrs. HUTCHISON. Will the Senator yield?

Mr. SIMON. I will be pleased to yield to my colleague.

Mrs. HUTCHISON. Mr. President, I just want to say that the statement that was just made by the Senator from Illinois is so typical of this man, who is probably spending his last hours with us in the U.S. Senate. His voice of reason, his absolute integrity, and his willingness to say what he thinks about a Member of the other party, regardless of what it is, is always said in a civil way, and in this case I think very much on target. I just want to say that his distinguished voice will be much missed in the next convening of our U.S. Senate.

Thank you, Mr. President. I yield the floor.

Mr. SIMON. I thank my colleague from Texas. Let me add, it is typically gracious of her to have made those remarks.

MANDATORY SENTENCES

Mr. SIMON. Mr. President, my reason for coming to the floor is to say that I have a hold, and will continue to have a hold, on a bill that deals with pornography for minors until the mandatory sentence provisions are removed. I have always opposed mandatory sentences, for reasons that I will spell out in a moment.

I do believe that we have to be tougher in this area of pornography and making it a Federal offense, when frequently interstate commerce is involved and cannot be proved, I think is a wise thing.

I differ with the idea of mandatory sentences. I have always opposed the mandatory minimums. Mandatory minimums are good politics but bad justice. Chief Justice William Rehnquist, with whom I do not always agree, has said, Congress is making a great mistake in passing mandatory minimums. I think he is correct.

Part of the mandatory minimums on this pornography bill—and all of us are saddened when we see the kind of pornography that occasionally is in our society—but, for example, it has a two-strikes-and-you're-out provision.

Let us just say an 18-year-old is involved in pornography with a 16-year-old. I do not for a moment defend that reprehensible conduct. But if we pass this bill as it is, that 18-year-old would be sentenced to prison for the rest of his life. I do not think we are in a position to judge the situation.

A long, long time ago, a man by the name of Plato wrote a book called Republic, in which he said, ''Elect good judges''—maybe he said ''select good judges;'' I am not sure which it was—but then leave the sentences up to the judges. I think that is sound. That is what Chief Justice Rehnquist says we should do, and I believe that is what we should do.

So, as long as the mandatory minimums are in the bill, I will object. The idea of strengthening our laws against pornography I strongly favor. But I think the sentences should be up to the judges, guided by the sentencing commission.

TRIBUTE TO SENATOR FRANK MURKOWSKI

Mr. SIMON. Mr. President, I see my distinguished colleague from Alaska on the floor. Let me just add, I inserted something in the RECORD not too long ago. Senator MURKOWSKI has been one of the leaders in trying to fashion responsible policies toward North Korea. The one area in the world where you have more troops facing each other, with virtually no contact between the two sides in terms of communication, is North Korea and South Korea. Senator MURKOWSKI, who does not get any votes in Alaska by providing leadership in this area, has rendered a service to this Nation by trying to guide us in a sensible direction. Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if I might ask, are we under a 5-minute time limit for morning business?

The PRESIDING OFFICER. The Chair advises the Senator from Alaska we are in a period for morning business with each Senator's remarks limited to 5 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak in morning business for 10 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

TRIBUTE TO SENATOR PAUL SIMON

Mr. MURKOWSKI. Mr. President, I was hoping to respond to my good friend, the senior Senator from Illinois, with regard to his remarks on North Korea. Having had an opportunity to travel to North Korea with Senator SIMON, I have often reflected on the value of that trip and the understanding that was gained with a country that is probably more remote than any other country on Earth, a country that both the Senator from Illinois and I agree is under tremendous strain during the transition that is occurring in North Korea and the fact that that country is very dangerous.

But I just want to cite, in passing, to my friend from Illinois how much his presence will be missed in this body and what an extraordinary contribution the senior Senator from Illinois has made.

Mr. SIMON. Thank you.

Mr. MURKOWSKI. I wish both he and his lady well, as they go on to fulfill other ambitions and desires in life.

You leave this Senate with a very proud record. And I am very pleased to have had your friendship and your association through the years. I wish you well, my friend.

Mr. SIMON. I thank you very much.

THE OMNIBUS PARKS BILL

Mr. MURKOWSKI. Mr. President, I rise to address again the status of one of the major environmental pieces of legislation before this body, and that is the omnibus Presidio parks package which is currently before this body.

There is still time to pass that package in this Congress while the House is still in session. But once the House sends the CR over, it will be simply too late. Where that matter is currently, Mr. President, is there is a hold on it here in the U.S. Senate, and that hold is by the Clinton administration.

The justification for that hold is very difficult to reflect because this Senator, as chairman of the Energy and Natural Resources Committee, has continued to try to work with the administration to address its objections.

The first group of objections and veto threats covered Utah wilderness, which was stricken from the package; grazing, which was stricken from the package; the 15-year Tongass extension, which was stricken from the package; and, finally, the Minnesota wilderness boundaries, which was stricken from the package.

We felt we had met the administration's objections responsibly. Then, the day before yesterday, they presented approximately 42 other sections that they wanted removed. We met with representatives from the White House and tried to get an explanation as to the justification for these. Last night, I sent a letter to Mr. John L. Hilley, Assistant to the President, giving them information, a justification, for the approximately 42 items they wanted stricken.

I ask unanimous consent that a letter of September 27 and the accompanying explanation be printed in the RECORD.

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

UNITED STATES SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, September 27, 1996.

Mr. JOHN L. HILLEY,
Assistant to the President and Director for Legislative Affairs, The White House.

DEAR MR. HILLEY: After our discussion earlier today, I thought it would be constructive if as Chairman of the Conference on H.R. 1296, I provided you with comments on the items to which the Administration appears to object by virtue of the fact they were not included on the list of acceptable items you provided to me late last night.

As you will see many of the legislative provisions previously passed the House under suspension with no Administration objections. Still other provisions passed the Senate or the House after the Administration testified in support. Others had passed the House or Senate after bi-partisan negotiations had attempted to address specific Administration concerns. Yet other provisions, while important to individual members, relate to such minor matter as the study of a four foot radio tower at the site of an existing tower on a national forest. It is difficult to comprehend an objection to such a provision in the context of this conference report. Finally, some provisions to which you apparently object have the broad bi-partisan support of House and Senate delegations, often including the Governor of the relevant state.

I hope this information is helpful to the Administration in re-considering its position. Tomorrow I will again attempt to recommit H.R. 1296 to conference for the purpose of allowing the conferees to meet and consider changes to the conference report. If the Administration would care to present information concerning its objections to specific provisions at such a meeting of the conferees I would be pleased to arrange this meeting and give the information presented due consideration. Obviously such a meeting will not be possible unless H.R. 1296 is recommitted to conference. I believe that in the short time remaining in the 104th Congress this is a reasonable path to take to a successful conference report. It is my sincere hope that for the benefit of the many intensely interested members both Democrat and Republican, some retiring at the end of this Congress, this important parks and public lands legislation will pass the Congress.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

PROVISIONS IN PRESIDIO CONFERENCE REPORT WHICH WOULD INVOKE A ''VETO''

216—*Conveyance to City of Sumpter Oregon:* Authorizes Secretary of Agriculture to convey 1.5 acres to City of Sumpter, Oregon for public purposes. Administration raised no objections when bill passed under suspension in the House.

218—*Shenandoah National Park:* Adjusts 1923 Park boundary authorization to match today's existing park boundary. Similar bill passed House 377–33 under suspension. Provision has support of bi-partisan VA Delegation.

219—*Tulare conveyance:* Clears title of 14 acres owned by a railroad to citizens of Tulare, California. Attempt by City of Tulare to clean-up blighted downtown area. Hearings held and provision was reported by Resources Committee. DOI reportedly has no objection.

220—*Alpine School District:* Conveys 30 acres of land to the Alpine school district for a public school facility. Passed House by suspension and Administration never raised objection.

223—*Coastal Barrier Resource System:* Removes 40 acres of developed property out of a 1.2 million acre Coastal Barrier Resource System. Reported by the Resources Committee. Supported by bi-partisan Florida Delegation and the Governor.

224—*Conveyance to Del Norte County Unified School District:* Transfers small acreage to the School district in California for educational purposes. Passed House under suspension. Provision includes Forest Service requested amendments.

303—*Alaska Peninsula Subsurface Consolidation:* Authorizes Secretary to exchange subsurface holdings of Koniag Corporation on an equal value basis for lands and interest owned by the federal gov't. Passed House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

304—*Snow-Basin Land Exchange:* Would allow expedited land exchange to facilitate the 2002 Winter Olympics. Passed both House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

309—*Sand Hollow Exchange:* Equal value exchange in Zion National Park to transfer water development rights in order to protect Zion National Park. Passed the House. The Administration has indicated support.

311—*Land Exchange City of Greely, Colorado:* Equal value exchange to secure property needed by the city to secure protection of the city's water supply.

312—*Gates of the Arctic National Park and Preserve Land Exchange, and Boundary Adjustment:* This would add more than 2 million acres of native owned lands to Gates of the Arctic National Park and Preserve in AK—in exchange for lands in the NPR–A.

313—*Kenai Natives Association Land Exchange:* This would facilitate exchange between KNA and the FWS to allow an Alaska Native Corp. to gain economic use of their land—this would be an acre-for-acre exchange. An Administration supported two-for-one acre exchange passed the House.

401—*Cache La Poudre Corridor:* Establishes a corridor to interpret and protect a unique and historical waterway. Included in the original Presidio package, the Administration indicated it would sign.

405—*RS2477:* Places a moratorium on final regulations without Congressional approval. Language agreed to by Senate Republicans and Democrats and the Administration. Reported by Energy Committee.

406—*Handford Reach Preservation:* Extends a moratorium on construction of any new dams or impoundments in this area. Passed House under suspension without Administration objections.

502—*Vancouver National Historic Reserve:* Establishes a new historic reserve. Administration testified in support. Passed the Senate. Hearings held in both bodies.

602—*Corinth, Mississippi Battlefield Act:* Establishes a visitors center at Shiloh National Military Park in Mississippi. Included in the original Presidio package the Administration indicated it would sign. Passed the Senate.

603—*Richmond National Battlefield Park:* Establishes boundary in accordance with new NPS management plan dated 8/96. Passed the House 337–33 under suspension. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bi-partisan Va. Delegation.

604—*Revolutionary War:* A study to determine if these sites warrant further protection. Senate Energy reported bill—Administration testified in support. Hearings in both bodies.

607—*Shenandoah Valley Battlefield:* Establishes Historical Area. Does not create a new park. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bi-partisan Va. Delegation.

701—*Ski area permits:* Simplifies ski area fee collection. Passed House and Senate. Included in the original Presidio package the Administration indicated it would sign. Administration testified in support.

703—*Visitor services:* Would raise $150 million for parks to help with badly needed repairs of existing park structures. 100% of new fees go back to the parks. Provision was modified to address Administration concerns.

704—*Glacier Bay National Park:* Raises fees to support research and natural resource protection through a per-person charge on vessels entering Glacier Bay.

803—*Ozark wild horses*: Would protect and prevent the removal of a existing wild horse herds at Ozark National Scenic Riverway. Passed the House under suspension without Administration objection. Passed Senate Energy Committee.

806—*Katmai National Park agreements*: Authorizes research in National Parks, including the ability of the USGS to conduct volcanological research in Katmai National Park. Administration has supported research cooperative agreements for the last three Congressional sessions.

811—*Expenditures of funds outside boundary of Rocky Mountain National Park*: Allows NPS

to build a visitor center outside the park with private funds. Administration and the National Park Service requested this provision. Passed the House under suspension. Passed Senate Energy Committee.

815—*NPS administrative reform*: Provides authorities NPS has requested for years-aids parks in protection of resources and provide facilities for employees. Provides Senate confirmation of NPS Director. Administration testified in support at House hearings. Portions incorporated in President Clinton's Earth Day address on National Parks. Passed House under suspension with no Administration opposition.

816—*Mineral King*: Authorize the continuation of summer cabin leases. Totally discretionary for the Secretary. Supported by bipartisan members of House and Senate California Delegation. House hearings held. Reported by Resources Committee. Provision has been modified to address Administration's concerns.

818—*Calumet Ecological Park*: A study of the Calumet Lake area to determine alternatives for preservation.

819—*Acquisition of certain property in Santa Cruz*: Provides for the acquisition of property on Santa Cruz Island to prevent the further destruction of the resource due to over-population of feral goats.

1021—*Black Canyon of the Gunnison National Park*: Formally designates a recreation area. Changes monument status to park and creates a BLM Conservation area. Designates 22,000 acres of wilderness. Energy Committee hearings held.

1022—*National Park Foundation*: Provides the opportunity for the private sector to sponsor the NPS, similar to the sponsorship of the Olympic games. Administration has testified in support. Administration testified in support. Part of President Clinton's Earth Day proclamation on Parks. Provision has been modified to address last minute Administration concerns.

1028—*Mount Hood*: Exchange between private company and federal gov't. Passed the Senate with no Administration objection.

1029—*Creation of the Coquille Forest*: Equal value exchange creating a tribal forest. Passed the Senate with no Administration objection.

1034—*Natchez National Historical Park*: Creates an auxiliary area to a NPS unit and provides $3 million for an intermodal transportation system and visitor center. Administration testified in support at Energy Committee hearing. Reported by Senate Energy.

1036—*Rural electric and telephone facilities:* Authorizes BLM to waive right-of-way rental charged for small rural electric and phone cooperatives.

1037—*Federal borough recognition:* Allows the unorganized borough in Alaska to receive PILT payments. Language was modified in conjunction with BLM and Administration has raised no objections. Reported by Energy Committee.

1038—*Alternative processing:* Prohibits the termination of a timber sale contract solely for the reason of failure to operate a pulp mill. Provides flexibility so that jobs in the sawmill portion of the contract are not lost along with the pulp mill jobs. This is not a contract extension nor is it an increase in timber harvesting. Language has been drastically modified from original proposal. Hearing on contract issues held in both bodies.

1039—*Village land negotiations:* Provides authority for the Secretary to negotiated with five tiny Alaskan villages regarding their entitlements under ANCSA. Language has been modified to address Administration concerns. Provides the Secretary with already existing authority to negotiate without the restrictions of a legal challenge against him. Language has been further modified from earlier versions and does not include the conveyance of any land or assets. Hearings held in both bodies.

1040—*Unrecognized communities in SE Alaska:* Authorizes the native residents of five Southeast Alaska Villages to organize as urban or group corporations under an amendment to ANCSA. Provision does not direct grants of any federal land or compensation to these villages without a future act of congress. Language has been drastically modified from earlier proposals in that it does not contain any guarantee of land to the villages.

1041—*Gross brothers:* Transfers approximately 160 acres of Forest Service land to Daniel J. Gross and Douglas K. Gross of Wrangell, Alaska. These are the children of the original homesteaders. Energy Committee hearing held.

1043—*Credit for reconveyance:* Would allow Cape Fox Corporation to transfer 320 acres of land near the Beaver Falls Hydro project to the Forest Service. CFC's ANCSA entitlement would be credited with an equal amount of acreage. This provision does not provide CFC any additional entitlement. Hearing held in the House. Administration raised no objection to this provision.

1044—*Radio site report:* A study to determine if an existing radio site continues to be necessary.

1045—*Retention and maintenance of certain dams and weirs etc:* Requires the Forest Service to maintain specific dams and weirs in the Immigrant Wilderness Area.

1046—*Matching land conveyance (University of Alaska):* Authorizes the Secretary of Interior to discuss a land grant with the University of Alaska who has never received it's federal entitlement under the Land Grant College Program. Provides for a matching grant to the State. Prally excludes lands that are part of a CSU or part of a National Forest.

Mr. MURKOWSKI. I concluded my letter by making the statement:

> I believe that in the short time remaining in the 104th Congress this is a responsible path to a successful conference report. By accepting the package that has been reduced as a consequence of the objections of the administration, it is my sincere hope that for the benefit of the many intensely interested Members, both Democrat and Republican, some retiring at the end of the Congress, it is important the parks and public land legislation will pass.

In that letter, I agreed to continue to meet with the administration to address their ongoing concerns in order to expedite a response and a successful conclusion of this matter.

Well, I have had no response to that letter, Mr. President. So it is difficult for me to comprehend the basis of their objections, and it is even more difficult for me to understand their reluctance to support this package, recognizing the significance of many of the items in it.

This package contains five new parks, provides better protection for existing parks and historic sites, establishes new memorials, including memorials to Martin Luther King, black Revolutionary War patriots, and Japanese War patriots, protects rivers from coast to coast, from the Columbia River in Washington to the St. Vrain in Colorado and the Lamprey in New Hampshire. The package also contains provisions which protect the hallowed ground where the blood of American soldiers was shed in battles.

The bill authorizes funding to begin restoration of the San Francisco Bay cleanup and programs to start up the national park system, which should serve to help us again attain the status of operating the world's most outstanding park system. Of course, it also contains the Presidio.

Mr. President, I looked at the veto list. I was struck by the fact that while many of the measures were passed by the House with the administration's support, a couple, specifically, were actually the administration's language. Many of the items enjoy broad bipartisan support. I guess the only common denominator is that each was originally introduced by a Republican.

This should not be about politics. The activities within my committee, the Energy and Natural Resources Committee, in reporting out the bill and holding the hearings and accepting the bill, and the discussions that took place were in total cooperation with the minority. Senator JOHNSTON and his professional staff went about the business of taking Members' bills, holding hearings, reporting them out, and doing the job.

We have done our job, make no mistake about it. We have a package here—126 individual sections. This should not be about politics. This package is about our natural resources and the culture and resources of our parks, monuments, and public lands. I do not really care who takes credit for passage of this legislation. It simply needs to be passed, and passed now.

So if the hold by the administration as placed by the minority continues, this legislation is dead. The administration is going to have to bear this responsibility, and ultimately the President of the United States, because this legislation is ready to go. There is one hold on it, one hold by the Democratic leader on behalf of the administration. If he would release that hold with instructions from the administration, this package can go.

This is an election year, Mr. President. I do not know about the politics down at the White House or how they evaluate this, but with the major emphasis on California, I cannot understand why the administration would not support the Presidio, why they would not support the package associated with the cleaning up of the San Francisco Bay area.

Mr. President, to give you some idea, if you want to talk about politics, California is represented in the Senate by two Democratic Senators. Senator FEINSTEIN and Senator BOXER have been very supportive on this legislation. For California alone, it contains the Presidio, Elsmere Canyon, San Francisco Bay enhancement, the Butte County conveyance, Modoc Forest boundary adjustment, Cleveland National Forest conveyance, Lagomarsino Visitors Center, Tulare conveyance, Mineral King, the Merced irrigation

district land exchange, the Manzanar historic site exchange, the AIDS memorial grove, the Santa Cruz Poland acquisition, the Stanislaus Forest managements, Del Norte school conveyance, and ski fees. More than any other single State—California.

What have we done with the significant issue of the Olympics, which provides for a ski-land exchange in Utah? The administration has seen fit to object to that in the package. I can only assume that the administration has written off Utah. The justification for that is pretty hard to take when the National Ski Association supports this land exchange. The Snow Basin exchange, so that the Olympics can take place as planned up in the Ogden area, and the justification of the administration objecting to that, again, certainly requires an explanation. None is forthcoming. Mr. President, we still have had no answer to our letter.

Mr. President, if you look at section 1044 of the bill, you will find a provision which would require the Secretary of the Interior to conduct a study on an existing radio antenna—a radio antenna which is 4 feet tall. The bill was introduced by Congressman BONO from California. By Alaska standards the Congressman is not very tall, I guess he could be considered ''vertically impaired''. He is however taller than the 4 foot radio antenna that is addressed in this bill. They list this as an objection for a veto, Mr. President. How ridiculous. I cannot believe a 4-foot tall radio antenna would bring down this needed, important legislation. That is in their veto message.

The American people deserve better from this Congress and the administration. Mr. President, we have tried to meet with the White House and they have told me the list is nonnegotiable. Well, what we have attempted to do, Mr. President, in the structure of the process around here, is to have hearings, get public participation, basically have a process. What this administration proposes to do is a line-item veto of sections out of this 126-section bill, at the expense of every one of the 41 States that are affected.

If we can get this bill back to conference, I am willing to discuss the issue. It is that important.

Now, the nonnegotiable list submitted by the administration appears to be strictly a political campaign statement of some kind, but it is beyond me how they will put a spin on this and blame the Republicans. In many cases where the administration objects, apparently they are opposed because the bill was introduced by a Republican Member of Congress now running for reelection.

Consider that they object to the Alpine School District transfer of 30 acres of land to the Alpine School District for a public school; the transfer of a few acres to the school districts in Del Norte, CA, for educational purposes; removing 40 acres of development property out of 1.2 million acres of coastal barrier resource system—I don't know, this is election-year politics—and Sterling Forest, which had been anticipated to be in the bill. We have it in our 126-section document. Sterling Forest isn't going to go anywhere; it is not in the CR. The Presidio is not going to go anywhere; it is not in the CR. San Francisco Bay cleanup is not going to go anywhere; it is not in the CR. The coastal barrier amendments for Florida are not going to go anywhere; they are not in the CR. We can go down to Mississippi, which is, coincidentally the State where our majority leader hails from. In Mississippi, we have the Corinth Visitor Center, which is not in the CR, and the Historic Black College Funding, which is not in the CR, and the Natchez Visitor Center.

Mr. President, there are many, many good Democratic-supported sections to this bill which were offered by a Democrat: Senator HEFLIN from Alabama, the Selma to Montgomery Historic Trail; in Arkansas, the Arkansas-Oklahoma land exchange. You know how much that means to Senator BUMPERS. The Carl Garner Federal Lands Exchange. I have mentioned the items in California. There are a couple in Georgia for Senator NUNN. There is one in Hawaii, some in Idaho, Illinois, Michigan. In Louisiana, for Senator BREAUX and Senator JOHNSTON, is the Civil War Center and the Laura Hudson Visitor Center. In Massachusetts, the Boston Harbor Islands Park establishment and the Blackstone Heritage Area, the Boston Public Library on Freedom Trail, and the New Bedford establishment. Senator KENNEDY and I have worked on that to try to accommodate his interests. In Michigan, the Pictured Rocks boundary adjustment. In Montana, for Senator BAUCUS, is the Lost Creek exchange and the ski fees. In New Jersey, Senators BRADLEY and LAUTENBERG, Sterling Forest. In New York, the Women's Rights boundary adjustment. I could go on and on. In Virginia, the Cumberland Gap, Shenandoah National Park. In West Virginia, for Senator BYRD, the West Virginia rivers.

There are items in here for every Member of the U.S. Senate, Mr. President. It is ready to go. All the minority has to do is take off the hold. Now, perhaps the administration has written off Alaska, and maybe they have written off Utah. But I don't believe they have written off California. This is a big issue for California. We are ready to go.

Why won't this administration let us take action on this? Why won't they take off their hold? Why won't they let us vote on it? We can still do it today while the House is in session. They want to line-item veto it after a democratic process in the authorizing committee. They evidently want to take over the role of the authorizing committee.

Well, it is a sad day, Mr. President, if indeed they prevail. They are going to have to be held responsible by the American people for killing the Presidio parks omnibus package and killing the work of my committee and its members for the last 2 years. It is going to have political implications for the administration when they have to explain why they killed our major effort in the Olympics, why they killed the Presidio, why they killed cleanup of the San Francisco Bay, why they killed Sterling Forest.

Again, I implore the Democratic leadership one more time to contact the White House and find out why they mandated a refusal to allow this body to pass this out, get it to the House and get the job done. We are all going to have to, I guess, recognize that we will come back in the 105th and start the process over again.

It is going to be different next year, Mr. President, because this package represents the inability to move these bills individually by Members having holds throughout the process. It is not going to be that way. We are going to move them out of our committee and move them to the floor. If we don't get action and there are holds, this Senator is going to stop the Senate process because I am going to refuse every unanimous consent that comes before this body. We are going to stop this process, because it is absolutely irresponsible. So let the administration recognize the responsibility that they are assuming for not allowing this package to go ahead. It is an injustice to 41 States and an injustice to America. It is an injustice to good Government.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

JUVENILE JUSTICE SYSTEM

Mr. ASHCROFT. Mr. President, I am pleased to have this opportunity to come to the floor today to talk about something that I consider to be a very serious responsibility which we in Government are failing to carry forward. I come to the floor today to point out a dismal failure in our culture, a failure that President Clinton has helped to disguise, and perhaps, has even compounded the problem with his own behavior.

Last February, Antoyne Preston White, 17, was arrested in Washington along with several fellow members of a juvenile car theft ring. White pleaded guilty, and was released several days later.

In April, he was arrested again, this time for sexually assaulting a 4-year-old girl. He pleaded guilty a second time. Sentencing in this case was pending when White allegedly shot and killed Mun Hon Kim, a mailman eating his lunch in his truck, on June 11th.

In total, White has been arrested 10 times in the last 3 years. Antoyne White's history is, unfortunately, typical of today's juvenile justice system. Teens with multiple arrests for felonies, sexual assaults, or violent crimes are returned to the streets and repeatedly taught by our system that they can evade and avoid punishment.

In theory, our laws are protecting kids from the stigma of a permanent record. But, in reality, our laws are coddling stone-cold killers who hide behind the fact that they are teenagers.

Juveniles now account for almost 20 percent of all the violent crime arrests and over one-third—one out of every three—property crime arrests. Yet, we continue to treat the majority of these criminals as if they were just good kids gone wrong.

Criminologists predict that the baby boom of the 1980's will bring an explosion of young street criminals as we move into the next century. To deflect this onslaught of violent teens, the President has recommended what he calls a—these are his words —''gentle combination'' of laws and prevention programs. This ''gentle combination,'' in the words of the President, includes more proposals for midnight basketball, school uniforms, and curfews—more mandates from Washington, DC, for social programs that really would be best instituted at the instigation and creation at the local level.

I have to say that I believe this administration's ''gentle combination''—to use the words of the President—will not penetrate the hardened criminal mentality of these criminal prodigies such as Antoyne White. But today's conscienceless, young, violent predators are immune to these ''gentle combinations.'' They are accustomed to them. They have taken advantage of them. They thrive on them. So they are immune to these so-called ''gentle combinations,'' which are designed to teach right and wrong but simply have been distorted to provide authority and license for individuals to conduct very violent, heinous crimes.

President Clinton has done a good job of posing with the police and bragging about misleading statistics. The simple fact of the matter is that the only thing criminal about President Clinton's treatment of juvenile delinquents is his record in treating juvenile delinquents.

This administration is not even enforcing the laws that are on the books—laws that this administration demanded and called for—laws that this administration came to the Congress and asked for in the 1994 crime bill. Those laws which would be available and could be effective to stop the wave of violent predatory juvenile crime are being ignored by this administration.

This administration suggests that if we just have more social programming it can continue to ignore the laws which it asked for, not enforce those laws, and somehow, if we stick our head in the sand of these social programs, that the problem of predatory, juvenile, violent, vicious, random crime will go away.

For example, under the 1994 crime bill, it is a Federal offense for a juvenile to possess a handgun. What have we done about the thousands and thousands and thousands of juveniles committing crimes with handguns in violation of this Federal law that the President called for?

The record is not good. Here is what the record show: We know that handguns were used in the greatest proportion of homicides committed by juveniles from 1976 to 1991. The data is clear. Why isn't President Clinton's Department of Justice prosecuting these Federal offenses associated with these possessions of handguns by juveniles?

Over the last 5 years, only 14—over the last 5 years, only 14—juveniles have been prosecuted as adults for Federal firearms violations. Meanwhile, in 1994 alone, 63,400 juveniles were arrested for weapons violations nationwide. If you have 60,000 plus per year and over the last 5 years we have only had 14 prosecuted as adults for weapons violations, we have a clear failure on the part of this administration to carry forward seriously against the epidemic wave of juvenile crime that has terrorized citizens across America not only in our urban centers but in our rural areas as well.

In fact, the Clinton administration has prosecuted only 233 juveniles as adults since January 1993. At an average of 63,000 weapons offenses a year over the last 4 years, that would be over a quarter million offenses, and you have 233 prosecutions. We say we need more social programs, and we say we need more laws, and we have a law that makes it a crime for a juvenile to possess a handgun.

The vast majority of these crimes are committed with handguns, and we walk away blandly to the next political rally and talk about the need for more laws and talk about the need for more gentle combinations and social programs into which we can thrust our head like the ostrich in the sand, but we do not do what is possible. We do not do what the Congress has authorized in terms of addressing this problem constructively. We must begin to treat criminals as criminals. The idea that somehow you can have fewer than two prosecutions per State per year when we are overrun with juveniles using handguns in the commission of crimes clearly in offense against the Federal law enacted by the Congress in 1994, and this Justice Department turns its head, I do not understand. I do not understand how the President can go before the public and say, well, we have good data and we are moving in the right direction. We are not moving in the right direction.

This is not something that I raise as part of the political campaign. I addressed the National Association of Sheriffs several months ago in the presence of the Attorney General of the United States, with whom I was honored to share the podium, and I shared these same statistics at that time. I called upon the administration to begin to be serious about this epidemic which affects the safety, health, the quality of life, the existence, the capacity for life of so many people. Certainly, we cannot settle for the administration's record of two prosecutions per year per State.

I think we have to send an unmistakably clear signal. We have to say to young people who are criminals, ''You are going to be held accountable.'' We cannot say that you are going to be treated as if you did not do what you did because you have been smart enough to realize that you are young enough to get away with it. We have provided a shield so that they could be assaulting others and deflect any return fire. It is time for us to say you cannot use your age as a shield or as part of the weaponry you use for an assault on society. Especially when this Congress has provided that juveniles in possession of handguns are in violation of the law, it is time for us to prosecute them for these violations, tens of thousands, twenties of thousands—63,000 in 1 year, a typical year. The rate is going up, and we ignore it. We have 14 Federal firearms prosecutions over 5 years. There is more crime than street crime. Sometimes there is the unanswerable question about why we do not enforce the law we have and why we continue to ask for the promulgation of additional programs.

In this Congress, we have made efforts to hold violent juvenile predators such as Antoyne White accountable. We have offered commonsense proposals, proposals that would take the purveyors of random violence and death off our streets. Frankly, in each of the proposals I have made and the modifications that we have tried to make to accommodate those who objected—the Democrats—have blocked us at every avenue, coming up with new objections. They have come up with new reasons to say we want to just persist with the gentle combination of social programming and the like.

We Republicans have proposed making the records of violent and vicious juveniles more available to police, to judges and to school officials. Can you imagine being a schoolteacher and the juvenile records of a student are unavailable from another State, not part of the FBI system? A kid walks into the classroom wearing an electronic shackle, one of these radio transmitter bracelets so the authorities can keep track of him, but the juvenile laws and records are such that you cannot find out what this person did. As you start to go write on the blackboard, the student says, ''You don't know whether I murdered someone or raped someone, do you, Mrs. Jones?''. And Mrs. Jones says, ''No, I don't.'' He says, ''Well, you can't find out. I am protected as a juvenile.''

I have had teachers talk to me about situations just like that, and it is time we address those situations. But when we tried to, when we tried to provide that the records of violent and vicious juveniles be made more available to police, to judges and to school officials, we were blocked. A State trooper should know to be cautious with a 15-year-old repeat carjacker from a city across the country; the idea that kids just grow up in a single neighborhood now and the constable or the sheriff would know who the kids are in the area no longer holds true.

I talked to a sheriff from the middle of the State of Missouri, from a town called California, Moniteau County. I asked him what his biggest problem was. He said it was a couple of teenagers who had moved in from Cleveland and were developing the dope traffic there. I said, ''What is problematic about that?'' He says, ''I can't get any records. I can't get any information about them.''

It is high time that people who are involved as criminals be labeled as criminals, understood as criminals and treated as criminals. Yet, when we have wanted to do just a fundamental thing like make their records available, we have been stopped. The administration has been silent and congressional Democrats have dismissed this approach.

We have also proposed increasing funds available to States that try more juveniles as adults. Once again, the Democrats impeded this proposal. They said it was not a gentle combination, it was not gentle enough.

We have also intended that Federal Government would begin to carry its fair share of the load in juvenile crime fighting. As I mentioned a moment ago, it is baffling to me that we have a situation with this administration where the Department of Justice is not enforcing the laws that are currently on the books. As this session of Congress closes, the Clinton administration has failed to help us with laws relating to juvenile predators and to reform juvenile justice laws, and it is a shame. The President can pose with police, but this administration's failures surrenders our streets to juvenile predators. I think it is time for us to work together on that. Gentle combinations simply will not get the job done. These teen predators deal drugs, threaten lives, they maim and kill, and in the very near future, all of the experts agree—even President Clinton has conceded in his remarks—that there will be a veritable explosion of teen predators on the streets.

It comes down to this. We have to ask ourselves in Congress and in our culture, and we need to ask this of the President, do we uphold the principles of law and order or do we cling to the discredited notion that 16-year-old gangsters who shoot their victims over $5 act out of youthful folly?

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is now in morning business.

Mr. LEAHY. Is there a time limit on statements?

The PRESIDING OFFICER. There is a time limit of 5 minutes, unless unanimous consent is obtained for a longer period.

BLOODSHED IN THE MIDDLE EAST

Mr. LEAHY. Mr. President, the United States has played a central role in the quest for peace in the Middle East, and in recent years we have seen remarkable progress. I will never forget standing on the White House lawn to witness the handshake that is etched in our memories between Israel's late Prime Minister Rabin and Chairman Arafat, signaling the beginning of a new partnership to end decades of bloodshed.

We had high hopes then, and I am among those who believe in the durability of the peace process. But the recent explosion of violence between Palestinians and Israelis in the West Bank and Gaza, the worst fighting since the 1993 peace accord, threatens to undermine the advancements that have been made and stability in a region of vital importance to the United States.

We have seen rock throwing crowds, Palestinian police firing on Israeli soldiers, Israeli helicopter gunships spraying bullets into houses and at unarmed civilians, gruesome photographs of the dead and wounded, and the look of terror on children's faces.

There is ample blame to go around. Under cover of darkness and without warning, the Israeli Government opened a tourist tunnel that runs virtually under a holy site revered by both Israelis and Palestinians. A mob response by Palestinians escalated into a firefight between Palestinian police and Israeli troops.

Even before this latest crisis, the shift in policy of Prime Minister Netanyahu on West Bank settlements reinforced the apprehension of Palestinians that Israel would not fulfill the agreements entered into by the Rabin and Peres governments.

The Israelis in turn can point to continued acts of terrorism and extremely hostile statements by its Arab neighbors have contributed to an atmosphere of increasing insecurity.

Mr. President, if we have learned anything in the Middle East, it is that violence will not solve the age old problems there. While I fully respect the decision of the majority of the Israeli people to change their leaders, I do not believe that the election signified a decision to abandon the peace process. Indeed, Prime Minister Netanyahu has indicated that he has no intention of doing so. His intentions, and his leadership, are being tested now.

The situation could not be more fragile. There is tremendous distrust on both sides. Each suspects the other of seeking advantage, and of failing to live up to prior commitments. As President Clinton has stressed, this is a time for both sides to refrain from provocative actions. The focus should be on emphasizing the positive, not accentuating the negative.

Mr. President, I know others believe as I do that the peace process can survive this latest catastrophe. But many lives have been lost in the past 2½ days, and many innocent people have suffered. For our part, the Congress should do everything possible to urge restraint, to renew our pledge to support the efforts for peace of both Israelis and Palestinians, and to condemn the extremists on both sides who would seek to sabotage these efforts.

Among the concrete steps we can take is to ensure that U.S. assistance to the Palestinians goes forward. With unemployment in the West Bank and Gaza estimated at over 60 percent, there is an urgent need to show the Palestinians that the peace process will lead to tangible improvements in their lives. These improvements can be the best engines of peace.

Mr. President, I want to commend President Clinton for his remarks on Thursday, and to urge him to continue to use his influence with both sides to stop the bloodshed.

I ask unanimous consent that two articles from today's Washington Post, describing the deadly actions by both sides, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 1996]

IN GAZA, CIVILIANS FLEE IN TERROR, AS HELICOPTERS ATTACK FROM NIGHT SKY

(By John Lancaster)

RAFAH, GAZA STRIP, September 27.—Barely visible against the night sky, the Israeli military helicopter hovered several hundred feet above a darkened Rafah neighborhood. The beat of its rotors mixed with crack of gunshots as Israeli border troops exchanged fire with armed Palestinians hidden in nearby buildings.

Two Palestinian youths, eager to display their battlefield knowledge, argued about the model of the U.S.-made chopper that hung over the rooftops. ''Apache,'' said one. ''No, no,'' insisted the other. ''Cobra.''

Suddenly, the debate seemed academic.

With no warning and in the absence of any apparent threat from the young men gathered in a sandy alley—without visible weapons or involvement in the exchange of gunfire—the helicopter opened fire in a terrifying, thunderous burst that sent everybody scrambling for cover at the base of a concrete-block wall. A moment or two later, in the midst of another volley, a young man several feet away clutched his forehead with both hands and fell to his knees, his face a mask of crimson.

''I'm hit! I'm hit!'' he screamed.

Things had not started out this way. For the better part of the day, calm seemed to prevail in the teeming, semi-autonomous Gaza Strip. Residents observed the Muslim day of rest. Palestinian police politely dispersed crowds of teens who gathered to

throw stones at Israeli troops. That was in sharp contrast to Thursday's armed clashes that killed 24 Palestinians and five Israelis in Gaza.

By late in the day, however, violence had again erupted in Gaza. The flash point this time was Rafah, a ramshackle town of potholed roads and half-finished concrete building that serves as the gateway between Egypt and the Palestinian self-rule area in the Gaza Strip. The border crossing is guarded by Palestinians on one side and Egyptians on the other, with Israeli troops manning posts in between.

Witnesses said the trouble began around 3 p.m., when large crowds of young people began throwing stones at the Israeli posts. According to the witnesses, the Israelis then open fire on the crowds. Next, armed Palestinian civilians began returning fire from nearby buildings.

[The Israeli army said shots also were fired from the Egyptian side and that the helicopter gunships were called in to rescue trapped soldiers after an Israeli colonel was killed and six soldiers were wounded, the Associated Press reported.] The accounts could not be independently confirmed.

Palestinians in Rafah said their police at least tried to avert the clash. ''The Palestinian police tried to stop me,'' said Akram Louli, 21, a student at the Islamic University in Gaza who was among the stone-throwers. ''They told me, 'Leave this area and go away.'''

But the police also appeared to be doing their best to avoid confrontation with the protesters. ''They were so polite,'' Louli said, adding that when they asked him to leave, ''I told them, 'No, I don't want to go,' so they left me and went to push away some other kids.''

Ahmed Hassan, a 25-year-old policeman, said he and his fellow patrolmen were ''trying to calm down the situation'' on orders from the Rafah police captain. But he added: ''The people have too much anger. They are very courageous. They are not listening to the police.''

Louli, the student, seemed to confirm as much when he vowed that he would be on the streets the next day. ''I am planning to do the same thing I did today,'' he said to murmurs of approval from the young men at his side. ''The incidents are going to be bigger.''

The city seemed relatively calm at dusk. Shops were open, and children played on piles of sand used in construction. Closer to the border crossing, however, the streets grew dark, residents and shopkeepers having turned out many of their lights.

A moment later it was clear why. Two young men, one carrying a rock in each hand, waved down our vehicle and told us to douse the headlights. They said the lights could draw fire from the helicopters, which could be heard plainly. Other drivers apparently had heeded the same advice; occasionally they flashed their lights to illuminate an intersection or perhaps a child.

On a side road, the gunfire became louder, and it seemed prudent to go no farther. We stopped the car and darted into a sandy alley where perhaps 20 teenagers and young men were leaning against a building. Cocksure and chatty, the youths said the helicopters had been firing on the area sporadically, displaying several large brass cartridges that they said had come from their cannons.

They said the gunfire from the buildings came not from Palestinian police but from armed civilians who had ignored police orders to leave the area.

After a few minutes, one of the men offered to show a nearby home that he said had been fired on by a helicopter. The owner, Talal Salah, led the way into a cramped rear bedroom, then pointed to a fist-sized hole in the ceiling that he said had been caused by shrapnel from an Israeli cannon shell at 5:30 p.m. Salah, 35, said his two small children were lying on the bed at the time but escaped injury.

We left the home in a large group, and as we emerged from the narrow alley in front of the house, the helicopter opened fire. The young men's cockiness suddenly vanished. The chopper fired perhaps three more bursts. It was after one of them that the young man clutched his forehead and fell to the ground.

In a panic, his companions rushed to his side. ''The car! The car!'' they yelled, indicating they wanted to take the injured man to the hospital. As they carried him to the car, however, the helicopter unleashed another volley and the crowd scattered. Several people ran down the street away from the car, feeling nearly naked under the light of a street lamp that had not been turned off.

After running for perhaps 50 yards, I was welcomed into a small restaurant by a man pointing to the sky in warning. A girl of perhaps 4 peeked out from the door of a makeshift home. After offering a glass of water, one of the people inside guided me to a nearby hospital, where I found my Palestinian journalist companion and the injured man.

''It's not safe here,'' the journalist said, guiding me to his car before I could inquire about the man's condition. ''We should leave.''

[From the Washington Post, Sept. 28, 1996]

PALESTINIANS, ISRAELI POLICE BATTLE ON SACRED GROUND—CLASHES COOL ELSEWHERE AS GUNS MEET STONES IN JERUSALEM

(By Barton Gellman)

JERUSALEM, September 27.—Israeli police and border guards this afternoon stormed Jerusalem's Temple Mount, a holy site for both Muslims and Jews, and shot dead three young men as a stone-throwing crowd of worshipers emerged from Friday prayers at al-Aqsa mosque. The clash brought the third day of bloodshed between Israelis and Palestinians to an emotional crescendo at the plot of ground that embodies their national and religious divide.

But even after that incendiary clash, or perhaps because of its implications, the two sides stepped back carefully from confrontation elsewhere. In all, nine people died in street battles today, according to hospitals and Israeli and Palestinian officials, and a major gun battle raged tonight in the Gaza border town of Rafah between armed Palestinians and Israeli troops, who opened fire on groups of civilians from helicopter gunships. But direct firefights involving uniformed Palestinian police nearly ceased, and forces loyal to Palestinian leader Yasser Arafat planted themselves between demonstrators and Israeli troops in Nablus and Ramallah in the West Bank and in many parts of the Gaza Strip.

After a three-day death toll of 66—52 Palestinians and 14 Israelis—both sides seemed headed back from the brink of genuine war. The sullen stalemate to which they returned sounded much the same as the one that began the week, and it was not obvious tonight whether the traumas that intervened had done more to harden their positions or to spur them toward new political steps.

''Maybe we've gotten through it,'' said an exhausted U.S. consul general in Jerusalem, Edward Abington, who worked through the night on Thursday and all day today to broker a still-unscheduled summit between Arafat and Israeli Prime Minister Binyamin Netanyahu. ''I don't know for sure, but it's a possibility.''

Netanyahu, in his first public remarks since returning from an aborted European tour, accused Arafat's Palestinian Authority of ''willful and untruthful incitement'' against the Jewish state. ''I tell him today: Our hand is stretched out to you in peace, but we will not agree that during the negotiations there will be a war option too,'' the premier said in a news conference with his security chiefs, maintaining that the Palestinians were using the threat of violence to extract concessions.

After two days of telephone diplomacy by Secretary of State Warren Christopher, State Department spokesman Nicholas Burns said the United States believes a meeting between Netanyahu and Arafat ''will be held very soon.''

According to witnesses on both ends of a 30-minute phone call between Netanyahu and Arafat after 2 a.m. (8 p.m. EDT Thursday), the Israeli leader warned Arafat to put a stop to Palestinian police rifle fire at Israeli forces and said he would use ''every means available'' to respond if it resumed. Netanyahu deployed tanks and armored personnel carriers outside Nablus, Ramallah and Jericho to underscore the threat, and hawks in his cabinet said he had waited too long already and should use them.

But the worst violence of the day came in the old style of the six-year uprising against Israeli occupation that began in 1987: Palestinians threw rocks on the Temple Mount, and Israeli forces responded with overwhelming force.

The Temple Mount—where the third-holiest mosque in Islam rises over the Western Wall, which is Judaism's most sacred site—was regarded from the start as today's greatest risk. Israel ringed the walled Old City with more than 3,500 police and border police, who stopped and frisked young Arab men all morning.

With Arafat calling for a return to calm, fewer worshipers than usual—well under 10,000—turned out today at the sprawling al-Aqsa mosque, which faces the Dome of the Rock across a broad plaza. Mohammed Hussein, who delivered the sermon inside the 8th-century mosque and by loudspeaker audible for blocks, said the Netanyahu government committed ''a crime against God'' by completing a tunnel adjacent to the outer wall of the Temple Mount, which Muslims call Haram Sharif.

''These are great confrontations for al-Aqsa,'' he said, voice booming. ''It's your religious duty to defend al-Aqsa.''

Israeli Internal Security Minister Avigdor Kahalani, in an interview at the scene, said his troops did not open fire until worshipers departing the mosque threw ''thousands and thousands of stones at police'' standing at the gates and at Jews standing on the Western Wall plaza below. ''We're not going to turn the other cheek,'' he said, adding that police had responded with ''a little gas'' and ''a few rubber bullets.'' He denied categorically that live ammunition had been used.

That account conflicted with some of the physical evidence and the recollections of witnesses atop the Temple Mount, including a Dutch relief worker interviewed at Makassed Hospital in East Jerusalem. There were no stones visible on the Western Wall plaza, and Jewish witnesses there said none or nearly none had fallen. Many stones were scattered atop the Temple Mount, but they were concentrated in the central plaza as if thrown at targets who were already inside.

Palestinian and a few foreign witnesses, corroborated in parts by amateur videotape shot on the mount, said hundreds of Israeli troops rushed in swinging clubs and fired hundreds of rounds of steel-cored rubber bullets, which can be lethal at close range. Doctors at Makassed Hospital, where three of the wounded Palestinians died and 48 others were admitted, allowed reporters to inspect X-rays demonstrating that some of the

wounded had been struck by conventional high-velocity rounds from Israeli M–16 assault rifles.

For more than an hour after the confrontation, wounded Palestinians were carried out in haste through stone alleyways toward the gates of the Old City. Frantic friends and relatives raced toward the hospital with a women bleeding from the head, a man unconscious on a stretcher, an old man in a wheelchair with bleeding wounds in the chest and arm, another old man bleeding from the head and several more injured.

Many worshipers were still praying inside al-Aqsa mosque when the confrontation began outside. Some of those on the plaza ran back inside, and the Israeli forces fired through the doors and open windows, causing many more casualties.

''Bullets were flying over our heads,'' said Hussein Adib, 47. ''The rugs on which we were praying were covered with blood.''

If the Temple Mount was the day's great failure, Nablus was its success. Six Israeli soldiers died there Thursday at Joseph's Tomb, traditional burial place of the biblical patriarch and an island of Jewish control in the Palestinian self-ruled town. By nightfall Thursday, about 40 Israeli soldiers remained, surrounded by hundreds of Palestinian troops.

On-scene negotiations through the night between Maj. Gen. Uzi Dayan, chief of Israel's Central Command, and Maj. Gen. Haj Ismail Jabber, chief of the Palestinian West Bank police, worked out a cease-fire. This morning, when demonstrators from the Balata Refugee Camp tried to resume the attack, senior Palestinian Authority leaders linked arms and, backed by Palestinian troops in riot gear, stood between the angry crowd and its Israeli targets. Similar scenes played out in Jenin and Ramallah.

There were a few places in the territories today where uniformed Palestinian troops joined again in attacks on Israeli soldiers. Two Israeli border guards and a Palestinian policeman died in a gun battle outside the northern West Bank town of Tulkarm, and Palestinian policemen helped attempt to storm an Israeli army post outside the self-ruled town of Jericho.

In Gaza, Palestinian police appeared to make a genuine effort to avert further clashes, though there was some question as to how far they were willing to go to rein in angry Palestinian youths.

Near the Erez crossing point, scene of some of Thursday's bloodiest battles, about 30 armed Palestinian police in olive drab uniforms formed a cordon across the road to keep out potential protesters.

Protesters did converge on another potential flash point, the crossroad leading to the Jewish settlement of Netzarim. But police prevented them from getting anywhere near the Israeli posts.

In some cases, police officers handled the mostly youthful protesters with almost fatherly indulgence, sometimes draping an arm around a shoulder to emphasize their eagerness to avoid confrontation.

''What we had yesterday was enough,'' explained police Capt. Shaban Awad. ''Fifty killed—it's enough. We want to avoid more violence.''

In Jerusalem the tunnel that sparked three days of lethal conflict was closed to tourists today.

In many parts of Israel and the Palestinian self-rule territories, attention turned from fighting to burying the dead. Israeli Staff Sgt. Itamar Sudai, who died at Joseph's Tomb Thursday, was laid to rest at Mount Herzl with eulogies from top army brass and a tribute from a survivor of the battle there.

''My brother,'' said the young soldier, identified only as Uri, ''you've gone before me. All our dreams were so close to being realized. So close and in a minute, everything's gone.''

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent I be allowed to speak up to 10 minutes.

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

THE NATIONAL DRUG EPIDEMIC

Mr. COVERDELL. Mr. President, this past week, in one of many revelations about what I have characterized as a national drug epidemic in our country in the last 36 months, it is hard to believe the policy reversals could lead to such dramatic behavioral changes so quickly.

The national parents organization called PRIDE, which is headquartered in Atlanta, issued a press release this past week. It is just stunning. The percent of illicit drug use by 12th graders, annual usage is up 43 percent; monthly usage is up 67 percent; weekly, 88 percent; daily use, up 147 percent. These are 12th graders.

Percent of illicit drug use by 6th to 12th graders, from 1987–88 to 1995–96, annual use up 58 percent; monthly, 72 percent; weekly, 88 percent; daily use, 126 percent.

It just goes on and on. This, of course, tracks the report issued by our own Government within the last several months, except this is even more alarming and more comprehensive.

To read one quote from Doug Hall, who is the executive director of this prestigious organization, he says, ''This is not so-called recreational use. This is marijuana, cocaine, heroin, LSD, and amphetamines. This is not experimentation. This is monthly, weekly, and daily drug use. This is a human tragedy.''

What is irritating about this is that our Attorney General has said very recently, drug use is really getting better. The Attorney General needs to read this report. The administration needs to read this report. The last thing we need is a message to our children, or to the parents who guide them, that things are better off. They are not. They are worse off. And they are dramatically worse.

What does this mean? Does it mean that all these increases, that 16 people are using it instead of 8? What this means is 2 million teenagers are now ensnared in drug cultures who would not have been, had we continued to pursue the programs that have proved so effective from 1980 to 1992.

This is an article from Investors Business Daily. It came out this past week. It says, the headline, ''The Drug Study You'll Never See.'' Subheadline, ''Buried Drug Study.''

This study, of which a very limited number of copies exist, was uncovered by the media. I am going to read just several paragraphs from this:

GOP Presidential candidate Bob Dole says Bill Clinton's ''liberal policies'' have failed to stem a surge of illegal drug use over the past three years.

President Clinton and his allies say Dole is just playing politics with the issue to improve his chances in the election.

The Dole camp may be right. And, what's more, the Clinton team seems to know it.

The Clinton administration has squelched a politically embarrassing study that its own Defense Department commissioned two years ago. The study shows that drug interdiction—seizing and destroying illegal drugs before they get into the country—works to cut down use.

And that contrasts sharply with the President's preference for funding addict treatment programs over law enforcement.

It goes on and describes the shutdown of the drug war that was underway from 1980 to 1992. Just to name a few:

Clinton used the Rand study to support a ''controlled shift'' of anti-drug money and manpower from drug interdiction to treatment. As part of that shift:

[They] cut the drug office staff by 80 percent.

Military resources for stopping traffickers in transit were cut almost half, by 1995 . . .

Coast Guard interdiction funding dropped almost one-third, from $443.9 million in 1992.

Meanwhile, Clinton delivered on his promise to increase treatment spending, which grew by 21.5 percent.

I am an admirer of General McCaffrey, the new drug czar. But these allegations are very serious, that his office prevented the distribution of this report, and I am very hopeful that he will come forward and allay our concerns that that actually happened.

The point is, we have a Government study from HHS which documents that drug use has doubled in the last 36 months, has increased 33 percent in the last 12 months. We have this PRIDE report, which shows that it is getting worse at every level and that it is not fun and games. This is hard use that is increasing. We have a reported allegation of a serious study that points out that the interdiction and enforcement policies were not working. Certainly, the empirical evidence of what has happened over the last 36 months suggests that would be the case, and now a suggestion that this report was hidden.

Mr. President, this is serious business, and the drug czar's office must clarify for the American people what the circumstances were surrounding this report that has been denied public access.

There was recently a little-noted argument with regard to the growing crescendo about what is going on here with regard to increased teenage use of drugs of all kinds. But we have now a report, which I think the White House is going to have to clarify, that President Clinton has pardoned some six to seven drug dealers. The names are now public:

David Christopher Billmaier, New Mexico, sentenced in 1980, has now been pardoned. He was sentenced on possession with intent to distribute amphetamines, and he has been pardoned by the President;

Carl Bruce Jones, western district of Missouri, charged with distribution of marijuana, use of a telephone in distribution of marijuana, has been offered a Presidential pardon;

Candace Deon Leverenz, northern district of California, date of sentence, 1972, unlawful distribution of LSD, pardoned by the President;

Susan Lauranne Prather, western district of Arkansas, charged with causing marijuana to be transported through the mail, pardoned;

Patricia Anne Chapin, western district of Missouri, falsifying prescription for a controlled substance, pardoned by the President;

Jackie A. Trautman, northern district of Ohio, sentenced in 1992. Unclear whether this is original or reduced sentence. Probably the latter. Thirty-three months imprisonment, conspiracy to distribute cocaine, pardoned by the President.

Johnny Palacios, middle district of Florida, 71 months imprisonment, conspiracy to possess with intent to distribute marijuana, pardoned.

Mr. President, as we are now learning, there is a massive program on the part of the administration to accelerate the naturalization of citizens. The objective is to naturalize 1.3 million applicants during this fiscal year, reminding ourselves that last year it was 450,000.

The problem with speeding this up is that the FBI checks are not completed, and we have now certified that at least 5,000 are guilty of crimes, murder and rape amongst them.

This all goes together, and, Mr. President, the message here is probably the most important thing with the pardons and with the change in policy, this cavalier approach of the President in saying on MTV when asked, ''Would you inhale if you had a second chance?'' ''Yes, I would. I should have the first time.''

The message that sends to 8-year-olds, 10-year-olds, 11 and 12, the most vulnerable of our populations, is that it is OK and it is not dangerous.

The result is in, and it is tragic, it is epidemic, and it is deadly serious. My message to parents is, you better be talking to your children. They are in a drug-infested environment, I don't care where they live. The first line of defense before we can turn this program back, which the Congress will have to do, with or without the help of the administration, is for parents and policymakers and businesses and colleagues at home to warn their friends and neighbors and sons and daughters.

Mr. President, I yield back any time remaining, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. STEVENS pertaining to the introduction of S. 2156 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RELOCATION OF THE PORTRAIT MONUMENT

Mr. STEVENS. Mr President, House Concurrent Resolution 216, to move the Suffrage Statue from the crypt to the rotunda is a good compromise.

I congratulate Representative CONSTANCE MORELLA and the leadership of the House for devising and approving this measure.

The House resolution compliments the resolution passed in the Senate last session and recognizes three important women leaders: Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony; and an important right—the right for women to vote. That change in our democracy changed the world.

This statue will inspire some 4 million visitors to the rotunda next year with the physical reality that this Nation was shaped by both men and women leaders.

There are several people that deserve special recognition: Of the $75,000 required for the move, $1,600 was raised by 9-year old Arlyss Endres from Arizona; Coline Jenkins—the great granddaughter of Elizabeth Cady Stanton—worked tirelessly with the Woman Suffrage Statue campaign committee.

Marian Miller, vice president of the Federation of Republican Women, and political activists from both sides of the aisle such as Republican Ann Stone and Democrat Joan Wages, demonstrated the commitment of women across the Nation to this cause.

Among the literally thousands of men and women contributing their time and money to this project, I would like to recognize for the record the work of Shelley Heretyk, Kay Cash-Smith, Maia Greco, Sherry Little and cochairs Joan Meacham and Karen Staser.

The resolution affirms our respect for the historic contributions of women.

There is an unfinished portion of the statue that represents future generations of women leaders. My hope is that young women, like my own daughters, will take inspiration in the accomplishments of these historic figures.

Mr President, these were real women who made real sacrifices to accomplish real social change. I am gratified that the Congress has acted to recognize them with this resolution.

Mr. WARNER. Mr. President, I rise today in support of House Concurrent Resolution 216—a resolution that has received unanimous support in the House of Representatives. This resolution directs the Architect of the Capitol to relocate to the Capitol rotunda, the suffrage monument of Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott, three pioneers who fought for women's enfranchisement.

In the House, this legislation passed under the able leadership of Congresswoman CONNIE MORELLA from Maryland. This resolution represents a 76-year battle to honor these visionary women. First presented to the Congress in 1921, the all-male legislature unveiled the statue with fanfare and pageantry in the Capitol rotunda. Not one day later, the sculpture was promptly ushered to the relative obscurity of the Capitol crypt. Four legislative attempts and 75 years later, my good friend and colleague from Alaska, Senator TED STEVENS, secured the support of the Senate for this bill to commemorate the milestone anniversary of woman's suffrage. The House of Representatives then considered the measure and expressed concerns about the use of public funds for the relocation costs. As a result, the resolution was tabled and negotiations for an acceptable compromise began.

Mr. President, I am proud that this compromise has the unanimous support of the House of Representatives, the U.S. Senate, 72 national women's organizations and the very dedicated woman suffrage statue campaign. House Concurrent Resolution 216 will allow women across America the opportunity to personally participate in making their history visible. Armed with $75,000 in donations from citizens across the country—dollars from schoolchildren in Arizona, businessmen in Tennessee, as well as many committed women from my home State of Virginia—the woman suffrage statue campaign is now prepared to donate those funds to recognize women's rich achievements in our society. This resolution will also create a bipartisan commission to select a permanent site for this monument and develop an appropriate educational display that will focus on the lives and hard-won struggles of these crusaders. This is a solid compromise that represents the views of the House of the Representatives, the U.S. Senate, many diverse women's organizations, and, I believe, the views of most Americans.

Mr. President, I want to recognize those individuals who have been truly committed to this effort: The thousands of American citizens who contributed their hard-earned dollars toward this worthy cause. Those who spread the word to friends, sisters, mothers and daughters about the campaign. Members in the House, Representative MORELLA, Representative SCHROEDER, and Representative JOHNSON for their diligence in reaching this compromise. And especially Karen Staser and Joan Meacham, cochairs of the woman suffrage statue campaign, and Sherry Little of my Rules Committee staff. All of these individuals have worked diligently to make this historic piece of legislation a reality.

Mr. President, this bill represents 76 years of effort on the part of American women. I am proud to say that passage of this legislation ensures that every American who visits the U.S. Capitol

will see the history of the woman suffrage movement preserved in our Nation's rotunda. I am honored to have taken part in an effort that, after so many years, makes visible the traditions of equality and democracy that make our country great.

USA TAX PLAN AND ITS PROVISIONS PROMOTING INTERNATIONAL COMPETITIVENESS

Mr. NUNN. Mr. President, today I would like to again discuss tax reform and in particular an aspect of the unlimited savings allowance [USA] tax plan which I believe is very important to our Nation's future—the USA tax plan's tax treatment of exports.

Before discussing this specific issue, I would like to refresh the memories of my colleagues about why the replacement of the current Tax Code with a superior alternative is so necessary for the health of the country and our economy. In my judgment, until we make this case to our fellow citizens on the economic merits of fundamental change, structural tax reform will not happen.

Central to this case is the urgent need to raise the level of national savings. It is critical that we recognize the current bias in our Tax Code against the saving and investment that are the key to higher living standards, and take steps to correct that bias.

Higher savings lead to more investment. More investment will, in turn, lead to increased productivity from American workers. The more productivity we have from our workers, the more competitive we are in the international arena. The more competitive we are in the international arena, the better jobs we have. The better jobs we have, the higher income we have as Americans.

Our current saving rate is low by our historical standards and it is the lowest of all major industrialized nations.

In the 1980's, our savings rate dropped to an average of 3.6 percent, half the level of the 1950's, 1960's, and into the early 1970's. In the first 5 years of this decade, 1990 to 1994, the U.S. savings rate has fallen almost 50 percent from the already low levels of the 1980,s, to just 2.1 percent, and reports show that our savings rate is continuing to erode. This is far below the comparable figures of 10 percent in Germany, 18 percent in Japan, and the even higher savers along much of the Pacific rim.

Without adequate savings, our level of investment will continue to be correspondingly low. Low saving, in short, directly imperils our future standard of living.

Behind the saving shortfall lurks a very serious abdication of our economic responsibility to the next generation of Americans. We seem to have forgotten the principle tenet of the American dream—that, like our forefathers did for our generation, we must improve and better prepare our country for the generations that follow.

Every day we are bombarded with messages equating spending with the good life and a strong economy—in short, consumption as personal privilege and patriotic duty. Proponents of thrift have been made to appear self-punishing, antisocial, and scrooge like.

Nothing could be further from the truth. Saving is simply the deferral of some consumption today so that we and our children can consume more in the future. Because our current level of national saving is so low, we cannot be assured of vigorous economic growth in the future. Politically, the failure of Americans to save for their future—one study estimates that the average American has about $7,000 in assets in retirement—means that entitlement programs such as Social Security have become economic life rafts that can not indefinitely support the load they are being asked to carry.

Polls have shown that a majority of today's younger generation believe it is more likely that UFO's exist than believe the Social Security program will exist—in its present form—when they reach retirement age. As our former colleague Russell Long used to point out, leadership if often determining which direction the people are going and running like heck to get in front of them to lead them where they already are going. The American people have a better understanding of the problems we face as a Nation than our political leaders seem to acknowledge and it is incumbent on our Nation's leaders—the President and the Congress—to begin to exercise responsible leadership in developing long-term policies to address these shortcomings.

As most of my colleagues acknowledge, the best thing we can do to improve national saving is to balance the Federal budget. Chronic budget deficits have in recent years siphoned away what meager private and business saving we have managed to amass. It has driven up the costs of acquiring this capital and it requires that we run massive trade deficits to finance our country's need for capital.

But progress against the deficit isn't enough. We have an even more difficult task before us: Helping our fellow citizens to understand that thrift isn't counterproductive to the long-term health of the economy.

This is a matter of leadership. But it is also a matter of policy. And that is where fundamental tax reform comes in.

For it is inescapable that the current Tax Code, because of its bias against saving relative to consumption, subsidizes the present at the expense of the future.

That is the core, intrinsic, systemic problem that requires fundamental correction. It is around this fact—that the government extracts revenues from the economy in a way that hinders the ability of people to provide for their futures and of companies to grow—that a lasting movement for change can be built.

Certainly it was America's saving and investment crisis that motivated Senator DOMENICI and me to develop the USA tax system. Our proposal rests on a few central features designed to end the current code's bias against saving and investment.

First, the USA individual tax treats all income alike regardless of source and it taxes that income once and only once.

Second, the USA individual tax permits every taxpayer an up-front, overt, and unlimited deferral on that part of their annual income they use to add to their total saving.

Third, the USA business tax allows the expensing of all real business investment.

These three points are at the revolutionary heart of the USA tax. They constitute a revolution in the tax base—in what we tax and how we tax. That is where the revolution is needed and where, given public understanding, it can have its most lasting impact.

The USA tax plan has other important features. It is more efficient then the current tax Code. According to the tax Foundation, the USA tax plan would cut by 76 percent the compliance costs now imposed by the individual and corporate income taxes.

In terms of fairness and understandability, the USA tax treats all income alike. It treats all businesses, from corporations to partnerships to farmers to sole proprietors, alike. It retains the progressivity of the current code.

It is designed to be revenue neutral. It is internally inconsistent to try to encourage private saving on the one hand and encourage public dissaving on the other. The USA tax maintains the proportion of the overall tax bill paid by individuals and businesses. There is no intention like the 1986 tax Reform Act to shift the tax burden from individuals to the corporate community.

The USA tax also grants to employees and to employers a dollar for dollar tax credit for the deeply regressive FICA payroll taxes. I have addressed this very important feature of our proposal in separate remarks.

Today, I would like to highlight another key feature of the USA plan, its treatment of imports and exports. With respect to competitiveness, the USA business tax levels the international playing field for American business by implementing a territorial and border adjustable tax. All goods, whether produced here or abroad, sold in the United States will bear the same US tax burden, while U.S. exports will not carry the cost of U.S. taxes when sold abroad.

Mr. President, many times I have heard my colleagues say that we must have a level international playing field on trade issues. I can recount some of the numerous legislative initiatives, including the super section 301 provision, the Market Promotion Program, and the Export Enhancement Program, that have been enacted to provide this level playing field. I have supported

many of these efforts. We recognize that we live and compete in a global economy. This economy is intensely competitive and it is increasingly important to our economy that the United States remain a global economic leader in this area. If anyone questions how important trade is to our economy, consider the following: Exports currently comprise 8 percent of the american gross domestic product [GDP] and 11 million jobs. If you include imports and cross-border investment with exports, trade-related components represent roughly one-third of the American economy. So we can and should continue to encourage U.S. exports.

To do so, we must address the single largest impediment currently shackling U.S. industry in its efforts to compete in the global economy—the current Tax Code.

As Salvatore Barone, the president of Harper Surface Finishing Systems, Inc., of Meriden, CT, and the chair of the International Trade Committee of the Association for Manufacturing Technology, pointed out in his July 18, 1996, testimony before the House Ways and Means Committee:

> . . . the present federal income tax in the Internal Revenue Code of 1986 is almost exactly opposite of what is needed to serve the best interests of the United States. Had one set out by design to create a tax system that works against us (and, therefore, in favor of our foreign competitors), it is hard to imagine a more successful job than the present federal income tax. It discourages saving and productive capital investment in the United States; it favors imports over exports; it makes it hard for U.S. companies to directly compete in foreign markets; and, if they do, it discourages them from bringing the money home for reinvestment in the United States.

I agree wholeheartedly with Mr. Barone. He has hit the nail on the head. At this point, Mr. President, I ask unanimous consent that the entire text of Mr. Barone's testimony be printed in the RECORD. I would recommend to my colleagues this testimony's international competitiveness index which grades various tax proposals in the international trade arena.

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

TESTIMONY OF AMT—THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY

I. INTRODUCTION

I am Salvatore V. Barone, President of Harper Surface Finishing Systems, Inc., Meriden, Connecticut, and I am testifying today on behalf of AMT—The Association For Manufacturing Technology, whose International Trade Committee I am honored to chair. AMT is a trade association whose membership includes over 350 machine tool building firms with locations throughout the United States. America's machine tool industry builds and provides to a wide range of industries the tools of manufacturing technology including cutting, grinding, forming and assembly machines, as well as inspection and measuring machines, and automated manufacturing systems. The majority of the association's members are small businesses.

Today's topic—international competitiveness—embodies the essence of your Committee's continuing series of hearings on fundamental tax restructuring: the need to concentrate on creating a new tax system that will serve the long-term national interest in a global economy.

America urgently needs a tax system rebuilt from the ground up around a new set of design principles to compete and win in world markets. That is fact one. Fact two is also obvious: the present federal income tax in the Internal Revenue Code of 1986 is almost exactly the opposite of what is needed to serve the best interests of the United States. Had one set out by design to create a tax system that works against us (and, therefore, in favor of our foreign competitors), it is hard to imagine a more successful job than the present federal income tax. It discourages saving and productive capital investment in the United States; it favors imports over exports; it makes it hard for U.S. companies to directly compete in foreign markets; and, if they do, it discourages them from bringing the money home for reinvestment in the United States.

At the very time that successful competition in world trade has become increasingly important to national well-being, we are plagued by persistent trade deficits. We have become a debtor nation, dependent on borrowing from abroad. Productivity has lagged; real wage growth has been slow; annual economic growth rates have been less than satisfactory; and federal budget deficits have continued to mount. Given the seemingly intractable nature of these failings, some people have characterized the 1990s and beyond as an ''age of diminished expectations'' for America. From an international perspective, some pessimists may mistakenly view world trade as exporting more U.S. jobs than American-made products.

We at the AMT do not share this pessimistic view about the future. We believe that American industry can compete and win and that successful competition in world trade is the key to the kind of enhanced economic growth on which a more secure and prosperous America depends. We say this from the perspective of the industry which produces the machinery and new manufacturing technologies used by other businesses to produce products sold here and around the world. We are at the heart of the productive process—putting more and better factory-floor technology in the hands of American workers. We are also substantial exporters ourselves. About 35% of the output of our industry is exported. In total, we employ 53,300 people and most of these jobs are good paying manufacturing jobs using the best and newest technologies. My own company is one of the smaller members of the industry, but we employ approximately 50 people and, to date, more than 68,000 of our modern surface finishing systems have been installed worldwide. In recent years, 15 to 20% of our sales have been exports. Thus, we are strong believers in export trade and in the benefits to America that derive from an ever increasing flow of ''American-made'' goods into global markets.

We also believe that American businesses and their employees should be able to compete on a level playing field; most particularly that the tax system of the United States should not be biased against our own best interests in the global marketplace. American-made machine tools comprise only 13% of the world supply. Worse, about 50% of the machine tools used in the United States are of foreign origin. How much greater would our share of domestic and foreign markets be if the American tax system were not biased against us? It is hard to say. The same is true of American industry in general. Taxes are not the only factor as we all attempt to compete at home and abroad against foreign competitors. But we and our employees would like to have the opportunity to compete on a level tax playing field and we believe it is a matter of urgent national policy that we and they be given the chance.

It would be one thing if the anti-investment, anti-export biases in the Internal Revenue Code of 1986 were necessary—if there were no alternative. But that is not the case. There are alternative tax systems which are not only far more congenial to successful international competition but also more fair, efficient and consistent with the best interests of the United States and the American people. We hear much about ''tax fairness'', but there is certainly nothing fair about a tax system, such as the present federal income tax, which impedes economic growth, costs jobs and lower's living standards.

For the most part, the pro-job, pro-growth alternative tax systems are well-known and well-developed in substantial detail. The principal ones are identified in the notice of your Committee's hearings. We applaud the Chairman and the Committee for putting the international focus on the leading alternative tax systems and we welcome the opportunity to comment on them. This Committee, this Congress, and the next, have an historic opportunity to fundamentally restructure the American tax system for the better. Just as it is vital that we not lose that opportunity, it is equally vital that we not lose sight of the world trade aspects amidst the many other concerns that bear upon taking such a monumental step.

Focusing on international trade necessarily puts a heavy emphasis on taxes paid by businesses, but, in doing so, we do not mean to diminish the importance of the way individuals are taxed under any new alternative tax system. Successful international competition depends on a higher level of personal saving and investment in the United States. Therefore, from every perspective, fundamental tax reform must begin with removing the present strong bias against saving. Individuals should either be allowed to deduct the amount they save (and later pay tax when they withdraw their deferred income from the national savings pool) or, if they are allowed no deduction, the earnings on their savings should be excluded from tax. So long as the present bias against personal saving exists, no matter how good the new international tax rules may be, the U.S. economy will not be able to compete at its full potential in the global market. Similarly, to the extent that corporations and other businesses are taxed separately from individuals, businesses should be allowed to expense capital equipment purchases. Fortunately, the present law penalty on personal saving and business capital investment is so indefensible that its elimination is now almost synonymous with fundamental tax restructuring. In one way or another, elimination of the bias against saving and investment is embodied in all the leading alternative tax proposals we have evaluated. In that respect, AMT endorses them all.

Before going on to evaluate and compare the strictly international tax rules of the leading alternatives—most notably as related to exports, imports and taxation of foreign-source income—AMT would like also to share with the Committee a few overall perspectives which we believe are highly relevant to choosing between the various alternatives. First, any new tax system should be considered as a whole—the individual portion and the business portion must be considered together. In short, it must truly be a tax ''system'' that is internally consistent and that actually works. Indiscriminate cherry-picking of particular aspects of different proposals—no matter how appealing

they may seem in isolation—could produce a monstrosity similar to present law. Second, the new tax system for America's future must be enacted as a whole. Not only must it be fair, it must be perceived as fair by the American people.

Further, we believe that the new tax system should truly be an ''American'' tax system. International comparisons are often relevant, particularly when illustrating the relative disadvantages presently imposed by the Internal Revenue Code of 1986, but the basic elements of the new tax system should be chosen on their own merits, without regard to what other countries may or may not do. For example, there is an independent rationale, well-grounded in tax policy and economics, for allowing a deduction for personal saving and business capital investment. Cross-border adjustments for exports and imports in combination with a territorial rule that excludes foreign-source income provide a logical and meritorious framework that stands on its own. The presence or absence of similar rules, in varying degrees, in other countries' tax systems is not the reason for their adoption here. Similarly, the fact that a new American tax system may have some elements in common with a foreign tax system does not mean that we are adopting that foreign tax system per se. Quite to the contrary. For example, appropriate border tax adjustments for exports and imports are not the exclusive province of the European ''VAT''. They can directly or indirectly be incorporated into some tax structures which are more consistent with our American experience.[1]

There is no reason why the United States should be limited by the tax experiences of other countries. There is no reason why we should not have a better tax system than anyone else—one that is fairer, simpler, more efficient and, above all, in the long-term best interests of the United States in a global economy. You on this Committee have an historic opportunity and you should take advantage of it.

II. INTERNATIONAL COMPETITIVENESS INDEX

AMT has evaluated three leading alternative tax systems against a common set of criteria directly and indirectly related to international competitiveness. The criteria include all of those specified by the Chairman of this Committee in a public announcement in 1995, as well as several others. We fully endorse the Chairman's list of criteria for fundamental tax reform and agree with its emphasis on simplification and on international competitiveness. The alternative tax systems we have evaluated are: the business-level USA Tax (the Unlimited Savings Allowance System in S. 722 by Senators Pete V. Domenici and Sam Nunn); the business-level Flat Tax (in general, H.R. 2060 by House Majority Leader Armey); and the general idea of a retail sales tax.

In the cases of the USA Tax and the Flat Tax, the results of AMT's Competitiveness Index evaluations are set forth below in comparison to the present corporate income tax. Because the retail sales tax does not fit readily in this index format without further explanation, the retail sales tax is evaluated separately in connection with a later general discussion of that subject.

INTERNATIONAL COMPETITIVENESS INDEX

	USA tax	Flat tax	Present corporate income tax
Expenses capital equipment cost in U.S.	Yes (+1)	Yes (+1)	No (−1)

[1] See Gary C. Hufbauer, Fundamental Tax Reform and Border Tax Adjustments (Washington, D.C.: Institute For International Economics, 1996).

INTERNATIONAL COMPETITIVENESS INDEX—Continued

	USA tax	Flat tax	Present corporate income tax
Excludes from tax all exports of American-made products.	Yes (+1)	No (−1)	No (−1)
Taxes imports of foreign-made products.	Yes (+1)	No (−1)	No (−1)
Is territorial (i.e., applies only in U.S.).	Yes (+1)	Yes (+1)	No (−1)
Foreign royalty income is excluded export receipt.	Yes (+1)	No (−1)	No (−1)
Is neutral as between labor and capital.	Yes (+1)	No (−1)[2]	No (−1)
Allows credit for employer-paid payroll tax.	Yes (+1)	No (−1)	No (−1)
Solves transfer-pricing problem	Yes (+1)	No (−1)	No (−1)
Is revenue-neutral (No overall increase/decrease in business taxes).	Yes (+1)	No (−1)	Yes (+1)
Is simple and efficient	Yes (+1)	Yes (+1)	No (−1)
Net score (Max. 10)	+10	−4	−8

[2] At the business level, it is not neutral, but tends to be neutral when combined with the individual tax, except for the absence of a payroll tax credit. In this latter respect, returns to labor are taxed more heavily than returns to capital.

A. Discussion of Competitiveness Criteria in the Context of the USA Tax

Because it satisfies all the criteria within a simple and understandable framework, the USA business-level tax provides an excellent illustration of how a low-rate business tax which allows expensing of capital equipment in the U.S. can be combined with border-tax adjustments and ''territoriality'' to produce an essentially ideal result: a neutral, even-handed tax that treats all businesses alike (whether corporate or noncorporate, capital intensive or labor intensive, financed by equity or by debt, large or small) and which is neither tilted for or against us when we compete in foreign markets nor for or against foreign companies when they compete in our markets.

The USA business tax is ultimate simplicity. To calculate its fax for the year, a business (l) adds up the amount of its revenues for the year from sales of products and services in the United States, (2) subtracts the amount of its deductible input costs for the year, (3) multiplies the resulting ''gross profit'' by the 11% tax rate, and (4) takes a credit for the 7.65% employer-paid FICA tax imposed by present law on its payroll. The payroll tax credit is a unique feature of the USA Tax and is in lieu of any deduction for wages paid to employees. Like the Treasury's Comprehensive Business Income Tax proposal in 1992, and like other proposals designed to eliminate the bias against equity financing, no deduction is allowed for interest.

From a world trade perspective, the highly salutary and complementary relationships between border tax adjustments and territoriality can best be illustrated by applying the USA Tax in a series of fairly typical situations.

(1) TexCorp wishes to compete in the widget market in foreign Country A either by manufacturing widgets in Country A for sale in Country A or by manufacturing widgets in the U.S. and exporting them to Country A. Because the USA Tax is ''territorial'', it does not apply to TexCorp's direct manufacturing and sales operations outside the U.S. Therefore, like the local widget manufacturers in Country A, TexCorp only pays the Country A tax and can compete with these foreign companies on a level tax playing field. Similarly, because exports are excluded from U.S. tax, TexCorp would only pay the Country A tax if it manufactured widgets in the U.S. and exported them into the Country A market. The U.S. tax effect is the same in both cases. What actually happens, as is fairly typical, is that TexCorp starts off by manufacturing directly in Country A in order to penetrate the market and then follows up with exports of American-made components and related product lines. In other cases, also not unusual, TexCorp might start off-with exports to Country A and then follow up with some additional direct investments and operations in Country A in order to expand its export sales of American-made products in Country A. Thus, there is a complementary relationship between the export rule and the territorial rule. (If the tax were territorial, but exports were not excluded from tax, TexCorp would be tax-advantaged by manufacturing abroad to sell abroad.) It is also important to note that because the tax is territorial, TexCorp can bring home its profits from Country A and reinvest them in the U.S. tax-free; the same as it can reinvest its export profits in the U.S. tax-free.

(2) TexCorp also has a new technology related to widgets which, after developing a foreign market for widgets, it wishes to license to others for use in Countries B and C. In other words, TexCorp wants to export the fruits of some American ingenuity which is also a valuable product. Because of the export rule, the foreign royalty income under the license agreement is correctly excluded from tax.

(3) NewCorp wishes to sell widgets in the U.S. market. It can either manufacture the widgets abroad in Country X and ship them back into the U.S. or it can build a new plant in New England near its headquarters and manufacture the widgets there. Because of the 11% import tax under the USA Tax, there is no tax advantage for NewCorp if it manufactures abroad instead of in New England. If NewCorp manufactures a $100 widget abroad and sells it back into the U.S., an $11 import tax is paid. This is the same rate of tax NewCorp would pay if it manufactured the widget in New England. (Under a territorial rule without a complementary import tax, there might be ''runaway'' plants, but with the import tax there will be none. Thus, the synergistic combination of territoriality, an export exclusion, and an import tax provides the U.S. with all the advantages of territoriality without the disadvantages.)

(4) ForCorp, a foreign corporation headquartered in Country Y, wishes to sell widgets in the U.S. market. It could remain offshore, manufacture the widgets in Country Y and distribute them in the U.S. through a sales subsidiary or it could build a plant in Kentucky and both manufacture and sell in the U.S. Because of the 11% import tax, there is no tax advantage to ForCorp in remaining offshore.

(5) In a variation of Situation (4), ForCorp wishes to sell widgets all around the world; not just in the U.S. market. Because the USA Tax rate is only 11% and because U.S. production costs such as capital investment in the U.S. for new plants are deductible, and because of the export exclusion, the U.S. would be a very attractive place for ForCorp to locate its plant.

Not only does the combination of territoriality, an export exclusion, and an import tax produce consistent procedural or mechanical results in the tax calculation, the combination also produces important results as a matter of economic substance: income and job creation.

A good example is the combination of territoriality and the export exclusion. A recent study by Edward Graham at the Institute for International Economics will soon be published by the Oxford University Press.[3] It shows an extraordinarily high degree of

[3] Edward M. Graham, On the Relationships Among Direct Investment and International Trade in the Manufacturing Sector: Empirical Results for the United States and Japan. Institute for International Economics, 1996. To appear in Dennis Encarnation, editor, Does Ownership Matter: Japanese Multinationals in East Asia (London: Oxford University Press, forthcoming).

statistical correlation between the amount of direct investment by U.S. companies in a foreign country (as in Situation (1) above) and the amount of U.S. exports to that foreign country. In other words, the more U.S. companies penetrate foreign markets and gain market share by direct ''on-the-ground'' operations in a foreign country, the greater the amount of exports of American-made products to that country. Thus, U.S. foreign direct investment abroad is good for U.S. exports and good for U.S. jobs. The combination of territoriality, an export exclusion, and an import tax facilitiates this synergistic result.

B. The Flat Tax and the Competitiveness Index

The business portion of the classic Flat Tax (H.R. 2060) does allow expensing and is territorial, and both of these characteristics are positives. But, overall, the Flat Tax does not score well under AMT's International Competitiveness Index. There are may reasons for this deficiency, as indicated in the brief presentation of the Index itself, but the most significant reasons appear to be the absence of an import tax and the absence of an export exclusion.

Without belaboring the point, a few examples may suffice. In prior Situation (1) where TexCorp had the choice to manufacture in the U.S. for export abroad or to manufacture abroad for sale abroad, under the Flat Tax it would be to TexCorp's advantage to manufacture abroad insofar as U.S. taxes are concerned. This is because the Flat Tax taxes U.S. exports. Similarly, in prior Situation (2), because the Flat Tax taxes U.S. exports, foreign royalties from licensing U.S. know-how and technology would be taxed. TexCorp might be better advised to develop the technology abroad instead of developing it here and licensing the use abroad. In Situations (3), (4) and (5), because the Flat Tax does not tax foreign imports, it would have been to the advantage of NewCorp or ForCorp to manufacture abroad for sale into the U.S.

C. General Discussion of Sales Tax Option

Setting aside all other considerations and assuming that a retail sales tax replaced the federal income tax, the resulting tax system would score very high on AMT's International Competitiveness Index—in the area of 90 to 100%.

A retail sales tax is implicitly border adjustable for imports and exports and is implicitly territorial. These implicit or indirect characteristics arise because a tax is paid only to the extent that a retail sale occurs in the United States.

Even if, as some economic analysis suggests, the economic burden, of the retail sales tax is in significant part borne by businesses (and, ultimately, their owners and employees), there is an implicit export exclusion because no tax is ever paid with respect to a sale to a non-U.S. purchaser and no tax ever enters the system potentially to be passed back to the seller. Similarly, if a U.S. company is operating and selling abroad, there is never any U.S. retail sale and no U.S. tax ever enters the chain of price-tax-volume relationships between seller and purchaser. Thus, a retail sales tax is implicitly territorial.

On the import side, if either a U.S. company or a foreign company manufactures a product abroad which directly or indirectly finally shows up as a retail sale in the U.S., a tax liability arises. Thus, in this indirect sense, there is an implicit import tax, i.e., the retail sales tax is the same whether the product sold in the U.S. is of domestic or foreign origin.

III. CONCLUSION AND RECOMMENDATIONS

AMT believes that any new tax system for America's future should be terroritial, should include complementary export and import adjustments, and should relieve the bias against personal saving and business capital investment. The new tax system should also be simple.

Based on our analysis using the International Competitiveness Index, it appears that there are two fundamentally different ways of doing this. One is the USA Tax (which resembles a very simplified version of a corporate income tax with expensing and appropriate international adjustments engrafted on to it). The other is the general idea of replacing the entire federal income tax with a retail sales tax.

While the USA Tax and the retail sales tax are far apart and greatly different in many other respects, either one would have a beneficial impact on international competitiveness.

Mr. NUNN. Mr. President, Senator DOMENICI and I believe we have a solution to the export problems created by our current Tax Code. The solution is the U.S.A. tax plan. We believe our proposal will make America much more competitive.

The first thing the U.S.A. tax plan does to level the playing field is to make America's business tax—which replaces the corporate income tax—border-adjustable. We exclude from our domestic tax base any items made by American manufacturers for export, just as our major competitors do by rebating their value-added taxes when their goods are exported for sale here.

Conversely, when a company, foreign or U.S. owned, manufactures abroad and sells in the U.S. market, the company is, through the operation of a new import tax, taxed essentially the same as if the factory were located in the United States. Again, we are trying to give imports and exports the same treatment our competitors do, rather than perpetuate the present system which favors companies that are located abroad selling to this country. Imports would be subject to an import tax that would equal the overall business tax levied in this country.

The border adjustability feature of the U.S.A. plan is intended to favor and encourage production and employment here in the United States and to make American goods, services and know-how more competitive in foreign markets. Our current Tax Code does exactly the opposite.

For example, in Georgia, Ford Motor Co. operates a very large manufacturing facility which produces thousands of Ford Tauruses and Mercury Sables every year. These vehicles are mid-sized, moderately priced automobiles. Many of these vehicles are exported. When a $20,000 Taurus is exported to Great Britain, it carries with it the burden of today's U.S. Tax Code—a 34-percent rate on corporate profits, the alternative minimum tax, and numerous other business levies. In addition when this Taurus is sold in Great Britain, a 17 percent Value Added Tax [VAT] is also imposed on it. This adds $3,400 to the price of the car. In essence, doubling the tax burden on this single car.

Under this same scenario with the U.S.A. tax plan, when this Taurus is exported, no U.S. business income tax would be imposed. The car would still be subject to a VAT when it reaches Great Britain, but it would not be burdened with the cost of the U.S. Tax Code.

Conversely, under today's Tax Code, when Rover—a British automobile manufacturer—exports a vehicle to the United States, the VAT it carries in Great Britain is rebated to Rover before it leaves British soil. When this Rover vehicle is sold in the United States, it carries no U.S. corporate income tax burden nor does it carry a VAT. With the U.S.A. tax system, an U.S. import tax would be levied on the Rover vehicle. This levy would be the equivalent of the U.S. corporate tax carried on the Taurus built and sold in the United States. In other words the playing field would be level on goods manufactured abroad and sold in the U.S. market compared to goods both manufactured and sold in the United States.

The second, related feature of our business tax on imports and exports is that the U.S.A. tax is territorial. If a company located a plant in a foreign country in order to sell in that country's local markets, then under the U.S.A. tax plan we do not allow a deduction for those foreign costs, but neither do we include the proceeds of these foreign sales as part of our domestic tax base. Overseas sales would not be part of that company's U.S. corporate income tax calculations.

This is what we mean by saying the U.S.A. tax is territorial. Businesses would not have to include overseas sales in their profits when computing their business taxes, nor would they deduct costs they incur purchasing goods and services overseas. I might add that this will have another huge benefit—it will greatly simplify the computation of U.S. tax liabilities for our international corporations.

When I have highlighted this aspect of the U.S.A. tax plan to groups here in Washington and throughout the country, one of the first questions asked about this element of the U.S.A. tax plan is—is it GATT complaint? According to the many tax and trade experts, including officials at the Department of the Treasury, we have consulted, the weight of the legal argument is with the U.S.A. tax plan.

Should the U.S.A. plan be enacted, we can expect a GATT challenge. In fact, a number of our allies' Ambassadors have raised this question with me. When I explain the essence of the U.S.A. tax plan to them and point out that their country's value added taxes [VAT's] do the same thing to U.S. products exported to their nations as the U.S.A. tax proposes to do to their exports, the answer I usually receive is a blank stare. It seems to me that what is good for the goose is good for the gander.

Another question I receive is the question about the U.S.A. tax plan's omission of the deductibility of wages at the business level. Wages under the

U.S.A. tax plan would not be deductible. The principle reasons why this deductibility is denied are twofold: first under GATT rules, our Nation can not provide wage deductions while also providing, in essence, an excise tax on imports and second to provide wage deductibility and still maintain revenue neutrality the business rates would have to be raised significantly from the 11 percent flat rate we propose.

While this conclusion seems necessary, the wage nondeductibility issue is going to have to be thought through very carefully. Attaining a level playing field in international trade is a very important goal and to achieve it would be a sea change in U.S. tax policy. The same would be true to deny wage deductions to businesses. However, on this latter point, businesses need to keep in mind that the business rates proposed in the U.S.A. tax plan are much, much lower than today's business tax rates. In fact, they would be less than one-third of today's rates, yet these rates raise the same amount of revenue for the Federal Government as is raised today. It is also important to keep in mind that under our proposal, businesses would receive a credit for the employer share of Social Security taxes paid. So the effective business tax rate on wages paid up to the $62,000 Social Security tax wage limit would be 11 percent less 7.65 percent paid in FICA taxes, or just 3.35 percent.

Mr. President, in conclusion, the U.S.A. tax plan would promote U.S. competitiveness and level the international playing field for American business by implementing a territorial and border adjustable business tax. All goods, whether produced here or abroad, sold in the United States will bear the same U.S. tax burden. And U.S. exports, which are generally subject to a value-added tax when they are sold in foreign markets, would no longer be subject to a U.S. corporate income tax on top of that. It's time we had a Tax Code that works for us, not against us, and the U.S.A. plan, for this and many other reasons, provides the answers.

CRS REPORT ON ENVIRONMENTAL TOBACCO SMOKE

Mr. FORD. Mr. President, on November 14, 1995, the Congressional Research Services issued a report authored by C. Stephen Redhead and Richard E. Rowberg entitled Environmental Tobacco Smoke and Lung Cancer Risk. This report was prepared in response to multiple requests from congressional offices and presents an analysis of the potential health effects of environmental tobacco smoke [ETS].

Consistent with statutory requirements for CRS work, this report was prepared in a nonpartisan, unbiased manner and is an excellent example of the professional and academic quality of CRS work. The report calls into question some of the findings of the Environmental Protection Agency with regard to ETS. Not surprisingly, some of the conclusions contained in the report have proven controversial.

Subsequent to the release of the report, one of the authors of the report made statements to the press regarding the conclusions of the report. Reports of the author's statements have appeared in several newspapers. It appears that his statements have been either misconstrued or taken out of context in an apparent attempt to discredit the results of the report.

In a letter to me, dated March 19, 1996, Daniel P. Mulhollan, Director, CRS, clarified that, based on conversations with the author, news reports were either misleading or inaccurate. Further, Mr. Mulhollan stated that CRS continues to stand by the findings of the report.

I ask unanimous consent that a copy of this letter from Dan Mulhollan, dated March 19, 1996, be inserted in the RECORD at this point.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 19, 1996.

Hon. WENDELL H. FORD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FORD: This is in response to the questions you raised yesterday concerning an article that appeared last month in the Kitchener-Waterloo record about the CRS report, Environmental Tobacco Smoke and Lung Cancer Risk. Based on my conversations with the analysts involved, the article was misleading and inaccurate. I can assure you that we continue to stand by the findings of the report.

I am advised that the article contains three specific statements about the content of the report which were attributed to one of its authors. First, it states that the report ''does not dispute the claim that second-hand smoke is a known, class A (human) carcinogen.'' In fact the report takes no position regarding the Environmental Protection Agency's classification of ETS as a class A carcinogen. The relevant sections in the report appear on page 1 (paragraph 3) and the last two paragraphs on page 16.

The article also states that the ''number of [ETS] deaths....likely ranges anywhere from several hundred to several thousand a year in the United States.'' The report cited several possible values ranging from zero to as high as 5,500 depending on the level of risk selected from those appearing in the published literature (see page 2, paragraph 2).

Finally, the article states that the CRS report attempted to ''point out the uncertainties of determining what level of exposure to ETS is likely to cause cancer.'' This statement is misleading and incorrect. The report presents an analysis of the uncertainties in performing a quantitative risk assessment of the ETS-lung cancer risk using epidemiologic data.

Notwithstanding any comments that have appeared in this or any other press articles or other published comments about the CRS report, we have not changed our position on any of its findings. We also believe that these findings are clearly expressed in the report.

I am also enclosing a copy of a March 18 letter from the Acting Chief of the Science Policy Research Division that was E-mailed to Ms. Martha Perske. The letter states that we have not changed our position on any of the findings of the report on ETS.

Sincerely,

DANIEL P. MULHOLLAN,
Director.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FRAHM). Without objection, it is so ordered.

RELATIVE TO CAMBODIA HUMAN RIGHTS RECORD

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 629, Senate Resolution 285.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 285) expressing the sense of the Senate that the Secretary of State should make improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct among the primary objectives in our bilateral relations with Cambodia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with amendments:

(The part of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.)

[ers, and helped finance both the Royal Cambodian Armed Forces and the Khmer Rouge in their civil war; and

[Whereas the desire to cite Cambodia United Nations peacekeeping success story has stifled official international expressions of concern about deteriorating conditions in Cambodia: Now, therefore, be it**]**

Whereas the Paris Peace Accords of 1991 and the successful national elections of 1993 brought two decades of civil war nearer to cessation, demonstrated the commitment of the Cambodian people to democracy and stability, and led to the creation of a national constitution guaranteeing fundamental human rights;

Whereas since 1991 the international community has contributed almost $2 billion to peacekeeping and national reconstruction in Cambodia and currently provides over 40 percent of the budget of the Royal Government of Cambodia (RGC);

Whereas recent events in Cambodia—including the arrest and exile of former Foreign Minister Prince Sirivudh, the expulsion of former Finance Minister Sam Rainsy from the FUNCINPEC Party and the National Assembly, a grenade attack against members of the independent Buddhist Liberal Democratic Party of Cambodia, mob attacks against pro-opposition newspapers, the assassination of journalist and Khmer National Party member Thun Bunly,

and harassment of other journalists—suggest that Cambodia is sliding back into a pattern of violence and repression;

Whereas the RGC has failed to investigate fully incidents of political violence and prosecute the perpetrators;

Whereas, the RGC, without appropriate prior consultation with the Cambodian Parliament and despite protestations from Cambodians residing both inside the country and overseas, has obtained from King Sihanouk an amnesty for Ieng Sary, the former deputy Prime Minister of the Khmer Rouge and brother-in-law of Khmer Rouge leader Pol Pot during the period when the Khmer Rouge murdered as many as two million innocent Cambodians;

Whereas that amnesty may allow Ieng Sary to fully reintegrate into Cambodian society and from a political party that may participate in upcoming elections;

Whereas, Ieng Sary has disavowed any responsibility for the genocide perpetrated by the Khmer Rouge against the Cambodian people;

Whereas, the Cambodian Genocide Justice Act states that it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, and in circumstances which the President deems appropriate, to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia and to provide such national or international tribunal with relevant information;

Whereas, rampant corruption in the RGC has emerged as a major cause of public dissatisfaction, which—when expressed by politicians and the press—has resulted in government crackdowns;

Whereas, Cambodia has been added to the Department of State's list of major narcotics trafficking countries, though Cambodia has been certified by the President as cooperating fully with the United States or taking adequate steps on its own to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

Whereas, the RGC—in contravention to the Cambodian Constitution—has sanctioned massive deforestation and timber exploitation which has devastated the environment, endangered the livelihoods of many of the country's farmers; and

Whereas, illegal logging has helped finance both the Royal Cambodian Armed Forces and the Khmer Rouge in their civil war: Now, therefore, be it

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

[(1) among the primary objectives in U.S. policy toward Cambodia should be improvements in Cambodia's human rights conditions, environmental and narcotics trafficking record, and the RGC's conduct;

[(2) the Secretary of State should closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 and should attempt to secure the agreement of the RGC to full and unhindered participation of international observers for those elections to ensure that those elections are held in a free and fair manner complying with international standards;

[(3) the Secretary of State should support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia; and

[(4) the Secretary of State should encourage Cambodia's other donors and trading partners to raise concerns with the RGC over Cambodia's human rights, environmental, narcotics trafficking, and governmental conduct.]

That it is the sense of the Senate that:

(1) among the primary objectives in U.S. policy toward Cambodia should be enforcement of the Cambodian Genocide Justice Act, improvements in Cambodia's human rights conditions, environmental and narcotics trafficking record, and the RGC's conduct;

(2) in compliance with the Cambodian Genocide Justice Act, the United States should support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, and that the President deem it appropriate to encourage the establishment of a national or international criminal tribunal for the prosecution of Ieng Sary and to provide that tribunal with any information available on Ieng Sary's alleged involvement in the Cambodian genocide;

(3) the Secretary of State should closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 to ensure that those elections are held in a free and fair manner in compliance with international standards, and toward that end should attempt to secure the agreement of the RGC to full and unhindered participation of international observers for those elections;

(4) the Secretary of State should support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia; and

(5) the Secretary of State should encourage Cambodia's other donors and trading partners to raise concerns with the RGC over Cambodia's record on human rights, the environment, narcotics trafficking and governmental conduct.

Mrs. FEINSTEIN. Madam President, I am pleased that the Senate is acting today on Senate Resolution 285 with respect to Cambodia. I want to briefly outline why the distinguished chairman of the Senate Finance Committee, Senator ROTH, and I offered this resolution with respect to Cambodia, and why we feel it is important.

On September 12, the House of Representatives passed H.R. 1642, as amended by the Senate, extending most-favored-nation trading status to Cambodia. The legislation now awaits the President's signature, which is expected.

That is as it should be. Cambodia has made tremendous strides since the signing of the Paris Peace Accords in 1991. The granting of MFN status is an important way of recognizing that Cambodia is emerging from the violence and repression that plagued its past. The United States can help Cambodia continue in its path of normalization and development by engaging it in a free and open trade relationship.

But the extension of MFN status to Cambodia should not be misconstrued as a signal that we no longer have concerns about the conduct of the Royal Government of Cambodia [RGC]. Indeed, while the U.N.-sponsored elections of 1993 blew the air of freedom and democracy through Cambodia, recent events suggest that the RGC may be sliding backward in its safeguarding of these principles.

Among the most concerning developments is the deterioration of the political rights and freedoms of opposition leaders and the press. In recent months:

Former Foreign Minister Prince Sirivudh was arrested and exiled on trumped up charges of plotting to assassinate Second Prime Minister Hun Sen;

Former Finance Minister Sam Rainsy—a persistent critic of government corruption, was expelled from the National Assembly and the FUNCINPEC Party;

A gathering of leaders of the Buddhist Liberal Democratic Party was attacked with a grenade;

Journalist and Khmer party member Thun Bunly was assassinated; and

Other journalists have been harassed and intimidated for criticizing government corruption and abuse, and few of these crimes have been properly investigated.

These incidents, and many others like them, suggest that Cambodia is in danger of slipping back into its old habits of repression. In addition, corruption is widespread in Phnom Penh, with many government officials directing money into their own pockets. Furthermore, Cambodia has emerged as a major center of heroin trafficking, and there is evidence that some government officials—including members of police and military units, have profited from this trade as well. The RGC, which has been certified as cooperating in our antinarcotics efforts, needs to do even more.

Finally, despite the Cambodian Constitution's requirement that the RGC safeguard the environment, the RGC has allowed massive deforestation to take place in many areas of the country. This environmental degradation, a serious concern in its own right, is compounded by three factors:

Unrestricted clear-cutting is threatening the agricultural livelihoods of numerous Cambodians, to the point where some communities have been destroyed by drought and floods, and famine is a serious concern;

Concessions granted to timber companies are often a means of lining the pockets of national and local officials, adding to the corruption problem; and,

Concessions granted to timber companies for logging in western Cambodia, where the Khmer Rouge still dominates, have enabled the Khmer Rouge to generate millions of dollars of income by charging the loggers passage fees.

The specter of the Khmer Rouge still haunts Cambodia. That is why it was particularly disturbing in recent weeks to see that the RGC obtained from King Sihanouk an amnesty for Ieng Sary, the former Deputy Prime Minister of the Khmer Rouge and Pol Pot's brother-in-law.

It should be of great concern to Members of the Senate that a former Khmer Rouge leader, who participated in the genocide of some 2 million Cambodians—rather than being charged as a war criminal, as he should be, and as Congress has endorsed in the Cambodian Genocide Justice Act—is being allowed to participate fully in Cambodia's political life.

That is the spirit in which this resolution is offered, Mr. President. The United States has provided much assistance to Cambodia to aid in its recovery from civil war. We are now extending MFN status to them, another step forward in our relations.

But we should not allow that progress to obscure our understanding of the serious and troubling trends beginning to emerge in Cambodia. I hope this resolution will help the administration send the appropriate message of concern over these trends.

Mr. ROTH. Madam President, I rise today to express my thanks to my colleagues for their unanimous support in passing this resolution expressing the Senate's concerns about a series of disturbing developments in Cambodia.

Recently, Congress sent to the President H.R. 1642, a bill to extend permanent most-favored-nation tariff treatment to Cambodia. Congress made it clear in that legislation that it was doing so, in part, because it believes normal trade relations with Cambodia could serve to improve the conditions in Cambodia.

The resolution we have passed today is meant to send a parallel message—that the United States Senate remains deeply concerned about problems in Cambodia, and will continue to follow events in that country closely.

Since 1991, the international community has contributed almost $2 billion to peacekeeping and national reconstruction to Cambodia. Multilateral aid also provides over 40 percent of the Royal Government of Cambodia's annual budget.

While the U.N.-sponsored election of 1993 brought a brief period of freedom and democratic improvement to Cambodia, recent developments on a variety of fronts suggest that Cambodia's future remains precarious at best.

Most recently, the Royal Government of Cambodia, without appropriate prior consultation with the Cambodian Parliament and despite protestations from Cambodians residing both inside the country and overseas, obtained from King Sihanouk an amnesty for Ieng Sary. This man, brother-law to Khmer Rouge leader Pol Pot, served as Deputy Prime Minister of the Khmer Rouge during the period when that loathsome group murdered as many as two million innocent Cambodians. Despite his position during that period, Ieng Sary has—incredibly—disavowed any responsibility whatsoever for the genocide perpetrated by the Khmer Rouge.

Just as appallingly, the amnesty granted Ieng Sary may allow him to fully reintegrate into Cambodian society. In fact, he appears likely to form a political party that he will lead into the local and national elections slated for 1997 and 1998.

Among other things, this resolution states that in compliance with the Cambodian Genocide Justice Act, the United States should support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity, that the President deem it appropriate to encourage the establishment of a national or international criminal tribunal for the prosecution of Ieng Sary and to provide that tribunal with any information available pertaining to Ieng Sary's alleged involvement in the Cambodian genocide.

The resolution also notes that Prince Norodom Sirivudh, former Deputy Prime Minister and Foreign Affairs Minister was arrested by the current government under trumped up charges of fomenting a plot to assassinate the Second Prime Minister, Hun Sen. After a summary trial without proper defense, Prince Sirivudh was found guilty by Hun Sen-appointed judges and was sent into exile in France.

Another prominent opposition leader, former Finance Minister Sam Rainsy was expelled from the coalition Funcinpec Party and the National Assembly for having criticized the RGC for its lack of transparency in its business deals with foreign firms. Since his expulsion, several members of his party have been murdered.

A number of members of another opposition party, the Buddhist Liberal Democratic Party of Cambodia, headed by former Prime Minister Sonn San, died as a result of a grenade attack during that party's national convention.

In addition, several editors and reporters from opposition newspapers have been assassinated. Currently, not one of these assassination cases has been solved.

Corruption in Phnom Penh is rampant and Cambodia has emerged as a major heroin trafficking center in Asia. Finally, in contravention to the Cambodian Constitution, the RGC has permitted deforestation and timber exploitation on such a massive scale that the agricultural livelihoods of enormous numbers of Cambodians are now threatened.

Madam President, all of us in this Chamber want Cambodia to become as swiftly as possible a peaceful, stable, prosperous, free and democratic member of the community of nations. The horrors the people of Cambodia have endured are beyond comprehension. Their resilience in the face of genocide, however, is a tribute to the true character of the Cambodian people. Mr. President, in adopting this resolution, we send an unmistakable message of support to the Cambodian people as they do the hard work of support to the Cambodia people as they do the hard work of restoring and renewing their country.

Mr. NICKLES. Madam President, I ask unanimous consent that the committee amendment be agreed to, and the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the amendment to the title be agreed to, and the motions to reconsider the previous actions be laid upon the table, en bloc, and that any statements relating to the resolution appear at this point in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Res. 285) was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, was agreed to, as follows:

[The resolution was not available for printing. It will appear in a future issue of the RECORD.]

The title was amended so as to read:

A resolution expressing the sense of the Senate that enforcement of the Cambodian Genocide Justice Act, improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the Royal Government of Cambodia's conduct should be among the primary objectives of the United States in its relations with Cambodia.

WAIVING TEMPORARILY THE MEDICAID ENROLLMENT COMPOSITION RULE

Mr. NICKLES. Madam President, I ask unanimous consent that the Finance Committee be discharged of H.R. 3871, and further, the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3871) to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. NICKLES. Madam President, I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 3871) was deemed read the third time, and passed.

JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3973, which is currently at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3973) to provide for a study of the recommendations of the Joint Federal-State Commission Policies and Programs Affecting Alaska Natives.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. MCCAIN. Madam President, I rise today to express my support for H.R. 3973, a bill to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives. H.R. 3973 authorizes $350,000 in funding to the Alaska Federation of Natives to study how to implement the findings of the Alaska Native Commission, which was established under Public Law 101–379.

In 1990, the Commission, which was funded jointly by Federal and State appropriations, made a comprehensive study of the social and economic conditions of Alaska Natives and the effectiveness of programs and policies of the United States and the State of Alaska which provide services to the Alaska Native communities.

In May 1994, the Commission issued a three-volume report containing many policy recommendations regarding Alaska Native Physical Health; Social/Cultural Issues and the Alcohol Crisis; Economic Issues and Rural Development; Alaska Native Education; and Self-Governance and Self-Determination. By enacting H.R. 3973, Congress will provide Alaska Natives with a process to determine the most appropriate means to implement the findings of the Commission. I would like to commend the hard work of my colleagues from Alaska, Senator MURKOWSKI and Senator STEVENS, on this important legislation.

This bill is noncontroversial and is widely supported by both the Alaska Native communities and the Administration for Native Americans within the U.S. Department of Health and Human Services. I urge my colleagues to support passage of H.R. 3973.

Mr. MURKOWSKI. Madam President, I rise today to express my strong support for passage of the Alaska Native Commission study bill. This legislation is the product of years of study and candid self-appraisal by Alaska Natives about their standard of living conditions and the need to address these problems. While this self-appraisal has been exhaustive, it has not been pessimistic. On the contrary, the study is evidence of an exciting time for Alaska Natives, for they are taking the initiative to work to improve their standard and way of life. Their efforts will lead to a strengthening of their livelihoods and their pride in being both Alaska Natives and American citizens. I am proud that this bill will be part of that process.

In 1989, Congressman Young and I introduced a bill that became Public Law 101–379. Public Law 101–379 established the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, better known as the Alaska Natives Commission. Among its many recommendations, the Commission called for Federal funding to examine how best to implement the recommendations of the Commission. The purpose of this bill is to establish the funding, in the amount of $350,000, for such a study.

From the beginning, the efforts of the commission have involved cooperation from both the Federal and Alaska State governments, and I am pleased to announce that this process will continue. The Commission was jointly funded by the Alaska State and Federal governments. Half of the 14 Commission members were appointed by the President, and half by the Governor. The Alaska congressional delegation and the Alaska Federation of Natives have already worked with State government representatives throughout this past summer to discuss ways to implement some of the findings of the Commission. I call on the State to stay active in the implementation process, and to assist the effectiveness of the study by appropriating additional funds to operate the study. I am confident that through the active participation of all interested parties, the study will lead to realistic and effective recommendations for implementation of the Commission's recommendations.

I thank my colleagues Congressman YOUNG for getting this bill passed by the House of Representatives, Indian Affairs Committee Chairman, Senator MCCAIN for moving the bill through the Senate expeditiously, and Senator STEVENS for securing the appropriations to fund this bill.

Mr. NICKLES. Madam President, I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The bill (H.R. 3973) was deemed read the third time, and passed.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. NICKLES. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and that the Senate turn to the immediate consideration of Senate resolution 300.

The PRESIDING OFFICER. Without objection, it is ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 300) designating the week of November 3, 1996, as ''National Shaken Baby Syndrome Awareness Week.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 300) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 300

Whereas Shaken Baby Syndrome describes the consequences that occur when a young child is violently shaken;

Whereas Shaken Baby Syndrome is so lethal that 20 to 25 percent of its victims die, and most survivors suffer brain damage;

Whereas Shaken Baby Syndrome accounts for 10 to 12 percent of all child abuse and neglect cases in the United States;

Whereas 25 to 50 percent of teenagers and adults do not know that shaking a baby is dangerous;

Whereas education is the key to preventing this tragedy; and

Whereas the United States Senate has a continuing commitment to the health and safety of this Nation's children: Now, therefore, be it

Resolved, That the Senate designates the week of November 3, 1996, as ''National Shaken Baby Syndrome Awareness Week''. The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMERICAN FREE ENTERPRISE DAY

Mr. NICKLES. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 291, and that the Senate proceed to its consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 291) designating November 18, 1996, as ''American Free Enterprise Day.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 291) was agreed to, as follows:

S. Res. 291

Whereas American prosperity is founded on the free enterprise system of individual opportunity and economic freedom;

Whereas the roots of American free enterprise can be found in the experiences of the people of Jamestown and Plymouth, the earliest American colonies;

Whereas the basis of free enterprise is the right to ownership of private property, which ensures to individuals the fruits of their own labor and encourages the virtues of self-reliance, thrift, and industriousness;

Whereas the settlers at Jamestown and Plymouth were initially deprived of the fruits of their own labor and therefore lacked the incentive for private initiatives and hard work;

Whereas William Bradford, Governor of the Plymouth Plantation, wrote that in response to the misery and want experienced by the people of Plymouth he decided ''that they should set corn every man for his own particular; and that regard trust to themselves . . . . This had very good success, for it made all hands very industrious, so as much more corn was planted than otherwise would have been by any means the Governor or any other could use.'';

Whereas on November 18, 1618, ''The Great Charter'' endowed the colonists of Virginia with the right to profit from property under their individual control for the first time; and

Whereas the result of the Great Charter was a blossoming of individual initiative and self-sufficiency that laid the foundations for the American tradition of economic freedom, prosperity, and self-government; Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of our first colonies who began the American tradition of hard work and individual initiative;

(2) honors all those who have defended the right of individuals to own property, pursue their own initiative, and to reap the fruits of their own labor; and

(3) designates November 18, 1996, as ''American Free Enterprise Day''.

The President is authorized and requested to issue a proclamation calling upon the people of the United States and Federal, State, and local administrators to observe the day with appropriate programs, ceremonies, and activities.

IMPLEMENTING PROVISION OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 304, submitted earlier today by Senator LOTT.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 304) approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to employing offices of the Senate and employees of the Senate, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 304) was agreed to, as follows:

S. RES. 304

Resolved,

SECTION 1. APPROVAL OF REGULATIONS.

(a) IN GENERAL.—The regulations described in subsection (b) are hereby approved, insofar as such regulations apply to employing offices of the Senate and employees of the Senate under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and to the extent such regulations are consistent with the provisions of such Act.

Mr. GRASSLEY. Mr. President, I would like to compliment the Senate and the leadership for acting on these resolutions today approving certain Congressional Accountability Act regulations. The first bill passed in this Congress was the Congressional Accountability Act. With great fanfare we stood together in this Chamber and announced to other Americans that we, as Senators, are no better than they are. We are not special, we are not different, and we will no longer make laws just for other Americans. Rather, we will make laws for all Americans, including ourselves. And with my bill, the Congressional Accountability Act, we applied 11 laws, including the Fair Labor Standards Act, the Americans With Disabilities Act, and so on, to ourselves.

Now the Office of Compliance, created by the Congressional Accountability Act, has promulgated regulations that require our approval. The resolutions before us approve the so-called 220(d) regulations. These regulations address the collective bargaining rights of nonlegislative offices. I am very pleased that the Senate is acting on these regulations today.

Unfortunately, neither of these resolutions contain the 220(e) regulations, which address the collective bargaining rights of legislative offices. The House Oversight Committee recently voted to send these regulations back to the Office of Compliance and asked that they be redrafted. And last week, the Office of Compliance's Board responded with two separate letters addressing the committee's actions. Due to these recent events, it seems pointless to push the Senate to consider these regulations at this time. However, I plan to ask the leadership to make the 220(e) regulations one of the first items of business for the 105th Congress.

If we are to be honest with the American people, we must not escape fully implementing the Congressional Accountability Act. For now, I ask that the Senate act on the 220(d) regulations by voting on these resolutions.

APPROVING CERTAIN REGULATIONS TO IMPLEMENT PROVISIONS OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. NICKLES. Madam President, I ask unanimous consent that the Rules Committee be discharged from further consideration of House Concurrent Resolution 207, and the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 207) approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to covered employees, other than employees of the House of Representatives and employees of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Madam President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 207) was agreed to.

VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

Mr. NICKLES. Madam President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 3118, and that the Senate proceed to its consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:.

A bill (H.R. 3118) to amend title 38 of the U.S. Code to reform eligibility for health care provided by the Department of Veterans Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 5414

(Purpose: To provide a substitute)

Mr. NICKLES. Madam President, Senator SIMPSON has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. SIMPSON, for himself and Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. AKAKA, Mr. MURKOWSKI, and Mr. WELLSTONE, proposes an amendment numbered 5414.

Mr. NICKLES. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SIMPSON. Madam President, the legislation now before this body may be one of the most significant veterans' bills of the last few years. In agreeing to this bill, the Congress will make, under the rubric of health care ''eligibility reform'', changes in the nature

of our Nation's health care commitment to veterans that are more far-reaching than any decision since the end of World War II.

The Congress faces the issue of setting priorities for VA care because all 26 million veterans are eligible for VA health care. However, VA care is not an entitlement. VA provides as much care to as many veterans as resources allow.

Our Nation's historic commitment to veterans is to care for the wounds of war, that is, to care for service-connected disabilities. The VA hospital system was created to fulfill that obligation. And, having created a network of hospitals—now numbering 173—it made good sense to put it to use caring for non-service-connected veterans when space was available. That is how VA got into the business of caring for non-service-connected conditions and veterans.

As so often happens, the world changed over time, while VA and the laws that govern VA lagged behind. Over time, the non-service-connected tail began to wag the service-connected dog. Today, 89 percent of VA's medical workload is care for non-service-connected conditions. VA built a hospital system at a time when the terms ''hospital care'' and ''medical care'' were synonymous. Today, American medical care is rapidly moving out of hospitals and into the outpatient arena. VA is also moving in that direction. But, VA's movement has been hampered by statutory ''eligibility'' rules which set priorities reflecting VA's hospital-based infrastructure. VA medical centers are underutilized and VA has excess beds.

This fact is reflected in the eligibility rules which give a large number of veterans, perhaps 10 million, priority access to inpatient hospitalization.

Outpatient care is the bottleneck in the VA system and only a small number of veterans, about 500,000, have guaranteed access to a complete continuum of care. In addition, 2.2 million veterans receive whatever care is needed for their service-connected disabilities, and other veterans have conditional access to outpatient care.

The eligibility rules set by Congress are really a way to ration care by setting priorities. They allow VA to live within its resources.

However, they have two major faults: first, they are very complex. Second, they stand modern medical practice on its head by making it easier to provide inpatient care than outpatient care.

The easy to describe—and from a medical point of view, desirable—fix would be to simply eliminate the distinction between inpatient and outpatient care and direct VA to provide care in the most cost-effective therapeutically appropriate manner.

There are two ways to do this. We could direct VA to provide complete care—including outpatient—to all of the veterans now ''mandatory'' for inpatient care. However, giving new access to outpatient care, including virtually free prescription drugs and prosthetic devices such as hearing aids, to millions of additional veterans could be very expensive.

Or, the Congress could direct VA to provide complete care, but only to the number of veterans who could be served with a budget equal to VA's current funding level. This would make VA's rules simple and allow the most cost-effective care. However, $17.1 billion may not fund a full continuum of care for all of the veterans who are now ''mandatory'' for inpatient care. If the Congress takes this course, we could be accused of ''taking away a veterans' benefit'' from those veterans excluded under the new rules.

There are savings to be realized by moving treatment out of hospitals and into less expensive ambulatory care. However, CBO costed unconstrained bills directing that course as being in the billions of dollars.

As I read the CBO estimates, improved and expanded health care benefits will draw new veteran patients who do not now use VA care and the cost of their care would more than offset the savings of moving some inpatient care into the outpatient arena. For Federal budget purposes, VA health care is ''discretionary'' rather than ''mandatory'' spending. CBO cost estimates show how much it will cost to provide the care which ''eligibility reform'' proposals would authorize. Since VA health care spending is ''discretionary'', this is not a ''pay-go'' cost for which offsets must be found. However, appropriators are bound by a ceiling on discretionary spending and they could fund the ''promised'' care only if they reduced other discretionary programs, unless eligibility reform legislation imposes its own limits on the obligations of the taxpayer to fund VA health care.

VA, the Veterans Service Organizations, (VSO's), and others dispute CBO's analysis. They have stated that if the Congress reforms the rules under which VA operates the resulting efficiencies will pay for, or perhaps even more than pay for, the cost of the additional care. The Veterans' Affairs Committee has taken them at their word. The legislation we now bring before the Senate caps VA medical care spending at $17.250 billion for 1997 and $17.9 billion in 1998. I expect those caps to be extended into the future at a level reflecting any increases in the cost of providing health care and taking into account the declining veteran population.

Current eligibility rules do really stand modern medicine on its head by making it easier to treat a veteran on an inpatient basis than in a non-hospital, outpatient setting. Many advocates for eligibility reform point to the need for changes in the law in order to allow VA the freedom to bring itself up to date. I note, however that VA has informed the Committee that it is moving rapidly to a primary care model for medical care under the current rules. VA's Under-Secretary for Health, Dr. Kenneth Kizer,—one splendid administrator—in a May 10, 1996 letter to the Veterans' Committee's distinguished ranking minority member, Senator ROCKEFELLER, deemphasized sound medicine as a reason for seeking ''eligibility reform''. He instead said that he needs eligibility reform in order to instill respect for the law (asserting that VA clinicians feel they must evade rather than follow statutory criteria), in order to provide a mechanism for him to hold the field management accountable to the taxpayers, and to allow him to design an efficient system of care.

Madam President, these are all worthy and desirable goals. I support them. But they are goals driven by sound public administration, not a crisis. The legislation now before the Senate will allow the able Dr. Kizer to pursue those goals.

This legislation makes some real choices and I expect its enactment to have real consequences.

Current priorities for VA health care favor veterans who are service-connected, or poor, or who are members of special groups (former POW's, World War I, exposed to radiation, agent orange, Persian Gulf).

Changing these priorities requires a Congressional decision as to the Nation's health care obligation to veterans. When care was rationed by hospital bed availability it was easy to set limits. If we move to ambulatory care, constrained only by funding, and do not want to, or can not, create a new entitlement, it will be necessary to set explicit limits on who will be served.

In approving this legislation, the Congress will answer questions as basic as:

First, Should VA care for all disability and illness for service-connected veterans, or just the service-connected conditions? If yes, for all service-connected veterans or just some of them? If just some of them, which ones?

Second, Should VA serve as a social safety net for ''poor'' veterans? If yes, how poor?

Third, Should VA provide the same general medical services as the private sector or should it focus on providing veterans with services not generally available in the private sector (such as long term psychiatric care, or lifetime treatment of spinal cord dysfunction?

Madam President, reform even opens the door to the question of VA's role as a direct care provider. Should VA continue to provide care itself or should it fund private sector care for eligible veterans?

Madam President, I would like to take a moment to describe the eligibility reform provisions of the bill and then discuss how the bill answers the questions this issue puts before the Congress and the implications of some of those answers.

First, and most importantly, the bill eliminates the distinction between inpatient and outpatient care. VA is directed to provide hospital care and

medical services in the most clinically appropriate setting for the veterans it treats. However, and this is important, the fully discretionary nature of eligibility for nursing home care remains unchanged. In addition, VA is required to maintain special programs (such as treatment for spinal cord dysfunction, blind rehabilitation, amputation, and mental illness) at least at the current level. On a per capita basis, these services are expensive to provide and it is not the intent of the Committee to allow VA to reduce them in order to pay for other kinds of routine care. This decision means that VA will be forced to reduce the number of veterans it treats for routine conditions and diseases in order to sustain its effort for the unique services it provides. In many cases, VA is a national leader for these services and, in this regard, VA is truly a national asset.

Second, the legislation does not create an entitlement to health care for veterans. Funding for veterans' health care has always been considered discretionary spending and the benefits provided by this bill are explicitly subject to the availability of appropriations. As I noted earlier, the amount of appropriations authorized is capped at about the current level of effort, $17.25 billion for 1997 and $17.9 billion for 1998.

Third, VA is directed to manage access to its health care system by enrolling veterans according to the following priorities:

First, veterans with service-connected disabilities evaluated 50 percent and greater.

Second, veterans with service-connected disabilities evaluated at 30 percent and 40 percent disabling.

Third, former POW's and veterans with 10 percent and 20 percent service-connected disabilities.

Fourth, catastrophically disabled veterans and veterans in receipt of increased non-service-connected disability pension because they are housebound or in need of the aid and attendance of another person to accomplish the activities of daily life.

Fifth, veterans unable to defray the cost of medical care, as prescribed by VA in regulation.

Sixth, all other veterans in the so-called ''core'' group including veterans of WWI, and veterans with a priority for care based on presumed environmental exposure.

Seventh, all other veterans.

VA will be authorized to establish subdivisions for enrollment within priority groups. 1997 and 1998 will be a transition period with enrollment required for treatment after September 30, 1998. VA will, of course, continue to treat service-connected conditions (and veteran service-connected 50 percent and higher) without regard to enrollment. Other veterans will need to be enrolled if they are to receive VA care and VA will enroll only the number of veterans it will be able to treat with the resources available to it.

Madam President, this bill will change the way VA does business and it has the potential to change the characteristics of the veterans in our States who will have a realistic expectation of receiving VA care. Veterans with non-compensable service-connected disabilities will no longer have an automatic priority for care. However, by giving a high priority for enrollment to all veterans with compensable service-connected disabilities we will create a population of 2.2 million veterans who can expect VA to provide a complete continuum of care, including such services as free or virtually free prescriptions, which are not covered by Medicare. If this expansion of services draws large numbers of these veterans to the VA system, then veterans with a low priority for care, including the low-income veterans who now make up a large proportion of VA's patients, may not receive full care. The alternative to this would have been to give a low priority to veterans with minor service-connected disabilities, but that option was not acceptable to the members negotiating the legislation. This outcome is made more likely by the decision to freeze VA's level of effort in its special, but expensive, services. A possible outcome of this bill will be a VA system that primarily treats service-connected veterans for their non-service-connected conditions and veterans whose disabilities or illnesses make them candidates for treatment in one of VA's specialized programs. Of course, this outcome will not come about if VA and the Veterans Service Organizations are correct and the efficiencies this bill will allow VA to realize are adequate to pay for the additional services provided to veterans newly attracted to the VA system. We will see veterans turned away if the Congressional Budget Office and General Accounting Office are correct and liberalized rules lead to dramatic numbers of new veterans seeking free VA care.

Madam President, I also ask my colleagues to be aware of the effect of the increased VA efficiencies necessary if it is to continue to treat its current low income patients. Because VA's resources will remain constrained, we can expect VA to accelerate the already underway process of reevaluating the desirability of continuing to support underutilized and inefficient ''infrastructure''. In a word, we will see some hospitals closed and mission changes for many others. To his clear credit, VA's Under Secretary for Health, Dr. Ken Kizer, has already made more progress in this direction than any other Under Secretary or Chief Medical Director in my time in Congress. And, I believe he would continue that process with or without this legislation. He deserves our highest praise for that. However, I think it safe to predict that every unpopular decision to close a hospital, or limit or redirect a service, will be attributed to this legislation. Since those changes will be the very changes needed to transform VA from a 1945 system of hospitals into a twenty-first century health care system, we should thank those who often point their fingers in our direction—for giving us the credit. If Veterans' Service Organizations in our States voice complaints about the outcome of this legislation, we should remind them of the old saying about being careful what you ask for because you may get it!

Madam President, this amendment goes beyond reform of the rules governing access to VA medical care, and I will take a few minutes to summarize some of the major provisions for the benefit of my colleagues.

It extends VA's authority to treat Persian Gulf veterans with disabling symptoms, but for which no disease can be diagnosed. It also extends to December 31, 1998 VA's authority to provide health examinations to the families of Persian Gulf veterans. This authority originally ended September 30, 1996, but unless the deadline is extended, delays in putting the program into effect would result in a substantially shorter time frame for VA to provide these exams than was contemplated by the Congress when the authority was originally enacted.

In addition, it extends VA's authority to care for veterans presumed to have been exposed to Agent Orange or radiation, and also takes a necessary step to exclude from that treatment authority those diseases for which there is evidence that exposure is not the cause.

The amendment, authorizes the construction of 18 major construction projects. I am pleased that we have made the turn away from VA's past emphasis on the construction of inpatient hospital facilities and are beginning to expand the proportion of scarce resources allocated to ambulatory care. I urge my successors to reenforce this shift in emphasis as ambulatory care is the bottleneck in the VA system and the ''eligibility reform'' provisions of this bill will bring VA even more veterans seeking care on an ambulatory care basis.

The bill authorizes ambulatory care projects in Honolulu, HI ($43 m), Brockton, MA ($13.5 m); Shreveport, LA ($25 m); Lyons, NJ ($21.1 m); Tomah, WI ($12.7 m); Asheville, NC ($26.3 m); Temple, TX: ($9.8 m); Tucson, AZ ($35.5 m); and Leavenworth, KS ($27.75 m). In addition, it authorizes patient environment improvement projects in Lebanon, PA ($9.5 m); Marion, IL: ($11.5 m); Omaha, Neb. ($7.7 m); Pittsburgh, PA: ($17.4 m); Waco, TX ($26 m); Marion, IN ($17.3 m); Perry Point, MD ($15.1 m); and Salisbury, NC ($18.2 m). It also authorizes correction of seismic deficiencies at Palo Alto, CA ($20.8 m) and leases of outpatient clinics in Allentown, PA ($2.159 m); Beaumont, TX ($1.940 m); Boston, MA ($2.358 m); San Antonio, TX ($2.256 m), (also includes a VBA office); Toledo, OH ($2.223 m); and a parking facility in Cleveland, OH ($1.3 m).

In other construction provisions, the amendment directs VA to submit an

annual report with a 5-year strategic plan showing each of the 22 Veterans Integrated Service Network's (VISN) facility needs and plans for meeting those needs, and a listing of VA's 20 highest priority construction projects with the category, priority score and priority rank for each. Additional information will also be required in the prospectus for each project, especially on projected workload and costs. The threshold separating minor from major construction increased from $3 million to $4 million. The ''grandfathered'' authorization of projects already in the works when the authorization requirement was established will be eliminated. Future construction projects will require an affirmative authorization by the Congress. VA will also be required to give the Congress 30 days notice before obligating more than $500,000 for advance planning.

Eligibility reform will call upon VA to break out of the mold created by its historic dependence on its physical infrastructure. This amendment will assist in that process by expanding the types of providers with which, as well as the types of services for which, VA would be able to enter into sharing agreements. The amendment would also allow VA to use a simplified procedure for complying with Federal procurement processes when contracting with commercial providers.

The amendment would also make permanent VA's authority for CHAMPUS sharing agreements, an authority now expiring September 30, 1996.

The ''notice and wait'' period for VA reorganizations is reduced from 90 to 45 days, 30 of which must occur while Congress is in session.

The bar on VA contracting for patient care (which is now suspended through 1998) is deleted, with a requirement that VA report to Congress in advance of any contracting proposal.

The amendment has significant provisions relating to medical services for women veterans. It would require accreditation of VA mammography programs and require VA to adopt and enforce mammography quality control and quality assurance standards. Since VA is already in compliance with these provisions, their enactment will have the effect of codifying VA's current policy and practice. In addition, VA would be directed to survey its facilities in order to identify privacy deficiencies and to incorporate a correction plan into its construction planning process. VA would also be directed to assess the use, and barriers to use, of VA services by women veterans and to report on its findings, recommendations, and the correctional steps it has taken in response to those findings.

The Readjustment Counseling Service program administered through community based ''Vet Centers'' would be updated. Mandatory counseling eligibility would be limited to combat theater veterans (with nontheater Vietnam-era veterans ''grandfathered'' in if they become Vet Center clients before January 1, 2000). The Advisory Committee on the Readjustment of Veterans would be given statutory recognition. VA would be directed to report to the Congress on the feasibility and desirability of collocating Vet Centers and outpatient clinics or providing some medical services at Vet Centers.

VA would be directed to establish up to five Mental Illness Education Research and Clinical Centers [MIRECCs]. The centers established would be chosen from proposals through a peer review process. They would be located in various geographic regions, at sites linking tertiary care and primarily psychiatric VA Medical Centers [VAMCs]. In addition, the Committee on Care of Severely Chronically Mentally Ill Veterans would be made a statutory committee and VA would be required to forward its reports to the Congress.

VA would be directed to conduct research evaluating the most cost effective and efficient way to provide hospice care to veterans, with a report due to the Congress by April 1, 1998.

VA would be authorized to make construction grants to modify State homes to provide adult day care and to pay per diem to State homes for veterans receiving adult day care.

VAMCs would be allowed a new window of opportunity to create research corporations for the purpose of accepting gifts and grants from the private sector for funding VA medical research. This authority would sunset on December 31, 2000. These corporations would be required to report to Congress on the sources and expenditures of their funds.

The Office of the Under Secretary for Health be required to be staffed so as to ensure that the Under Secretary has the benefit of the expertise and policy guidance of: First, VA's specialized programs (e.g. blind rehabilitation, spinal cord dysfunction, mental illness, etc.) and, second, readjustment counseling. The amendment would also eliminate the current requirement that the Associate Deputy Under Secretary be an MD.

In addition, the amendment would eliminate current ''moonlighting'' restrictions imposed on full time VA health care professionals. The recovery of special pay incentives would be suspended for doctors and dentists while they pursue additional residency training if they return to VA employment. VA would also be given more flexibility in payment arrangements for residents and interns.

And, finally, land transfers at VAMCs Milwaukee and Cheyenne would be approved and the VA Medical Center at Mountain Home, TN, would be named after Congressman JAMES H. QUILLEN. That name change would take effect at the beginning of the 105th Congress or when Congressman QUILLEN ceases to be a Member of Congress.

Madam President, this amendment is a major legislative accomplishment. And, as we all know, such an accomplishment requires hard work on the part of everyone involved. We would not be where we are today without the active and sincere involvement and interest of the distinguished ranking minority member of the Committee on Veterans' Affairs, Senator JAY ROCKEFELLER. In addition to recognizing his hard work and that of the Committee's minority staff director and chief counsel, Jim Gottlieb, I must acknowledge the tireless effort and broad expertise of Bill Brew. Bill Brew took me by the hand and ''showed me the ropes'' when I first came to the Committee on Veterans' Affairs as a junior member of the committee. Now years later, and when I am in the last days of my chairmanship of the committee, I find that Bill is still indispensable to the committee's operations. They don't make many like Bill, and veterans everywhere are very fortunate that he has chosen to put his talent to work on the committee staff.

And then my dear friend, SONNY MONTGOMERY. What a man. The present ranking minority member of the House Committee on Veterans' Affairs. Sometimes it seems to us all that there hasn't been a piece of veterans' legislation that has gone through this body since before the war (and I'll let you decide which war) that didn't carry the fingerprints of that fine and noble gentleman. He is leaving the legislative arena this year. But we shall all remember the unquenchable flame powering his singular focus on the men and women whose uniformed service has kept this Nation free for so long. And he has played an unmatched role in the development and enactment of the amendment now before this body. He is a very dear friend. Chairman BOB STUMP of the House committee takes second place to no one when it comes to veterans' legislation and so it has been in the evolution of this bill. He is steady and courageous and I am proud to be his friend also. I thank him for his constructive role and acknowledge his indispensable efforts to transform the commitment of the Congress to America's veterans into effective and generous benefits and services.

Madam President, I suspect that Congressmen STUMP and MONTGOMERY would be the first to acknowledge their debt to their dedicated staff. Carl Commentator, Kingston Smith and JoAnn Webb of the majority staff, and Pat Ryan and Ralph Ibsen of the minority staff have worked tirelessly to implement the policy direction of their bosses.

And lastly, Tom Harvey, my chief counsel and staff director, and his crew on the Senate Veterans' Committee staff have done yeoman service over the last 2 years. Tom has long been the absolutely indispensable voice of reason to whom I have turned for advice so many times when the topic turned to veterans. And he has ''saved my bacon'' many a time, especially with the Veterans' service organizations. A more loyal, savvy, protective friend I

could never have. For the last 2 years, I have slept less fitfully knowing he is in full charge of the committee staff. Chris Yoder, as a fine professional staff member, has been responsible for health care issues, and has shepherded this amendment from it's origin as a cluster of ideas on a ''to do'' list through the legislative product now before this body. Bill Tuerk, the committee's general counsel, has played an indispensable and strong role in the development of this amendment and has committed more time and energy to its enactment than it is reasonable to ask of someone unless they work for love of country as well as for sustenance. Their efforts were well supported by Deputy Staff Director Dave Balland, Dat Tran, Bill Foster, Stephanie Foster, Dr. Sally Satel, Dennis Doherty, Rosie Ducosin, Linda Reamy, and Dolores Moorehead. All very wonderful people. The Members of this body, as well as America's 26 million veterans, are all deeply indebted to all of them for their consistent hard work and commitment.

Madam President, I urge my colleagues to join me in support of this legislation and I thank the Chair.

I ask unanimous consent that a joint explanatory statement be printed in the RECORD.

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

JOINT EXPLANATORY STATEMENT FOR H.R. 3118, THE PROPOSED VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

H.R. 3118, the proposed ''Veterans' Health Care Eligibility Reform Act of 1996'' reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on a number of bills considered in the Senate and House during the 104th Congress, including: a construction authorization bill, ordered reported by the Senate Committee on Veterans' Affairs on July 24, 1996, [hereinafter, Senate Construction Authorization Bill]; an eligibility reform bill, ordered reported by the Senate Committee on Veterans' Affairs on July 24, 1996, [hereinafter, Senate Eligibility Reform Bill]; and a health care bill, ordered reported by the Senate Committee on Veterans' Affairs on July 24, 1996, [hereinafter, Senate Health Care Bill]; H.R. 1384, ordered reported on June 15, 1995, and passed by the House on October 10, 1995; H.R. 3376, ordered reported on May 8, 1996, and passed by the House on June 4, 1996; H.R. 3118, ordered reported on May 8, 1996, and passed by the House on July 30, 1996; and H.R. 3643, ordered reported on June 20, 1996, and passed by the House on July 16, 1996.

The Committees on Veterans' Affairs have prepared the following explanation of H.R. 3118 (hereinafter referred to as ''compromise agreement''). Differences between the provisions contained in the compromise agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—ELIGIBILITY REFORM

ELIGIBILITY FOR CARE

Current law

Provisions of law governing eligibility for VA care, set forth in chapter 17 of title 38 U.S. Code, are complex and are not uniform across levels of care. All veterans are ''eligible'' for hospital care and nursing home care, but ''eligibility'' does not in itself assure access. Existing law draws a broad distinction, for purposes of all levels of care, between two categories. The first is a ''multi-tiered'' cohort (''category A'') of veterans who have been recognized through a series of acts of Congress as having a priority to VA care, including service-connected veterans, those considered unable to defray the expenses of necessary care, and several special-eligibility subgroupings. The second category, which has a lower priority for VA care, encompasses all other veterans who have no special eligibility and whose income exceeds means-test thresholds set in law.

With respect to hospital care, the law states that VA ''shall'' provide needed care to all category A veterans, while VA ''may'' provide those same veterans nursing home care. Eligibility for outpatient care is more fragmented. Only limited groups of veterans are eligible for comprehensive outpatient care. The VA ''shall'' furnish such care to those who are 50% or more service-connected, and ''may'' furnish it to former prisoners of war, World War I veterans, and certain profoundly disabled veterans. Current law imposes specific limitations on certain other veterans. Those not eligible for comprehensive services are limited generally to treatment ''to obviate a need of hospital admission'' or to complete treatment initiated on an inpatient basis. Veterans undergoing treatment based on a need to obviate hospitalization are specifically not eligible to receive prosthetic supplies.

A provision of existing law, which sunsets on December 31, 1996, provides special eligibility for health care services for veterans exposed to toxic or hazardous substances during their service.

9House bills

H.R. 3118: Section 2 would provide that, within appropriations, VA shall provide all needed hospital care and medical services (including preventive health services), and may provide all needed nursing home care to veterans in category A (other than veterans with a non-compensable disability). VA shall ensure that a service-connected veteran is provided all benefits under chapter 17 for which the veteran was eligible prior to enactment of the bill. Section 3 would authorize VA to furnish needed prosthetic items for a veteran otherwise receiving care or services under chapter 17; in addition, it would require VA to develop guidelines applicable to provision of hearing aids and eyeglasses.

Section 4 would establish a new section 1705 which would require that VA manage provision of hospital care and medical services under new section 1710 through a system of annual patient enrollment. Enrollment of veterans is to be managed in accordance with specified priorities in the following order:

Veterans with service-connected disabilities rated 30% or higher;

Former POW's and veterans with service-connected disabilities rated 10% and 20%;

Veterans in receipt of increased pension based on need of aid and attendance or housebound status, and other veterans who are catastrophically disabled (such as the spinal cord injured);

Veterans unable to defray the cost of care; and

All other ''category A'' veterans.

In designing an enrollment system, the Secretary would be authorized to establish additional priorities within the priority groupings and to provide for exceptions to the specified priorities where dictated by compelling medical reasons, but would be required to ensure that the system is managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality.

Section 4 would also establish a new section 1706, applicable to managing the provision of hospital care and medical services, which would:

Require VA, to the extent feasible, to design, establish and manage health care programs so as to promote cost-effective delivery of care in the most clinically appropriate setting;

Authorize VA to contract for hospital care and medical services when VA facilities could not furnish such care economically, and to establish such acquisition policies and procedures as appropriate to provide the needed services; and

Require VA to maintain its capacity to provide for the specialized treatment and rehabilitation needs of disabled veterans so as to afford those veterans reasonable access, and ensure that overall capacity is not reduced below its capacity to provide those services as of the date of enactment of the section.

The bill would also authorize appropriations for the medical care account, for the purposes specified for that account in the most recent VA/HUD appropriations act, including the cost of providing care under the amendments made by section 2, not to exceed $17.25 billion for fiscal year 1997 and not to exceed $17.9 billion for fiscal year 1998.

The bill would also include a detailed report on implementation and operation applicable to sections 2, 3, and 4.

H.R. 3643: Section 1 would extend special eligibility provisions applicable to veterans exposed to toxic or hazardous substances and, with respect to herbicide-and ionizing radiation-exposed veterans, revise such eligibility, as follows:

Extend the special eligibility provision applicable to service in the Persian Gulf until December 31, 1998;

Provide with respect to herbicide-exposed veterans, that VA for a two-year period shall provide care for diseases (1) for which the National Academy of Sciences in a report issued in accordance with section 2 of the Agent Orange Act of 1991 has determined (or subsequently determines) that there is either some evidence of, or insufficient evidence to permit a conclusion as to, an association between occurrence of the disease in humans and exposure to a herbicide agent, and (2) which the Secretary, based on peer-reviewed research published within a specified period after the most recent Academy report, determines there is credible evidence suggestive of such an association;

Limit the treatment of veterans exposed to ionizing radiation to treatment of those diseases listed in 38 USC sec. 1112(c)(2) and those as to which VA determines there is credible evidence of a positive association between disease occurrence and radiation exposure; and

Provide that, as to veterans who received care under the special eligibility provisions being amended, such provisions shall continue in effect for continued care of the disability for which such care was furnished before the date of enactment.

Section 1 would also expand eligibility for health care applicable to the Persian Gulf War to veterans who served in Israel or Turkey during the period August 2, 1990 through July 31, 1991.

Senate health care reform bill

Section 2 would amend section 1701 of title 38 to add definitions for the terms ''health care'' and ''respite care''.

Section 3 generally conditions eligibility for health care to a requirement that a veteran enroll for VA care. It would provide that VA—

Shall furnish health care to any veteran for a service-connected disability, and any veteran who is 50% or more service-connected disabled, a former prisoner of war, or a veteran of World War I or the Mexican border; and shall furnish hospital care for the treatment of any disability of a veteran with a compensable disability;

Shall, to the extent resources and facilities are available, furnish health care to all other category A veterans (other than veterans with a non-compensable disability); and

May furnish health care, subject to copayment requirements, to any other veteran.

The section recodifies existing law on eligibility for nursing home care and domiciliary care, but generally conditions such eligibility on a requirement that a veteran enroll for such care. The section would also recodify into new section 1710, without substantive change, other eligibility provisions of current section 1712.

The section would exempt veterans who are 50% or more service-connected disabled and veterans in need of care for a service-connected condition from the requirement that a veteran enroll to receive VA care, and provide that VA shall automatically enroll such veterans upon application for care.

Section 3 would extend through December 31, 1997, existing law governing special eligibility for veterans exposed to toxic or hazardous substances.

Section 4 would require that VA manage provision of care under new section 1710 through a system of annual patient enrollment, with enrollment of veterans (who are not automatically enrolled) to be managed in accordance with specified priorities in the order listed, from veterans with service-connected disabilities rated 50 percent or greater having the highest priority and category C veterans the lowest. In designing an enrollment system, the Secretary would be authorized to establish additional priorities within the priority groupings, and to provide for exceptions to the specified priorities where dictated by compelling medical reasons.

Section 5 would make conforming and clerical amendments.

Section 6 would authorize appropriations for the Department for FY 1997 of $17,068,447,000 for the purposes of the provision of VA medical care. It would authorize increases in appropriations in subsequent fiscal years in the amount of the consumer price index.

Compromise agreement

Sections 101, 103, 104, 105, and 106 are derived substantially from H.R. 3118, with revisions, based primarily on the Senate bill, to include the following:

Addition of a requirement that, effective on October 1, 1998, VA may not provide hospital care or medical services unless the veteran enrolls with VA;

Revision in the list of priorities for enrollment to provide highest priority to any veteran who has a service-connected disability rated 50% or greater, and second priority to veterans 30% or 40% service-connected disabled:

Deletion of proposed amendments to section 1703 of title 38 that would have established broad authority to contract for hospital care and medical services; and

With respect to the requirement that VA maintain its special disability program capacity, inclusion of a report requirement and establishment of a consultative role for special VA committees in assisting the Secretary in carrying out this provision.

Section 102 would extend special eligibility provisions applicable to veterans exposed to toxic or hazardous substances and, with respect to herbicide- and ionizing radiation-exposed veterans, revise such eligibility. With respect to the special eligibility provisions associated with ionizing radiation and Persian Gulf War service, the section follows section 1 of H.R. 3643 (with the exception of the proposed expansion to Israel and Turkey, which is not contained in the compromise). The revisions applicable to herbicide-exposed veterans are partially derived from H.R. 3643, and would:

Extend the special eligibility provision (applicable to herbicide-exposed veterans) in existing law until December 31, 2002, but provide that VA shall not furnish care (under this special eligibility authority) for diseases for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined that there is evidence that is (at least) suggestive of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent; and

Provide that, as to veterans who received care under the special eligibility provisions being amended (for herbicides and ionizing radiation), such provisions shall remain in effect for continued care of the disability for which treatment was furnished before the date of enactment.

TITLE II—CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project unless funds for that project have been specifically authorized by law.

House Bill

Section 101(a) of H.R. 3376 would authorize the Secretary to carry out the following ambulatory care projects: Dallas, TX, $19.9 million; Brockton, MA, $13.5 million; Shreveport, LA, $25 million; Lyons, NJ, $21.1 million; Tomah, WI, $12.7 million; Asheville, NC, $28.8 million; Temple, TX, $9.8 million; and Tucson, AZ, $35.5 million.

Section 101(b) of H.R. 3376 would authorize the Secretary to carry out the following environmental improvement projects: Lebanon, PA, $9.5 million; Marion, IL, $11.5 million; Atlanta, GA, $28.2 million; Battle Creek, MI, $22.9 million; Omaha, NE, $7.7 million; Pittsburgh, PA, $17.4 million; Waco, TX, $26 million; Marion, IN, $17.3 million; Perry Point, MD, $15.1 million; and Salisbury, NC, $18.2 million.

Section 101(c) would authorize the Secretary to carry out the following seismic correction projects: Palo Alto, CA, $36 million; Long Beach, CA, $20.2 million; and San Francisco, CA, $26 million.

Senate construction authorization bill

Section 101 would authorize the Secretary to carry out identical ambulatory care projects except for the following: Projects not authorized: Dallas, TX; Lyons, NJ; and Tucson, AZ. Projects authorized at modified amounts: Shreveport, LA, $25.4 million; Asheville, NC, $28.5 million; and Temple, TX, $9.5 million. Additional projects authorized in the Senate Amendment: Honolulu, HI, $43 million; Wilkes Barre, PA, $42.7 million; and Leavenworth, KS; $27.75 million.

Section 101 would also authorize the Secretary to carry out identical environmental improvement projects except for the following: Atlanta, GA; Battle Creek, MI; and Waco, TX, which are not authorized.

The bill would not authorize the Secretary to carry out any seismic correction projects.

Compromise Agreement

The projects authorized in the Compromise Agreement are derived from both measures. The Senate agrees to the addition of projects at Waco, TX; Lyons, NJ; Tucson, AZ; and scaled-down seismic work at Palo Alto, CA. The House agrees to the addition of ambulatory care projects at Honolulu, HI and Leavenworth, KS. It also contains a modified authorization of $26.3 million for Asheville, NC, and the House recedes from its proposed inclusion of projects at Dallas, TX; Atlanta, GA; Battle Creek, MI; Long Beach, CA; and San Francisco, CA.

AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES

Current Law

Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that lease have been specifically authorized by law.

House bill

Section 102 of H.R. 3376 would authorize the Secretary to carry out the following leases of satellite outpatient clinics: Allentown, PA, $2.159 million; Beaumont, TX, $1.94 million; Boston, MA, $2.358 million; and Toledo, OH, $2.223 million.

Section 102 of H.R. 3376 would authorize the Secretary to carry out a lease of a parking facility in Cleveland, OH, for $1.3 million.

Section 102 of H.R. 3376 would authorize the Secretary to carry out a lease of a satellite outpatient clinic and a VBA field office in San Antonio, TX, for $2.256 million. Senate Construction Authorization Bill

Section 102 contains the same lease authorizations as the House bill, and would also authorize the lease of an outpatient facility in Ft. Myers, FL.

Compromise agreement

Section 202 follows the House Bill.

AUTHORIZATION OF APPROPRIATIONS

Current law

Section 8104(a)(2) of title 38 provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill

Section 103(a) of H.R. 3376 would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 (1) $422.3 million for the authorized major medical facility projects; and (2) $12.236 million for the authorized major medical facility leases.

Section 103(b) of H.R. 3376 would limit the authorized projects to be carried out using only (1) specifically authorized major construction funds appropriated for fiscal year 1997; (2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1997 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1997 for a category of activity not specific to a project.

Senate construction authorization bill

Section 103(a) would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 (1) $299.75 million for the authorized major medical facility projects; and (2) $13.972 million for the authorized major medical facility leases.

Section 103(b) is substantively identical to the House provision in section 103(b).

Compromise agreement

Section 203(a) authorizes to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 and fiscal year 1998 (1) $358.15 million for the authorized major medical facility projects; and (2) $12.236 million for the authorized major medical facility leases.

Section 203(b) follows the House and Senate provisions except that it provides that projects in section 201 are authorized for funding in fiscal years 1997 and 1998.

STRATEGIC PLANNING

Current law

Section 8107(a) of title 38 requires the Secretary to submit to the Senate and House Committees on Veterans' Affairs an annual report detailing VA's five-year medical facility construction plans, to include a list of the VA's highest priority hospital construction projects.

House bill

Section 201 would repeal the report requirement in section 8107(a) and require a broader annual report on long-range health planning. The new annual report would be required to include (a) a strategic plan for provision of care (including provision of services for the specialized treatment and rehabilitative needs of disabled veterans) through networks of VA medical facilities operating within prescribed geographic service delivery areas; (b) a description of how such networks will coordinate their planning efforts; and (c) a profile of each network.

The network profile would be intended to identify (a) the mission of each medical facility, or proposed facility; (b) any planned change in any facility's mission and the rationale for the change; (c) data regarding the population of veterans served by the network and anticipated changes both in demographics and in health-care needs; (d) pertinent data by which to assess the progress made toward achieving relative equivalency in the availability of services per patient in each network; (e) opportunities for providing veterans services through contract arrangements; and (f) five-year construction plans for facilities in each network.

The report would also be required to include information with respect to each VA medical care facility regarding progress toward instituting identified, planned mission changes; implementing managed care; and establishing new services to provide veterans alternatives to institutional care.

The report would also be required to include (a) the 20 most highly ranked major medical construction projects (by category of project) and the relative rank and priority score for each; (b) a description of the specific factors that account for the project's ranking in relation to other projects within the same category; and (c) a description of the reasons for any change in the ranking from the last report.

Senate construction authorization bill

The Senate Bill contains no comparable provision.

Compromise agreement

Section 204 follows the House Bill.

REVISION TO PROSPECTUS REQUIREMENTS

Current law

Section 8104(b) of title 38 requires the Secretary to submit to the Senate and House Committees on Veterans' Affairs a prospectus for any medical facility proposed by the President or the Secretary. The prospectus is required to include a detailed description and a cost estimate of the proposed medical facility.

House bill

Section 202 of H.R. 3376 would expand the requirements of each prospectus under section 8104(b) to include (a) demographic data applicable to the project; (b) current and projected workload and utilization data; (c) current and projected operating costs of the facility; (d) the priority score assigned to the project under VA's prioritization methodology (and if a project is proposed for funding ahead of a higher-scored project, an explanation of the factors underlying that funding decision); and (e) a listing of each alternative to construction of the facility that has been considered.

Senate bill

No comparable provision.

Compromise agreement

Section 205 follows the House bill.

CONSTRUCTION AUTHORIZATION REQUIREMENTS

Current law

Under section 8104(a)(3)(A) of title 38, the term ''major medical facility project'' means a project for the construction, alteration or acquisition of a medical facility involving a total expenditure of more than $3 million, but such term does not include an acquisition by exchange.

Under section 301(b) of the Veterans' Medical Programs Amendments of 1992, Public Law 102–405, major medical construction projects for which funds were appropriated prior to Public Law 102–405 are exempted from the requirement of congressional authorization.

There is no provision in current law expressly requiring the Secretary to report to the Senate and House Committees on Veterans' Affairs prior to obligating funds from the Advance Planning Fund (APF) or toward design or development of a major medical facility project.

House bill

Section 203(a) would increase the funding threshold for major medical facility projects from $3 million to $5 million.

Section 203(b) would provide that, effective as to fiscal year 1998, the ''grandfather clause'' in section 301(b) of Public Law 102–405 shall have no application.

Section 203(c) would require the Secretary to report in advance on plans to obligate APF funds in excess of $500,000 on any project.

Senate construction authorization bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 206(a) increases the funding threshold for major medical facility projects from $3 million to $4 million.

Section 206(b) follows the House bill.

Section 206(c) follows the House bill.

TERMINOLOGY CHANGES

Compromise agreement

Section 207 would make technical changes in terminology in sections 8101 and 8109 of title 38 regarding elements of the construction process.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

REVISION OF AUTHORITY TO SHARE MEDICAL FACILITIES, EQUIPMENT AND INFORMATION

Current law

Subchapter IV of chapter 81 of title 38 authorizes VA to enter into agreements with specified health care entities for the mutual use or exchange of use of ''specialized medical resources,'' a narrowly defined term. VA is only authorized to enter into ''sharing agreements'' involving specialized medical resources with health care facilities, research centers or medical schools. VA has broader authority under section 8153 to ''share'' any health care resource only with State veterans homes.

House bill

Section 6 of H.R. 3118 would (a) expand both the range of health care resources which can be the subject of mutual use or exchange of use contracts, and the kind of entities with which VA may so contract; (b) provide that VA may execute such contracts involving any health care resource, and may contract with any individual or entity, including a health plan; (c) provide greater flexibility as to when a VA facility may enter into such a contract, and what payment requirements it may negotiate in selling services, while conditioning the circumstances under which VA furnishes services to non-veterans [only when such an arrangement (1) would not result in delay or denying veterans' care and (2) would result in improving the care of veterans, or is necessary to maintain an acceptable level or quality of service at that facility]; and (d) clarify that VA is to be reimbursed when it provides services under a ''sharing agreement'' to a Medicare-covered patient.

Senate health care bill

Section 101 of S. 1359 contains provisions substantively similar to the provisions described in (a) and (b) of the House bill.

The Senate bill contains no provisions pertaining to the provisions described in (c) and (d) of the House bill

Compromise agreement

Section 301 is derived from provisions of both the House and Senate bills. As provided for under the Senate bill, the section would revise the statement of purpose in 38 USC sec. 8151 to reflect a broader sharing mandate, and revise the definitional provisions applicable to the broader scope of the new authority. Amendments to section 8153 are primarily derived from the House bill and are intended to encourage increased efficiencies, applicable to sharing hospital care and medical services (as those terms are defined in chapter 17 of title 38), supplies, and any other health-care service, support, or administrative resource. The measure is subject to the limitation that VA may furnish services to non-veterans under this section only if veterans will receive priority under such an arrangement and that arrangement either is needed to maintain an acceptable level and quality of service or will result in improved services to eligible veterans. Section 301 would also provide that in instances where the health-care resource is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the VA, including medical practice groups, blood banks, organ banks or research centers, the acquisition may be accomplished on a sole source basis. Where the health care resource is to be obtained from other commercial sources, it would be obtained in accordance with simplified procurement procedures developed by the Secretary that would permit all responsible sources to compete for the resources being obtained.

IMPROVED EFFICIENCY IN HEALTH CARE RESOURCE MANAGEMENT

Current law

Title II of Public Law 102–585 authorized an expansion of the cooperative arrangements between VA and DoD facilities instituted

under Public Law 97–174. Public Law 102–585 authorized the Departments to enter into agreements under which VA facilities could provide medical services to beneficiaries of DoD's CHAMPUS program. Under this authority, VA has begun to provide care to dependents of active-duty members and retirees. Section 204 of Public Law 102–585 ''sunsets'' this expanded authority on September 30, 1996.

House bill

Section 5 of H.R. 3118 would repeal section 204 of Public Law 102–585 and extend indefinitely VA's authority to provide care and services through contract arrangements to DoD beneficiaries under chapter 55 of title 10, United States Code. Section 5 would also clarify VA's authority to recover or collect from the insurance plans (including so-called ''CHAMPUS supplemental'' plans) of CHAMPUS beneficiaries cared for by VA to the same extent as DoD recovers for care rendered to these beneficiaries in its facilities. This section would also direct that all funds received by VA from insurance plans of CHAMPUS beneficiaries be credited to the VA facility that furnished the care.

Senate health care bill

Section 212 of S. 1359 would extend for two years, from October 1, 1996 to December 31, 1998, VA's authority to provide care and service through contract arrangements to DoD beneficiaries.

The Senate Amendment contains no comparable provision relating to VA's authority to recover from insurance plans of CHAMPUS beneficiaries or to VA's authority to credit the VA facility that furnished such care.

Compromise agreement

Section 302 follows the House bill. It also provides that any services provided under agreements entered into under section 201 of Public Law 102–585 during the period beginning on October 1, 1996, and ending on the date of enactment of the Act are ratified.

PERSONNEL FURNISHING SHARED RESOURCES

Current law

Section 712 of title 38 established a requirement for minimum numbers of employees in the Department of Veterans Affairs. As implemented, however, this provision has resulted in the establishment of employment ceilings. Such ceilings potentially create a dilemma with respect to medical facility staffing in that they may force a choice between dedicating staff solely to internal service delivery, regardless of the level of efficiency of such service, or to providing as well some level of service delivery to other entities under the auspices of efficiency-driven ''sharing agreements''. Faced with such a choice, facility directors might opt not to embark on any new ''sharing agreements'' or may question the merits of maintaining those in place.

House bill

Section 7 of H.R. 3118 would provide that for purposes of determining the minimum number of positions to be maintained at VA during a fiscal year, the number of positions at VA in any fiscal year (to be reduced under existing law by reference to specified categories of positions) would be further reduced by the number of positions in that fiscal year held by persons involved in providing health care resources under ''sharing agreements'' executed under section 8111 of title 38 (as expanded by section 201 of Public Law 102–585) or section 8153 of title 38.

Senate health care bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement follows the House Bill.

WAITING PERIOD FOR ADMINISTRATIVE REORGANIZATIONS

Current law

Section 510 of title 38 authorizes the Secretary to reorganize the functions of the Administrations, offices, facilities or activities in VA. Prior to implementing such a reorganization, the Secretary must submit to the House and Senate Committees on Veterans' Affairs a report containing a detailed plan and justification for the change. The reorganization may not be started until 90 days after the Congressional committees have received the Secretary's report.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 102 would change the waiting period from 90 days to 45 days, thirty days of which Congress shall have been in continuous session.

Compromise agreement

Section 304 follows the Senate Health Care Bill.

REPEAL OF LIMITATIONS ON CONTRACTING OUTPATIENT CARE ACTIVITIES

Current law

Section 8110(c) of title 38 prohibits contracting out of direct patient care activities or activities ''incident to'' direct care, and permits contracting out other activities at VA health-care facilities only on the basis of a VA-conducted cost-comparison study carried out in accordance with the provisions of that subsection. Under section 1103 of Public Law 103–446, the provisions of section 8110(c) have no effect through fiscal year 1999.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 103 would repeal section 8110(c).

Compromise agreement

Section 305 incorporates the Senate provisions and adds an annual reporting requirement.

Subtitle B—Care of Women Veterans

MAMMOGRAPHY QUALITY STANDARDS

Current law

Section 354 of the Public Health Service Act, as added by Public Law 102–539, relates to the certification by the Secretary of Health and Human Services of facilities which perform mammograms. This section does not apply to VA health care facilities.

House bill

Section 8 of H.R. 3643 would add a new section 7319 to title 38 which would (a) require VA facilities to be accredited by a private nonprofit organization to perform mammography testing; (b) require VA to prescribe quality assurance standards for the performance and interpretation of mammograms and the use of mammography equipment by facilities, that these standards be prescribed by the Secretary of Veterans Affairs in consultation with the Secretary of Health and Human Services, and that they are to be as stringent as those prescribed under the Public Health Services Act; (c) provide for annual inspection of equipment and facilities used by and in Department health care facilities for the performance of mammograms; (d) require that any outside facility performing mammography services for VA under contract must meet the requirements issued by the Secretary of Health and Human Services. Section 8 would also require the Secretary of Veterans Affairs to prescribe standards under section 7319(b) not later than 120 days after enactment. It would also require an implementation report to be submitted to the House and Senate Committees on Veterans' Affairs within 120 days after the Secretary prescribes quality standards or the date of enactment, whichever comes later.

Senate health care bill

Title V contains substantially similar provisions.

Compromise agreement

Section 321 contains this provision.

PATIENT PRIVACY FOR WOMEN PATIENTS

Current law

There is no express provision in current law relating to patient privacy issues for women patients.

House bill

Section 9 of H.R. 3643 would require VA to (a) survey each of its medical centers to identify deficiencies relating to the personal privacy of women patients; (b) ensure that plans to correct deficiencies identified in the survey are developed and incorporated into VA's construction planning processes and given high priority; (c) compile an annual inventory of those deficiencies and remedial plans; and (d) report to Congress annually through 1999 on such deficiencies and include the inventory compiled by the Secretary, the proposed corrective plans and the status of such plans in the report.

Senate health care bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 322 generally follows the House Bill. The Compromise Agreement limits the construction requirement to projects where it is cost efficient to do so.

ASSESSMENT OF USE BY WOMEN VETERANS OF VA HEALTH SERVICES

Current law

Section 318 of title 38 provides for a Center for Women Veterans at VA. The Center's director serves as the principal adviser to the Secretary on the adoption and implementation of policies and programs affecting women veterans. The Secretary includes in documents submitted to Congress in support of the President's budget for each fiscal year the following: (1) detailed information on the budget for the Center; (2) the Secretary's opinion as to whether the resources proposed in the budget are adequate for the Center; and (3) a report on the activities of the Center for the preceding fiscal year.

House bill

Section 7 of H.R. 3643 would (a) require the Center for Women Veterans, in consultation with the Advisory Committee on Women Veterans, to assess the use by women veterans of VA health services, including counseling for sexual trauma and mental health services; (b) require the Center to submit to the Under Secretary for Health a report by April 1, 1997, 1998 and 1999 on the extent to which women veterans eligible for VA health care fail to seek or face barriers in seeking health services at VA and recommendations for encouraging greater use of such services; (c) require the Secretary to submit a report to the House and Senate Committees on Veterans' Affairs by July 1, 1997, 1998, and 1999 containing the most recent report of the Center, the views of the Under Secretary for Health on the Center's report findings and recommendations, and a description of the steps being taken by the Secretary to remedy any problems described in the report.

Senate health care bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 323 follows the House bill.

REPORTING REQUIREMENTS

Current law

Section 107 of Public Law 102–585, which expired in 1995, required the Secretary to submit annual reports on the provision of health care services and the conduct of research relating to women veterans carried out by, or under the jurisdiction of, the Secretary to the Committees on Veterans' Affairs.

House bill

Section 6 of H.R. 3643 would (a) extend through January 1, 1998, the annual reporting requirements of section 107 of Public Law 102–585; and (b) add to the reporting requirements information on the number of inpatient stays and outpatient visits by women veterans and a description of the Secretary's action to foster and encourage research on women veterans.

Senate health care bill

The Senate bill contains no similar provision.

Compromise agreement

Section 324 follows the House bill.

Subtitle C—Readjustment Counseling and Mental Health Care

ELIGIBILITY FOR READJUSTMENT COUNSELING SERVICES

Current law

Section 1712A requires VA to provide, at the request of any eligible veteran, counseling to assist such veteran in readjusting to civilian life. Under current law, eligible veterans include Vietnam-era veterans and in-theater veterans of post-Vietnam hostilities, such as Lebanon, Grenada, Panama and the Persian Gulf.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 202 would make the following changes in current eligibility for readjustment counseling: it would require VA to furnish such counseling to in-theater Vietnam-era veterans; in-theater combat veterans for periods prior to the Vietnam era; and Vietnam-era veterans who seek such counseling before January 1, 2000, or who have been furnished such counseling before that date. It would also authorize VA to furnish such counseling to any other veteran. The measure would require the Secretary to provide bereavement counseling to the surviving parents, spouse and children of certain veterans and grant the Secretary the discretion to provide bereavement counseling to the surviving parents, spouse and children of other certain veterans; and (d) authorize the Secretary to contract for bereavement counseling under this section in the same manner in which it contracts for medical services for veterans with total service-connected disabilities under sections 1712(a)(1)(B) and 1703(a)(2).

Compromise agreement

Section 331 is derived from the Senate Health Care Bill. It modifies existing law as follows: it requires VA to furnish such counseling to in-theater Vietnam-era veterans and Vietnam-era veterans who seek such counseling before January 1, 2000, or who have been furnished such counseling before that date. It also authorizes VA to furnish such counseling to any veteran who had served in a theater of combat operations prior to the Vietnam-era. Section 331 does not contain any provision relating to the provision of, or contracting for, bereavement counseling.

REPORTS RELATING TO VET CENTERS

Current law

Current law contains no specific authorization for VA to provide medical services at Vet Centers.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 204 would require the Secretary to submit to the Senate and House Committees on Veterans' Affairs a report, not later than six months after enactment, on the feasibility and desirability of collocating Vet Centers and VA outpatient clinics as current leases for such centers and clinics expire. Section 205 would require the Secretary to submit to the Senate and House Committees on Veterans' Affairs a report, not later than six months after enactment, on the feasibility and desirability of providing a limited battery of health care services, including ambulatory services and health care screening services, to veterans at VA readjustment counseling centers.

Compromise agreement

Section 332 incorporates the two report provisions of the Senate Amendment and adds language stating that nothing in the section is intended to preclude the Secretary from providing limited health care services at Vet Centers during the period before submission of the reports.

ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS

Current law

There is no statutory requirement for VA to establish an Advisory Committee on the Readjustment of Veterans.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 203 would (a) add a new section 545 to title 38, which would establish in VA the Advisory Committee on the Readjustment of Veterans, consisting of 18 members to be appointed by the Secretary; (b) provide that a term of service on the Committee may not exceed 2 years and that the Secretary may reappoint any member for additional terms of service; (c) require the Committee to submit a report to the Secretary, which shall be submitted to Congress, on the programs and activities of VA that relate to the readjustment of veterans to civilian life; and (d) provide that the original members of the Committee shall be the members of the present, administratively established Advisory Committee on the Readjustment of Vietnam and Other War Veterans.

Compromise agreement

Section 333 follows the Senate bill.

CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION AND CLINICAL ACTIVITIES

Current law

There is no provision in current law relating to the establishment of centers for mental illness research, education and clinical activities.

House bill

Section 3 of H.R. 3643 would add a new section 7320 to title 38, which would (a) require the Secretary to designate not more than five VA centers of excellence in mental illness research, education and clinical care activities (MIRECCs); (b) require centers to be established and operated collaboratively (through a formal governance structure) by a VA facility (or facilities) with a mission centered on care of the mentally ill and a VA facility in the same geographic area with a mission of providing tertiary medical care; (c) require that no less than 50 percent of the funds for the center for care, research and education shall be provided to the collaborating facility or facilities with a mission centered on care of the mentally ill; (d) require one of the participating facilities to be affiliated with a medical or other school which provides mental illness training, attracts clinicians and investigators with a clear and focused clinical mental health research mission and maintains an advisory committee; (e) require, as a prerequisite to selection of any MIRECC ''center'' that a peer review panel has determined that any such proposed center meets the highest competitive standards of scientific and clinical merit; and (f) require that at least three of the five centers emphasize the development of community-based alternatives to institutional treatment of mental illness.

The purpose of the MIRECCs would be to facilitate the improvement of health care services for veterans suffering from mental illness—especially from conditions which are service-related—and to develop improved models for the furnishing of clinical services. The centers would do this through research, education and training of health personnel and development of improved models of clinical services. The aim is to channel the interests and expertise of VA tertiary medicine to work toward improving mental health care at VA's often unaffiliated psychiatric hospitals and developing improved models of mental health care delivery. Such collaboration in the case of proposed MIRECCs would entail establishing a dual-sited (or even multi-sited) ''center'' which involves the two (or more) VA institutions forming a collaborative program encompassing mental health research, education and clinical care.

Section 3 would authorize appropriations for centers through 2001, and require annual reports to the Senate and House Committees on Veterans' Affairs not later than February 1, 1998, 1999, and 2000. Section 3 would also require the Secretary to designate at least one center not later than January 1, 1998.

Senate health care bill

Section 301 contains a similar provision, differing primarily in that it imposes no requirement for collaborative operation and establishment of a MIRECC by two or more VA facilities. It would authorize appropriations for centers through 2000, require designation of at least one MIRECC by January 1, 1997, and require annual reporting until 1999.

Compromise agreement

Section 334 generally follows the House bill.

COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS

Current law

There is no provision in current law relating to the establishment of an Advisory Committee on Severely Chronically Mentally Ill Veterans.

House bill

Section 2 of H.R. 3643 would (a) require VA to establish a Committee on Care of Severely Chronically Mentally Ill Veterans to assess VA's capability to meet the treatment needs of veterans, including women veterans, with severe and chronic mental illness; (b) require that Committee members be VA employees with expertise in the care of the chronically mentally ill; (c) require the Committee to advise and make recommendations to the Under Secretary for Health regarding policies for the care of chronically mentally ill veterans; and (d) require the Secretary to submit to the Senate and House Committees on Veterans' Affairs annual reports on the

recommendations of the committee on VA's need for improving care for the chronically mentally ill. The first report would be due not later than April 1, 1997, and subsequent annual reports would be due not later than February 1, 1998, 1999, 2000, and 2001.

Senate health care bill

Section 214 would require the Secretary, not later than 60 days after receipt, to submit to the Senate and House Committees on Veterans' Affairs any report submitted to the Under Secretary for Health by the Special Committee for the Seriously Mentally Ill Veteran as in existence on July 1, 1996.

Compromise agreement

Section 335 follows the House bill.

HOSPICE CARE STUDY

Current law

Current law provides no express authority relating to VA's provision of hospice care to terminally ill veterans. However, many VAMCs currently provide hospice or palliative care in some form, including: (a) on-site hospice care consultation teams; (b) caregiver counseling; (c) the provision of pain management and other services to terminally ill veterans; and (d) inpatient hospice care units, freestanding buildings or separate units where a home like atmosphere is created.

House Bill

The House bill contains no provision relating to this matter.

Senate health care bill

Title IV of S. 1359 would add a new subchapter VII to chapter 17 of title 38, ''Hospice Care Pilot Program; Hospice Care Services''. Title IV would require VA to conduct a five-year pilot program from October 1, 1996, to December 31, 2001, to assess the desirability of furnishing hospice care services and to evaluate the best way to provide hospice care.

VA would be required to set up demonstration projects at 15 to 30 VA sites (selected in a manner that provides a broad spectrum of experience with regard to facility size, location and range of affiliations) at which terminally ill veterans receive care by (a) a hospice operated by a VAMC; (b) a non-VA hospice under contract with a VAMC pursuant to which any necessary inpatient care would be furnished at VA facilities; or (c) a non-VA hospice under contract with a VAMC with any necessary inpatient care to be furnished at non-VA facilities. As to each such program model, VA is to furnish care under the pilot in at least five VAMCs.

The bill would require that in contracting for hospice care, VA would follow the Medicare policy in setting reimbursement rates. Contract hospice rates would generally be capped at the Medicare rates. However, exceptions could be made in cases in which the Secretary determines that the Medicare rate would not compensate a non-VA hospice for providing a veteran with necessary care. The intended effect of this provision would be to ensure that veterans for whom care is extraordinarily expensive due to the nature of their condition would not be excluded from the program.

VA would also be required to include at least 10 VAMCs that offer palliative care to terminally ill veterans. As part of the evaluation, the comparison group would be intended to help the Committee determine whether furnishing a less comprehensive range of services constitutes a viable alternative to VAMCs in which the numbers of veterans desiring such services may not be sufficient to justify a full-scale hospice program.

Not later than August 1, 2000, VA would be required to submit to the Senate and House Committees on Veterans' Affairs a detailed report containing an evaluation and assessment by the Under Secretary for Health of the hospice care pilot program and the furnishing of hospice care services.

In order to ensure that VA patient care is not compromised by this pilot program, the bill would expressly provide that VA would not be precluded from furnishing hospice care services at VAMCs not participating in the pilot program or the comparison group.

The bill would authorize appropriations of $1.2 million for fiscal year 1997, $2.5 million for fiscal year 1998, $2.2 million for fiscal year 1999 and $100,000 for fiscal year 2000.

Compromise agreement

Section 341 would (a) require the Secretary to conduct a research and evaluation study to determine the desirability of furnishing hospice care to terminally ill veterans at VA facilities and to evaluate the most cost effective and efficient way to do so; (b) require the Secretary to conduct the study using VA resources and personnel; and (c) require the Secretary to submit to the Senate and House Veterans' Affairs Committees a report on the research study not later than April 1, 1998. The Committees intend that such study would be conducted by the Management Decision and Research Center of the Health Services Research and Development Service.

PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE

Current law

There is no authority in current law for VA to make per diem payments to State Veterans Homes in connection with the furnishing of adult day health care. There is no authority in current law relating to VA's program of assistance to States in connection with the construction of facilities to furnish care to veterans to provide assistance in connection with the construction of facilities to furnish adult day health care.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

Section 211 would (a) amend section 1741 to authorize VA to provide per diem payments to State Veterans Homes, at a rate set by VA, for adult day health care; and (b) amend subchapter III of chapter 81 to authorize construction grant support to States for expansion, remodeling or alteration of existing buildings to permit the provision of adult day health care.

Compromise agreement

Section 342 follows the Senate Health Care Bill.

RESEARCH CORPORATION

Current law

Subchapter IV of chapter 73 previously authorized VA to establish nonprofit corporations at individual VA medical centers in order to facilitate and foster the conduct of VA medical research. The establishment of such corporations was intended to create mechanisms which could accept public and private grants and administer funds for support of VA-approved research. These corporations have served as flexible mechanisms to enable VA clinicians to carry out research projects for which funding might not be available through VA's own research appropriation. The more than 80 corporations are self sustaining and require no appropriation. VA's authority to establish additional research corporations expired in 1992. Consequently, a significant number of VA facilities, including several major VA medical centers, do not have a research corporation to support their research programs.

House bill

Section 304 of H.R. 3376 would renew VA's authority to establish additional research corporations and extend that authority until December 31, 2000.

Senate health care bill

Section 302 contains a substantially similar provision. It would also make a technical change in citations to the tax code to clarify that research corporations shall be tax-exempt entities without regard to the specific provision of the code under which they achieve that status. It would also expand the annual reporting requirements applicable to the corporations to require the Secretary to report to the Committees with respect to each corporation on amounts received from governmental entities, tax-exempt entities, and all other sources; information on the source of contributions in the case of amounts greater than $25,000 received from entities other than governmental or tax-exempt sources; and with respect to expenditures, amounts expended for salary for research and support staff, for direct support of research, and with respect to expenditures exceeding $10,000, information that identifies the recipient of such payment.

Compromise agreement

Section 343 is generally derived from the Senate bill. It would renew VA's authority to establish additional research corporations and extend that authority through December 31, 2000; delete references to ''section 501(c)(3)'' of the tax code in sections 7361 and 7363 of title 38, United States Code. It would expand reporting requirements, generally as provided for in the Senate bill except (to conform more closely with reporting requirements set by the Internal Revenue Service) that it omits any requirement to isolate amounts received from tax-exempt entities, and requires identification with respect to payees only where the amount expended exceeds $35,000. The provision would also clarify section 7366(b) by specifying that corporations must obtain an audit performed by an independent auditor. In the case of a corporation with annual revenue greater than $300,000, the corporation shall be audited annually. In the case of a corporation with annual revenues between $10,000 and $300,000, the measure requires that an audit be conducted at least once every three years. Finally, the compromise includes an amendment to simplify administration of the requirement that corporation directors and employees are aware of and comply with conflict-of-interest laws and regulations.

VETERANS HEALTH ADMINISTRATION HEADQUARTERS

Current law

Subchapter I of chapter 73 of title 38 requires specified clinical service positions in the Veterans Health Administration and the Office of the Under Secretary for Health.

House bill

Section 205 of H.R. 3376 would (a) repeal certain statutory requirements regarding the organization and staffing of the Office of the Under Secretary for Health; (b) authorize the Under Secretary to include such professional and other services as deemed necessary; and (c) ensure that the Office is sufficiently staffed to provide expertise in clinical care disciplines generally as well as in the unique, specialized VA programs such as blind rehabilitation, prosthetics, spinal cord dysfunction, mental illness and geriatrics and long-term care.

Senate health care bill

Section 201 of S. 1359 would provide that the Secretary may not alter or revise the organizational or administrative structure of the Readjustment Counseling Service.

Compromise agreement

Section 344 is derived primarily from the House provision. The Committees recognize,

however, the importance of ensuring that the Under Secretary's office be staffed so as to have a broad range of clinical expertise and, particularly, expertise in VA's special disability programs. Section 344, accordingly, would require that in organizing the Office, the Under Secretary shall ensure that the office is staffed in a manner such that a designated clinician from the appropriate discipline serve as a principal policy adviser with respect to (1) the VA's unique special disability programs; and (2) the VA's readjustment counseling program. With respect to the latter program, it would require that the Under Secretary ensure that a clinician with appropriate expertise is responsible for the management of that program.

The Compromise Agreement does not contain the statutory repeals proposed in the House Bill. That legislation was derived in part from of legislative proposal submitted by the Department of Veterans Affairs, aimed at providing the Under Secretary of Health greater flexibility to manage a modern health care system. The Committees do not disagree with the view underlying that proposal, that current law is unduly prescriptive and that its centralized management model impedes VA's ability to operate most effectively in a dynamic health care environment. The loss of this provision in no way diminishes support of the Under Secretary's efforts to implement a field management structure which advocates decentralization of authority, programmatic accountability, and flexibility in organizational design and management. The failure to include a provision revising sections 7305 and 7306 of title 38, U.S. Code, should not be construed as an expression of agreement that those provisions any longer represent a sound legislative policy.

DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS

Current law

Section 7406(c) authorizes the use of disbursement agreements which provide pay and other employee benefits to residents and interns who train at VA hospitals. Current law makes no specific provision for such agreements for residents and interns who train at VA outpatient clinics, nursing homes or other Department medical facilities.

House bill

Section 4 of H.R. 3643 would permit disbursement agreements to be arranged for residents and interns who train at any VA health care facility.

Senate health care bill

Section 111 contains an identical provision.

Compromise agreement

Section 345 contains this provision.

AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS

Current law

Subchapter III of chapter 74 authorizes ''special pay'' in addition to basic pay to assist in physician recruitment and retention. To receive special pay, a physician must enter into a special pay agreement that carries certain service obligations. Failure to complete that obligation triggers refund liabilities. Under current law, employees incur a refund liability any time they leave voluntarily. A waiver can be granted only when the employee's breach of an agreement is for reasons beyond their control, as provided by section 7432(b)(2) of title 38. 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 that the physician or dentist received during that year, thereby imposing adverse financial consequences on those individuals entering residency training programs.

House bill

Section 5 of H.R. 3643 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.

Senate health care bill

Section 113 contains an identical provision.

Compromise agreement

Section 346 contains this provision.

REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL

Current law

Section 7423(b)(1) prohibits full-time title 38 employees from obtaining outside employment which involves assuming responsibility for providing patient care.

House bill

H.R. 1384 would free registered professional nurses, physician assistants, and expanded-duty dental auxiliaries of this restriction on outside employment.

Senate health care bill

Section 112 would eliminate this restriction as to all title 38 employees.

Compromise Agreement

Section 347 follows the Senate bill.

MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WISCONSIN

Current law

The terms of a conveyance of a parcel of land from the VA to Milwaukee County, Wisconsin, as authorized by statute in 1954, provided that such land was to be used for recreational and other purposes, and that if the county were to attempt to transfer title to a third party, title would automatically revert back to VA. Unlike two other adjacent parcels of land previously transferred from VA to the county, the deed of conveyance made no provision for reversion ''at the option of the United States''. Financing requirements associated with planned construction of a baseball stadium on the tract now require a transfer of title to the State. Legislation is clearly needed to enable the county to transfer the 28-acre tract, which would otherwise revert to the United States, to the State of Wisconsin.

VA has advised, with respect to its authority to weigh the option of reversion, that it will not exercise the option in favor of reversion back to the United States so long as the existing statutory restrictions on use are followed. VA has further advised that in the event that legislation is introduced to modify the deed restrictions, the VA would not object to releasing the properties from the restriction against alienation.

House bill

Section 10 of H.R. 3643 would modify VA's reversionary interest in the land which it had previously conveyed to Milwaukee County and authorize VA to execute instruments to permit the County to grant all or part of such land to another party with a condition on such grant that the grantee use the land only for civic and recreational purposes. It would also provide that the conditions under which title to all or any part of the land reverts to the United States are stated so that any such reversion would occur at the option of the United States.

Senate bill

There is no comparable provision in a Senate bill.

Compromise agreement

Section 348 follows the House Bill.

MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, CHEYENNE, WYOMING

Current law

Public Law 89–345 transferred VA-owned land adjacent to the VA Medical and Regional Office Center (VAMROC) in Cheyenne, WY, to the City of Cheyenne for park and recreational use. The instrument of transfer provides that title to the land will automatically revert to VA in the event the land is no longer used for park and recreational purposes.

The First Cheyenne Federal Credit Union in Cheyenne, WY, proposes to build a building on the land previously transferred to the City of Cheyenne for park and recreational use. The City of Cheyenne, and VA, agree that such a transfer would benefit VA, VA employees, and VA beneficiaries. However, the statutory restriction on the use of the land, and the reverter provision in the transfer instrument prevent such a change in land use without authorizing legislation.

House bill

The House had no provision relating to this matter.

Senate construction authorization bill

Section 202 of the Senate bill would authorize VA to modify the conditions under which the land would revert to VA, and thereby authorize the transfer of the land from the City to the First Cheyenne Federal Credit Union for the purpose of constructing a building to house its operations.

Compromise Agreement

Section 349 follows the Senate provision.

EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS

Current law

Section 107 of the Persian Gulf War Veterans' Benefits Act (Public Law 103–446) requires the Secretary to conduct a study to evaluate the health status of spouses and children of Persian Gulf War veterans. Such study requires VA to arrange for diagnostic testing and medical examinations of such individuals through September 30, 1996.

House bill

The House bill contains no provision relating to this matter.

Senate health care bill

The Senate bill would extend the program from September 30, 1996 to December 31, 1998.

Compromise agreement

The Compromise Agreement contains this provision in section 352(a). Section 352(b) would provide that any testing and examinations conducted for the purposes specified in section 107 of Public Law 103–446 during the period beginning on October 1, 1996, and ending on the date of enactment of the Act are ratified.

REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA

Current law

Two years ago, Congress appropriated construction funds to convert the former Orlando Naval Training Center Hospital (which was transferred to VA) into a nursing home. VA currently operates an outpatient clinic at that facility, but has not begun construction on the nursing home care unit. Congress appropriated $17.2 million for the design of a 470-bed medical center and 120-bed nursing home in Brevard County, Florida. That project, developed and proposed by VA,

called for 230 psychiatric beds, 60 intermediate care beds, an ambulatory care clinic and a number of surgical and intermediate medicine beds. The Conference Report on the Fiscal Year 1996 VA/HUD Appropriations bill, however, called for allotting that design money, along with $7.8 million in new funds, to design and construct a comprehensive outpatient clinic in Brevard County.

House Bill

Section 104(a) would require the Secretary to report to the Veterans' Affairs Committees not later than 60 days after the date of enactment of this Act, on the health care needs of veterans in east central Florida, and to include in that report the Secretary's views as to the best means of meeting such needs (and particularly their needs for psychiatric and long-term care).

Section 104(b) would limit the Secretary's authority to obligate funds, other than for working drawings, for the conversion of the former Orlando Naval Training Center in Orlando, Florida, to a nursing home care unit until 45 days after the date on which the report required in section 104(a) is submitted.

Senate construction authorization bill

The Senate bill contains no comparable provision.

Compromise agreement

The Committees attach a high priority to meeting the needs of veterans in Florida. With respect to outpatient care, the Committees believe that construction of an outpatient clinic in Brevard County should begin as soon as possible. While the Conference Report on FY 1996 VA/HUD Appropriations addresses Florida veterans' outpatient needs, it makes no provision for meeting inpatient care needs that were to have been addressed by the Brevard project, particularly the lack of long-term psychiatric beds in the State of Florida.

In light of the unresolved questions surrounding inpatient needs, the Committees believe that a reassessment of the health care needs of veterans in east central Florida is needed. Section 351 of the bill would require the Secretary to report to the Committees on how these veterans' needs could best be met. It would specifically require the Secretary to include in that report his views on how those needs could best be met using existing facilities in east central Florida. The Secretary's analysis should also include a reexamination of other uses of the Orlando facility in light of the changing needs of central Florida's veterans population.

RENAMING OF THE VA MEDICAL CENTER IN JOHNSON CITY, TENNESSEE

Current law

The name of the VA medical center in Johnson City, TN, is the Mountain Home Department of Veterans Affairs Medical Center.

House bill

Section 302 of H.R. 3376 would rename the VA medical center the ''James H. Quillen Department of Veterans Affairs Medical Center'' on January 3, 1997.

Senate bill

There was no similar Senate provision.

Compromise agreement

Section 350 generally follows the House bill.

RENAMING OF THE VA NURSING CARE CENTER IN ASPINWALL, PENNSYLVANIA

Current law

The name of the VA nursing home in Aspinwall, PA, is the Aspinwall VA Nursing Care Center.

House bill

Section 303 of H.R. 3376 would rename the nursing home in Aspinwall, PA the ''H. John Heinz, III Department of Veterans Affairs Nursing Care Center.''

Senate bill

There was no similar Senate provision.

Compromise Agreement

The Compromise contains no provision relating to the renaming of the Aspinwall VA Nursing Care Center.

ADDITIONAL MATTERS: WEST LOS ANGELES VAMC

The Department of Veterans Affairs is directed to appropriately preserve for the Department's future needs, the land on the grounds of the West Los Angeles Medical Center bounded on the north by the VA property boundary, on the south by Wilshire Boulevard, on the east by Sepulveda Boulevard, and on the west by Bonsall Street. The Committee supports uses such as the development of an interim park as a memorial to veterans, or such other use as the Secretary may determine to be consistent with needs of the Department. The Committees understand that local community organizations are willing to work with the Department to raise the private funds to develop the land into a Veterans Memorial Park and to maintain the Park until such time as funds may be appropriated to convert the park to other uses consistent with the mission of the Department that the Secretary determines are in the best interest of the United States, such as cemetery expansion. The Secretary is free to use the property for events which provide benefit to veterans until its development into the Veterans' Memorial Park. The Department is directed not to dispose of the property or to use it for commercial development not in furtherance of the mission of the Department.

Mr. ROCKEFELLER. Madam President, as the Ranking Minority Member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering H.R. 3118, a bill that would, among other things, reform current law relating to eligibility for VA health care. I urge my colleagues to give their unanimous support to this measure as it will be amended with a final compromise developed by the two Veterans' Affairs Committees.

Madam President, before I discuss the content of this legislation, I will provide a brief procedural history so that those seeking to understand the background of the measure as it comes before the Senate today will be able to do so.

H.R. 3118, as it will be amended, which I will refer to as the compromise agreement, includes a number of provisions in three titles.

Title I of the bill contains the provisions which revise the law setting forth the criteria for eligibility for VA health care. The provisions in title I are a compromise between H.R. 3118 as passed by the House on July 30, 1996, and an original bill which the Senate Veterans' Affairs Committee ordered reported on July 24 of this year. Unfortunately, the committee was unable to complete and file its report on this legislation prior to today's action, so there is no formal record of our committee's efforts on this vital issue, a result I deeply regret. I will endeavor to provide some background on our committee's efforts later in my statement.

Title II of the compromise agreement addresses VA medical construction matters, including providing authorization for specific projects. These provisions are a compromise between H.R. 3376, passed by the House on June 4, 1996, and an original bill ordered reported by the Senate Veterans' Affairs Committee on July 24. As with the eligibility reform legislation, the committee was not able to complete and file a report on this legislation prior to today's consideration by the Senate, so there is no formal record of our actions.

Title III of the compromise agreement addresses a range of VA health care programs and services, including several that I have been particularly interested in for a number of years. These provisions are a compromise between a number of House bills—H.R. 1384, passed by the House on October 10, 1995; H.R. 3643, passed on July 16, 1996; and H.R. 3118 and H.R. 3376—and a comprehensive Senate bill, S. 1359, as ordered reported by the Senate Veterans' Affairs Committee on July 24. The committee's report on that legislation, which was filed on September 26, describes the various bills which were combined in the bill as reported.

Madam President, because a description of all of the provisions of the compromise agreement are set forth in the explanatory statement which Senator SIMPSON will place in the RECORD, I will just discuss some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and that committee's chairman, Rep. STUMP, will insert the same explanatory statement in the RECORD when the House considers this measure.

ELIGIBILITY REFORM

While I supported the Senate committee's action in ordering reported eligibility reform legislation and I support the inclusion of provisions derived from that measure in the compromise agreement, I do so with some significant reluctance. My reluctance is twofold—first, I remain unconvinced that there is a compelling need for this action at this time; and second, it is unclear that the course of action we are pursuing is the most appropriate.

Before discussing these concerns, I will outline briefly the legislative history of this legislation, and most particularly the activity in the Senate Committee on Veterans' Affairs. As I noted earlier, although eligibility reform legislation was ordered reported by our committee on July 24, a report was never filed. I believe it is important to provide some background on our committee's role in this effort.

Madam President, the current drive for eligibility reform legislation—that is, legislation which would amend those provisions of title 38, United States Code, which set forth which veterans are eligible to receive what care from VA—dates back to at least 1985, my first year in the Senate. Late that

year, in the context of reconciliation legislation, both Houses passed legislation which would have amended the then-current law on access to VA care. The differences between those measures were resolved and the final compromise, which set forth a hierarchy of veterans as to whom VA was required to furnish inpatient care, was enacted in title XIX of Public Law 99–272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

That first attempt at setting forth in law exactly which veterans should be guaranteed what care from VA was limited to inpatient care because of significant differences between the House and Senate over the potential impact of providing such a guarantee for outpatient and other care, concerns that have persisted through to this Congress and that, as I will discuss later in my statement, remain largely unresolved. Indeed, there is some suggestion that those concerns cannot be resolved without some specific data-gathering initiative. And while it is not the sort of data-generating undertaking that I would prefer, what we are doing in the pending measure may be the way in which the Congress finally gets the information we need about demand for VA care and VA's ability to meet that demand within currently available resources.

Following the enactment of COBRA, the next step in the effort to modify the law relating to access to VA care came in 1988 with the enactment, in Public Law 100–322, of legislation which set forth those groups of veterans who would be guaranteed certain access to outpatient care. Because of ongoing concerns about the demand for outpatient care and VA's ability to meet that demand in a timely fashion, the universe of veterans described in the law as guaranteed access to outpatient care was smaller than the universe with access to inpatient care and, within that group, only a small portion was guaranteed unlimited access to ambulatory care.

Thus, under the law as it has been in effect since 1988, only a very small percentage of the veteran population—those with service-connected disabilities rated at 50 percent or more disabling, a number less than 470,000 out of a total service-connected population of 2.2 million—have comprehensive access to both VA inpatient and outpatient care. For the rest of the eligible veteran population, the greatest access to care is provided for inpatient care, with access to outpatient care much more restricted.

Since 1988, there have been various efforts to amend the law. Last Congress, under my chairmanship, the committee made significant progress toward that goal. However, our efforts were carried out as part of the national health care reform effort. When that larger effort died, so too did the work of our committee.

This Congress the issue was again before us and a number of events led up to our markup in July to consider eligibility reform legislation.

For example, beginning early in 1995, I worked with the four veterans service organizations that prepare the Independent Budget—AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars—to develop a draft eligibility reform bill based on those groups' testimony before our committee. Senator SIMPSON and I introduced this bill, S. 1563, in February of this year as a ''by request'' bill. In so doing, we both indicated that we were not endorsing the bill but merely making it available for consideration by the committee.

Last September, VA submitted eligibility reform legislation to the Congress which Senator SIMPSON introduced, by request, as S. 1345 on October 18, 1995. Also last September, The American Legion, during its annual legislative presentation, presented its eligibility reform proposal.

Finally, late in the first session, the House Committee on Veterans' Affairs included eligibility reform provisions as part of the legislation which that committee ordered reported to comply with reconciliation. These provisions were very similar to VA's proposal. Although the reconciliation measure passed the House with the eligibility reform provisions included, those provisions were not included in the conference report on that legislation. This session, the House again passed the eligibility reform provisions in H.R. 3118, which passed the House on July 30, 1996.

Against this backdrop of activity and strong expressions of support from VA and the veterans community for committee action on eligibility reform legislation, our committee held two hearings on the issue. The first, on March 20, 1996, heard testimony from the General Accounting Office and a number of veterans organizations. The second, on May 8, 1996, took testimony from VA and the Congressional Budget Office.

Following those hearings and significant work to develop a proposal which could gain the support of the committee, the committee met on July 24 and ordered reported an original measure. It was that measure which became the basis for the compromise agreement which is before the Senate today.

Our committee's action was premised on the position that whatever legislation we endorsed would have to eliminate the complexity and confusion in current law about which veterans would receive what care, but do so in a budget-neutral manner.

To that end, the committee started from an approach similar to that incorporated in the VA and House bills, both of which sought to eliminate differences in the law on eligibility for inpatient and outpatient care and differences among groups of veterans in the access to types of outpatient care. In an attempt to achieve budget neutrality, both of those approaches made access to all care for all groups of veterans ''subject to appropriations,'' a limitation not included in current law. In addition, the House bill included a provision requiring VA to utilize an enrollment system to manage care. However, that provision did not appear to limit care to those veterans who participated in the enrollment system.

The bill our committee ordered reported added three elements to the general format of the VA and House bills. I am pleased to note that provisions derived from two of those changes are included in the compromise agreement, and I regret that the third element is not included.

The first change that our committee incorporated in the bill we ordered reported related to the way in which veterans' access to care is described in the law. As I just noted, both the House bill and the VA proposal use the phrase ''shall, subject to appropriations'' to describe access to care for all veterans. Under current law, the word ''shall,'' with no limitation, is used to describe the access to care of those veterans who are included in what is known as the mandatory or ''category A'' group, and the word ''may'' is used to describe the access of those veterans in what is known as the discretionary category. While there is some disagreement about the full meaning or scope of the word ''shall'' in the context of access to health care, it is important to note that it is not otherwise limited in current law.

The bill ordered reported by the committee did not go as far as the House or VA bills, nor did we insist on maintaining current law. Instead, we took a middle ground. The bill we ordered reported provided that access to VA care for four subsets of the veterans' population—veterans with service-connected disabilities rated at 50 percent or greater for any disability, all veterans with service-connected disabilities seeking care for those disabilities, former prisoners of war, and veterans of the Mexican border period and World War I—would remain as in current law, that is, by using ''shall'' without any limitation. For all others in the mandatory or category A classification, the ''shall, subject to appropriations'' approach of the House and VA bills was used.

The approach adopted by our committee was designed to ensure that those veterans who have the highest claim on VA resources—veterans seeking care for their service-connected conditions and those more seriously disabled veterans for the treatment of any disability, as well as two categories of veterans whose service distinguishes them—receive the care they need, with no reference to any external limitation. As a practical matter, that result should be ensured by other provisions of the legislation relating to priorities for care, but it was my view, shared by others on the committee, that the Congress should not be cutting back on the promise of current

law as to those veterans with the greatest claim on the system.

Unfortunately, Mr. President, this effort to ensure that access to care is not compromised for these veterans for whom the system was established is not reflected in the compromise agreement. Initially, there was agreement that the compromise agreement would follow the Senate bill as to two of the four groups in the Senate bill—the more seriously disabled veterans and for the treatment of service-connected disabilities—and would apply the ''subject to appropriations'' limitation to all other category A veterans.

However, very late in the process of developing the compromise agreement, the Congressional Budget Office, which had previously expressed no concerns about the approach in the Senate bill, suggested that the use of ''shall'' as to these veterans would create an entitlement to care and that, as a result, spending for such purposes would be mandatory spending, rather than discretionary spending as VA health care funding has always been treated. This, of course, raised budget problems for the legislation.

One way to have avoided this problem would have been to drop the ''subject to appropriation'' language and restore the approach found in current law. However, this approach did not enjoy unanimous support from the Members working on the compromise agreement. While I feel very strongly that appearing to cut back on the guarantee for care for these most deserving veterans is not the course we should be following, I realized that my insistence on either the Senate approach or a return to the phrasing of current law could well jeopardize the enactment of this legislation in this legislative session. Thus, I reluctantly agreed to the use of the ''subject to appropriation'' language as to all veterans. As I noted earlier, as a practical matter, these veterans will still be guaranteed first access to VA care as a result of the priority scheme in the compromise agreement.

The second key difference between the bill our committee ordered reported and H.R. 3118 as passed by the House is the requirement that VA establish a rigorous enrollment system, rather than the apparently nonbinding system incorporated in the House bill. Under the approach in the Senate bill, only those who enroll, with certain exceptions, would be able to receive VA care. The purpose of this enrollment requirement is to create a mechanism that will ensure that those who desire VA care will know with some measure of certainty whether they will or will not receive such care within a particular enrollment period, which I anticipate will run for a year.

Madam President, I am pleased that this enrollment provision has been included in the compromise agreement. So as to give VA the opportunity to prepare to implement this enrollment system, the requirement that veterans enroll in order to receive care will not take effect until October 1, 1998. It is my expectation that, in the coming year, VA will begin to implement an enrollment process so as to gain experience with this system, but will not deny care to any veteran because of a failure to have enrolled.

The third difference between the bill our committee ordered reported and the House bill, at least as it was reported by the House Committee on Veterans' Affairs, was the inclusion in the Senate bill of a cap on the fiscal year 1997 appropriations so as to remove any doubt about the budget neutrality of the bill. This limitation is designed to avoid any suggestion that, if new demand for VA care is generated by the changes in access to care, additional appropriations will follow to meet the demand in the absence of specific authorization.

The House bill was amended prior to House passage to include a similar cap, so there is no longer any substantive difference between the bills on this provision.

Madam President, that is a brief outline of our committee's efforts on eligibility reform legislation. I regret that a more complete discussion is not available in a committee report, but I hope this discussion will shed some light on what our committee did and how we reached the final compromise agreement.

Earlier I noted that my support for both the Senate committee's action and the pending final compromise is reluctant, at best. I will turn now to an explanation of my position, not so as to highlight my personal concerns but rather to note what I believe are pitfalls in what we are doing and as to which we must be aware as the eligibility reforms are put in place.

At the outset, I note that I understand the concerns that many have expressed about the existing rules which set forth which veterans are eligible to receive what types of care from VA. The criticism that many raise about the complexity of these rules is certainly justified, as is the position that these eligibility rules do not reflect current trends in how and where health care is furnished.

Madam President, I note one ironic aspect about this current effort to amend the VA eligibility law, namely that, as VA facilities convert to a primary care model under which veterans are assigned to primary care teams which manage how and when care is furnished, there is less and less attention being paid at the facility level to the limitations in the law on who is eligible for specific care. In fact, it might fairly be said that, at least as to those veterans who are already receiving VA care, eligibility reform is already taking place.

In any event, while a case can be made that the current eligibility system is complex and difficult to defend, it has evolved as an appropriate response to demand and resources constraints over time and may have, to the extent it continues to be observed, a couple of advantages.

First, it is a known system, and facilities and veterans across the system understand its implications in any given locale. Changing it, especially if the changes appear to broaden access to care, as the compromise agreement surely does, can easily create false expectations.

The second advantage, related to the first, is that the current eligibility system is working to ration care. Facilities know when to use its restrictions—most especially on access to ambulatory care—to cut back on access so as to stay within budget. Replacing this system with an untested approach that relies on providing VA facilities with an unspecified authority to deny some veterans access to care is difficult to defend as a step forward.

The current system's role in rationing care seems particularly important in this time of fiscal constraint. In past years, when the issue of eligibility for VA care has been debated, there were those who expressed the belief that any increased demand resulting from a change in eligibility would be addressed by increased appropriations. No one appears to hold that view today. Thus, it seems clear that some form of rationing will continue to be needed if the population of those veterans who are eligible for VA care is not adjusted to meet VA's capacity to provide care.

Having said that, however, I note that my concerns about the compromise agreement bill do not stem from a view that the current eligibility rules must remain inviolate. Rather, my reluctance about this legislation is grounded in my belief that the Congress has a more involved role to play in determining the scope of VA health care than is reflected in the bill the Senate ordered reported or in the compromise agreement.

Madam President, throughout our committee's efforts on this legislation, I have held to the premise, on which I think there is general agreement, that whichever veterans are made eligible for VA care should be able to receive all the care they need, of whatever sort, with the possible exception of long-term care, because of the costs of that care. It certainly could be otherwise—that is, certain groups of veterans could be given access only to certain care—but that seems to be directly contrary to the spirit of eligibility reform.

With that as a guiding premise, and my certainty that VA will not receive any significant infusion of resources for health care at any time in the foreseeable future, it has been my view throughout the debate on eligibility reform that we, the Congress, should expressly set forth in law the population of veterans who are to receive comprehensive care from VA so that there would be no need for VA to make rationing decisions at the facility or other management level. However, as

the debate progressed, it became increasingly clear that developing such an approach was highly unlikely, both because we lacked data on which we might base a more comprehensive action and because reaching consensus on the specifics of such an approach was highly improbable.

During the eligibility reform debate, the key questions as to which I have sought answers have been:

First, in crafting legislation to define which veterans are to receive what care from VA, can we guarantee that those who are told they are eligible for care will be able to get that care without extensive delay?

Second, if we assume that we should expand access to outpatient care—and I do—but that there will be no significant increase in VA's medical care appropriation, will the demand for care, and the costs associated with that demand, increase, remain static, or decrease? Who should make the inevitable rationing decisions?

Third, and finally, do we have the necessary information to make informed decisions on these issue?

While I acknowledge that these are difficult questions, without easy solutions, I have been greatly disappointed in the lack of answers that I have received, particularly from VA. While I believe that I have gained some further insight into some of these issues, much remains far from clear.

For example, nothing VA has said has given me any satisfaction that the proposed eligibility reform proposals will help veterans or VA health care professionals answer with certainty the question of which veterans will receive care in a given time period.

Likewise, nothing VA has provided sheds any light on the likely demand for care that will follow from the enactment of this reform package and the almost certain publicity about that will follow which will lead many veterans to believe that they now are eligible for comprehensive care from VA.

However, as I noted earlier, one clear benefit of our action is that there will finally be an opportunity to see what happens when apparent access to VA care is expanded with no concomitant increase in resources. Once eligibility reform actually takes place, there will finally be some hard information on the impact of changing the definition of which veterans receive what care. This, in turn, will finally enable us to develop some understanding of whether those who believe that VA can furnish more care to more veterans within existing resources, or whether, as other believe, that eligibility reform legislation will generate significant new demand for care.

Madam President, during our committee's consideration of eligibility reform we heard some very different views on this issue. Some, including CBO and GAO, believe that amending the law to provide such expanded access to VA care will result in a significant increase in demand, which either would be met through increased funding or, if new funding is not provided, will lead to delays in getting care or outright denial of care which in turn will generate significant unrest in the veteran community. Others believe that there is little, if any, suppressed demand for VA care and therefore do not believe that eligibility reform will result in any significant increased costs. Indeed, some who testified in support of eligibility reform expressed the belief that it is possible that changing the law will result in a net decrease in the cost of VA care because veterans will be able to be treated in the most appropriate setting, rather than being forced into inpatient care because that is the extent of their current eligibility.

At this point, even after our hearings and all the followup actions associated with them, little more than speculation and best guesses support any of these positions.

What is known is that VA has been appropriated just over $17 billion for medical care in fiscal year 1997. It may be that, operating under revised eligibility criteria, the Department will be able to furnish more care to a larger cohort of veterans at that funding level. But, in any event, that will be all the funds that will be available, come what may.

Madam President, I am confident that the two committees and the Congress will be vigilant in our oversight of VA's implementation of this proposal, and, should it prove unsuccessful at matching scarce resources to demand for care, it will be modified in the years ahead.

Madam President, I have a final thought on this issue before I turn to other parts of the bill. During this debate on eligibility reform, VA expressed the view that any eligibility reform legislation should meet six objectives:

First, the eligibility system should be one that both the persons seeking care and those providing the care are able to understand.

Second, the eligibility system should ensure that VA is able to furnish patients the most appropriate care and treatment that is medically needed, cost effectively and in the most appropriate setting.

Third, veterans should retain eligibility for those benefits they are now eligible to receive.

Fourth, VA management should gain the flexibility needed to manage the system effectively.

Fifth, the proposal should be budget neutral.

Sixth, the proposal should not create any new and unnecessary bureaucracy.

Were I to grade the compromise agreement against this list, I'd say the only element that is clearly met is the fifth one—the measure is budget neutral. And while there can be some discussion about some of the others, the one that I think the bill fails to meet most dramatically is the first. Nothing in what we are doing, without a great deal more experience with the new eligibility criteria, will result in a system that can be understood by patients and providers alike.

In fact, I believe that just the opposite is true—we are setting in place a system that no one will be able to predict or, at least in the near future, understand. Since it is clear that whatever changes are to take place must occur with no additional resources, it is a virtual certainty that VA will still need to ration care and to make decisions about how to do that. While this bill may, in time, yield a flexible, streamlined bureaucracy that establishes clear rules about which veterans are to get what care, that result is far from guaranteed. In the early years of this new system, it is far more likely that more resources will have to be dedicated to making decisions about who gets what care, resulting in a confusing, labor-intensive system.

Madam President, despite my misgivings, it is clear that there is widespread support for our action on this issue. I intend to watch very closely as it goes forward and will be prepared to support any amendatory legislation needed as VA moves into this new era.

CONTRACTING AUTHORITY

Madam President, the compromise agreement contains two separate provisions relating to VA's authority to contract for health care services—section 301, which amends subchapter IV of chapter 81 of title 38, relating to VA's authority to share medical resources with non-VA entities; and section 304, which amends section 8110(c) of title 38 relating to VA's authority to contract with outside entities for the conversion of VA activities to private activities. Taken separately, these two provisions both break substantial new ground in terms of giving VA greater latitude to provide services other than through in-house resources. Together, the enactment of these provisions represents a potential sea change in how VA meets its health care mission.

Madam President, I want to be very clear that the enactment of these provisions is meant to give VA managers greater flexibility to operate the VA health care system in the most effective manner available, consistent with meeting the obligation to furnish quality medical care to those veterans who are eligible for VA care and who seek such services and benefits. I intend to monitor very closely VA use of this new flexibility and will not hesitate to seek to reimpose limitations on the Department's contracting authority if it appears that either authority is being used in a manner that impinges on veterans' access to care in the name of fiscal restraint. I invite input from the veterans organizations, veteran patients, VA employees and their representatives, those organizations which represent groups of VA professionals, and others with an interest in the integrity of the VA health care system.

MIRECC'S

Madam President, I am very pleased that a longstanding Senate initiative dating back nearly a decade—the establishment of VA centers of excellence in mental health research—is included in the compromise agreement. The provision in the compromise agreement is derived directly from legislation I originally introduced in S. 425 on February 15, 1995, with the cosponsorship of committee member Senators AKAKA, DORGAN, WELLSTONE, MURKOWSKI, and CAMPBELL.

Madam President, this provision requires VA to establish up to five centers of excellence in the area of mental illness at existing VA health care facilities. These centers, to be known as Mental Illness Research, Education, and Clinical Centers [MIRECC's] will be a vitally important and integral link in VA's efforts in the areas of research, education, and provision of clinical care to veterans suffering from mental illness.

As I noted at the time I introduced S. 425, the need to improve services to mentally ill veterans has been recognized for a number of years. For example, the October 20, 1985, report of the special purposes committee to evaluate the Mental Health and Behavioral Sciences Research Program of the VA, chaired by Dr. Seymour Kety—generally referred to as the Kety Committee—concluded that research on mental illness and training for psychiatrists and other mental health specialists at VA facilities were totally inadequate. The Kety report noted that about 40 percent of VA beds are occupied by veterans who suffer from mental disorders, yet less than 10 percent of VA's research resources are directed toward mental illness.

Little has changed since that report. The percentage of VA patients suffering from mental illness continues to hover over the same 40 percent rate found by the Kety Committee, and little has changed with respect to VA's research on mental illness.

VA provides mental health services to more than one-half to three-quarters of a million veterans each year, yet in the years between the time the Kety Committee began its work and now, there has not been a significant effort to focus VA's resources on the needs of mentally ill veterans. Among the recommendations of the Kety Committee was one that VA centers of excellence be established to develop first-rate psychiatric research programs within VA. Such centers, in the view of the Kety Committee, would provide state-of-the-art treatment, increase innovative basic and clinical research opportunities, and enhance and encourage training and treatment of mental illness.

Based on the recommendations of the Kety Committee, the Committee on Veterans' Affairs began efforts nearly 10 years ago to encourage research into mental illnesses and to establish centers of excellence. For example, on May 20, 1988, Public Law 100–322 was enacted which included a provision to add an express reference to mental illness research in the statutory description of VA's medical research mission which is set forth in section 7303(a)(2) of title 38.

At that time, the committee urged VA to establish three centers of excellence, or MIRECC's, as proposed by the Kety Committee. Unfortunately, VA has done little to implement the recommendations of the Kety Committee.

I also note that the January 1991 final report of the blue ribbon VA Advisory Committee for Health Research Policy recommended the establishment of MIRECC's as a means of increasing opportunities in psychiatric research and encouraging the formulation of new research initiatives in mental health care, as well as maintaining the intellectual environment so important to quality health care. The report stated that these ''centers could provide a way to deal with the emerging priorities in the VA and the Nation at large.''

In light of VA's failure to act administratively to establish these centers of excellence, our committee has developed legislation to accomplish this objective. The proposed MIRECCs legislation is patterned after the legislation which created the very successful Geriatric Research, Education, and Clinical Centers [GRECC's], section 302 of Public Law 96–330, enacted in 1980. The MIRECC's would be designed first, to congregate at one facility clinicians and research investigators with a clear and precise clinical research mission, such as PTSD, schizophrenia, or drug abuse and alcohol abuse; second, to provide training and educational opportunities for students and residents in psychiatry, psychology, nursing, social work, and other professions which treat individuals with mental illness; and third, to develop new models of effective care and treatment for veterans with mental illnesses, especially those with service-connected conditions.

The establishment of MIRECC's should encourage research into outcomes of various types of treatment for mental illnesses, an aspect of mental illness research which, to date, has not been fully pursued, either by VA or other researchers. This provision will promote the sharing of information regarding all aspects of MIRECC's activities throughout the Veterans Health Administration by requiring the Under Secretary for Health to develop continuing education programs at regional medical education centers.

Madam President, the VA for too long has made inadequate efforts to improve research and treatment of mentally ill veterans and to foster educational activities designed to improve the capabilities of VA mental health professionals. The establishment of MIRECC's will be a significant step forward in improving care for some of our neediest veterans. I am hopeful that this long recognized need will become more than a forgotten want item for veterans who suffer, in many cases, in silence.

HOSPICE CARE

Madam President, I am pleased that the compromise agreement includes a provision, section 341, which directs VA to carry out a research study on the desirability of VA furnishing hospice care services to terminally ill veterans and the most cost effective and efficient way to furnish such services. This provision is derived from legislation I authored which was included in S. 1359 as considered by the Senate committee. That legislation was in turn based on legislation dating back to the 102d Congress.

Madam President, I have been pursuing an effort for a number of years to have VA closely examine the area of hospice care so as to have a basis for deciding the Department's role in meeting the needs of terminally ill veterans.

In my view, it is important that VA develop the most cost-effective methods of providing treatment to those groups of veterans, especially those older veterans, who are most likely to seek VA services in the coming years. Among the methods that can meet the needs of an older population are a wide variety of community-based, noninstitutional services, including hospice care, which provides a compassionate alternative to customary curative care for terminally ill persons.

During the Veterans' Affairs Committee's pursuit of this issue, there have been a number of hearings and submission of reports by VA. While the record before the committee on hospice care, including hearings in 1991, 1993, and 1995, indicates that there is some focus on hospice care within VA, I am convinced that VA has moved ahead too cautiously to establish programs which achieve the goals of hospice care. For example, while VA, on April 30, 1992, issued a directive that required all VA medical centers [VAMC's] to implement hospice programs, that directive provided only vague guidelines, regarding the manner in which VAMC's should provide hospice care. As a result, significant variations now exist in the manner in which hospice care is provided at VAMC's.

VA reports that all VA medical centers now have hospice consultation teams, consisting of at least a physician, nurse, social worker, and chaplain, and 56 out of 171 VAMC's have inpatient hospice units, freestanding buildings or separate units where a home-like atmosphere is created.

While this is an increase in the total number of inpatient units in recent years, it is not clear that it demonstrates a significant change in the overall effort in support of hospice care. In answer to posthearing questions on its hospice programs, VA noted that ''most VA inpatient hospice units are small with an average size of 7 beds.'' Other VAMC's provide pain management and other services to terminally ill veterans in units in which hospice rooms are adjacent to rooms in which other patients are administered

curative care. Still other VAMC's only provide some hospice services such as caregiver counseling and pain management.

Unfortunately, many VAMC's hospice efforts offer only an assessment of a terminally ill veteran's needs and referral to a non-VA hospice. While such referrals may benefit some veterans, they are of little value to the many veterans who are not entitled to Medicare or Medicaid or lack health insurance coverage for hospice care. Because VA has no authority under current law to contract with non-VA hospices, these veterans are left with the difficult choice of foregoing hospice care or using their own resources to pay for that care.

Although I am convinced that VA should provide hospice care, I am not certain as to the best way for the Department to provide such care. Some assert that the only bona fide form of hospice care is through a program in which palliative care—noncurative care focusing on alleviating pain and other symptoms—and support services to meet the psychological, social, and spiritual needs of patients and their families are available in both home and inpatient settings. Others believe that equally effective care can be furnished by integrating hospice concepts into customary care. Similarly, there is considerable disagreement as to whether veterans who wish to receive hospice care are best served by VA hospice programs or through contracts with non-VA providers.

Because I am satisfied that VA, to this point, has not carried out sufficient research to determine with any degree of certainty the most appropriate way in which to furnish hospice care, I have proposed legislation that would require VA to study the ways in which hospice care can successfully be furnished to veterans. That is what the provision in the compromise agreement calls for, and I look forward to VA's efforts to carry out this research and to the results of that study.

Given the growing numbers of VA patients who are elderly or have fatal diseases who could benefit from hospice care, demand for VA hospice care is likely to increase. Research related to the provision of hospice care is critical not only to VA health care professionals, many of whose patients cannot rely on friends and family to provide all of the care they require, but also to other health care providers who will soon have to accommodate a great increase in the number of aging patients comparable to that which VA is presently providing care.

MAMMOGRAPHY QUALITY STANDARDS

Madam President, I am delighted that the compromise agreement includes a provision, section 321, which seeks to ensure that women veterans are guaranteed that they will receive safe and accurate mammograms from or through VA. This provision is derived from legislation, S. 548, which I introduced last year.

At present, under the Mammography Quality Standards Act of 1992, Public Law 102–539, all health care facilities—hospitals, outpatient departments, clinics, physicians' offices, or mobile units—are required to be certified by the Secretary of Health and Human Services as meeting specified standards for mammography in equipment, personnel, and quality assurance. That law, however, does not apply to VA facilities that operate their own mammography equipment.

It is my strong opinion that women veterans who use VA facilities should have the same assurances as other women that their mammography tests will be performed properly and yield reliable information. The Secretary of Veterans Affairs agrees. In a letter to me, dated July 12, 1993, Secretary Jesse Brown wrote, ''It is my intent that VA will comply with standards equal to those set forth in the Mammography Quality Standards of 1992 for all mammography done within VA facilities and require that all contracts and sharing agreements for mammography include a provision for compliance.''

More recently, at the committee's October 25, 1995, hearing, Dr. Kenneth Kizer, VA's Under Secretary for Health, updated Secretary Brown's commitment, noting that ''VA policy now requires compliance with the requirements of the 1992 Mammography Quality Standards Act. Moreover, all VA facilities furnishing mammography services are currently using the FDA's guidelines.''

Section 321 of the compromise agreement would ensure that the goal of giving women veterans safe and accurate mammograms continues to be met by requiring the Secretary to promulgate quality assurance and quality control regulations for VA facilities that furnish mammography that are no less stringent than the Department of Health and Human Services regulations to which other mammography providers are subject under the Mammography Quality Standards Act of 1992. VA facilities that contract with non-VA facilities would be required to contract only with facilities that comply with that act.

OUTSIDE EMPLOYMENT

Madam President, I am pleased that the compromise agreement includes a provision, section 347, relating to the limitation in current law on certain VA health care personnel's ability to work outside of VA—the so-called ''moonlighting'' bar. Under current law, full-time VA professionals in seven professions—physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expanded-function dental auxiliaries—are not permitted to work in their professions during their non-duty times at VA.

This provision was reported by our committee in S. 1359 after it was amended in committee in response to a concern of mine. As originally introduced in S. 1752, VA-proposed legislation, the legislation lifted the bar to outside work for only three of the seven professions listed in current law. In response to my concerns, the provisions removed the existing limitation as to all seven of the title 38 professions, including physicians, and not just to a portion of that population.

CONCLUSION

Madam President, in closing, I acknowledge the work of my colleagues in the House, Chairman BOB STUMP and the ranking minority member, SONNY MONTGOMERY, and our committee's chairman, Senator SIMPSON, in developing the comprehensive legislation.

Madam President, I thank the staff who have worked extremely long and hard on this compromise—Ralph Ibson, Lori Fertal, Pat Ryan, JoAnn Webb, Sloan Rappoport, and others on the House Committee, and Bill Brew, Jim Gottlieb, Bill Tuerk, Chris Yoder, and Tom Harvey with the Senate committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

Mr. NICKLES. Madam President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The amendment (No. 5414) was agreed to.

The bill (H.R. 3118), as amended, was deemed read a third time and passed.

The title was amended so as to read: ''An act to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects for the Department, to improve administration of health care by the Department, and for other purposes.''

HONG KONG ECONOMIC AND TRADE OFFICES LEGISLATION

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 628, Senate bill 2130.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2130) to expand privileges, exemption, and immunities to Hong Kong Economic and Trade Office.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. NICKLES. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 2130) was deemed read a third time, and passed, as follows:

S. 2130

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

SECTION 1. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term ''Hong Kong Economic and Trade Offices'' refers to Hong Kong's official economic and trade missions in the United States.

EXECUTIVE SESSION

TREATIES

Mr. NICKLES. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar:

Executive Calendar Nos. 35 through 38.

I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; that all committee provisos, reservations, understandings, et cetera, be considered agreed to; that any statements in regard to these treaties be inserted in the Congressional RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on the motion to reconsider be laid upon the table; the President then be notified of the Senate's action; and that, following disposition of the treaties, the Senate return to legislative session.

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

The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of resolutions of ratification.

The resolutions of ratification are as follows:

INCOME TAX CONVENTION WITH KAZAKSTAN

EXCHANGE OF NOTES RELATING TO THE TAX CONVENTION WITH KAZAKSTAN

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with the Protocol, signed at Almaty on October 24, 1993, and Two Related Exchanges of Notes, dated August 1 and September 7, 1994, and dated August 15 and September 7, 1994 (Treaty Doc. 103–33); an Exchange of Notes dated at Washington July 10, 1995, Relating to the Convention Between the Government of the United States of America and the Government of the Republic of Kazakstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, Together with a Related Protocol, signed at Almaty on October 24, 1993 (Treaty Doc. 104–15); and an Exchange of Notes, dated June 16 and 23, 1995 (EC–1431). The Senate's advice and consent is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

The United States shall not exchange the instruments of ratification with the Government of the Republic of Kazakstan until such time as the Government of the Republic of Kazakstan has notified the Government of the United States that its laws no longer permit anonymous bank accounts to be established.

TAXATION PROTOCOL AMENDING CONVENTION WITH INDONESIA

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol, signed at Jakarta on July 24, 1996, Amending the Convention Between the Government of the United States of America and the Government of the Republic of Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with a Related Protocol and Exchange of Notes signed at Jakarta on July 11, 1988 (Treaty Doc. 104–32).

PROTOCOL AMENDING ARTICLE VII OF THE 1948 TAX CONVENTION WITH RESPECT TO THE NETHERLANDS ANTILLES

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Kingdom of the Netherlands in Respect of the Netherlands Antilles Amending Article VIII of the 1948 Convention with Respect to Taxes on Income and Certain Other Taxes as Applicable to the Netherlands Antilles, signed at Washington on October 10, 1995 (Treaty Doc. 104–23).

Mr. NICKLES. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will please stand and be counted. (After a pause.) Those opposed will please stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. NICKLES. Madam President, I thank you. I thank my colleague from Kentucky for his assistance on passing these items.

THE PARKS LEGISLATION

Mr. NICKLES. Madam President, one thing I would urge my colleagues—and particularly leadership on the Democrat side in the Senate—would be for us to work together to pass the parks bill. Time is growing very, very short. I know that some of our colleagues—we have a lot of colleagues who are retiring this year—have bills that they would like to get passed. And a lot of these bills are very, very important.

I have had the pleasure of working with Senator BUMPERS and Senator PRYOR on one bill, the Arkansas and Oklahoma land exchange. Senator PRYOR is going to be retiring. I would like to pass that bill before he retires.

Senator BRADLEY has worked very, very hard on Sterling Forest, as well as Senator MOYNIHAN, and others; Senator D'AMATO. Sterling Forest—we need to pass these bills. The Presidio is maybe the best known of any of these parks, a beautiful area in San Francisco. A lot of work has gone into the Presidio legislation. I know the Senators from California and others are committed to it. The Senator from California would like to have passed the Presidio legislation, and I really want to do that.

Senator HEFLIN has a couple of bills, and other colleagues who will be leaving. Many of these bills—I guess I will still be around, and some of us will be here next year. Maybe we can take care of them at that time. But a lot of our colleagues will be leaving.

I see Senator NUNN has a couple of provisions.

Most of these are not controversial. I really hope that we can get a comprehensive package before the Senate and pass it. We need to pass it today while the House is still in session.

So I would just urge our colleagues. I know the Senator from Alaska, Senator MURKOWSKI, has worked a long time on a long list of projects. I hope that we can get these through.

So I just ask for bipartisan cooperation. This is not a partisan bill. It is a bill that those of us on the Energy Committee have worked on all year.

Maybe it is not a very good way to legislate when you end up having a bill like this come toward the end of the session. But there have been holds on this bill for months.

Anyway, I just urge my colleagues on both sides of the aisle to be cooperative to see if we can't pass the Presidio bill and the land exchanges. There are a lot of positive things. I saw, I think, over

a dozen projects in California. A lot of these are environmentally very sensitive and important. I know there are eight in Colorado that likewise are important; a couple in Arizona; Alaska has several.

There are a bunch of projects in here that I think will improve the Park System in the country that will have strong bipartisan support. If we can ever get this bill to a vote my guess is that it will pass if not unanimously very close to unanimously.

So I hope that we could do that, send it to the House, and hopefully get it on the President's desk before the 104th Congress adjourns sine die.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

END-OF-SESSION LOGJAM

Mr. FORD. I listened to my counterpart on the Republican side as he has talked about the parks bill. I have not been in the negotiations, but I know something about the negotiations. I understand several offers have been made in an effort to work out this piece of legislation. However, it has always come back, it is all or nothing.

I know it is very easy to pull on the strings of emotion here saying that these items for our retiring Members need to be done and that you are trying to get them done for retiring Members, but it is what kind of meat you put on that skeleton of projects for retiring Members. Now, you can use this all you want to. Hopefully, we will be able to work out something, but when you say it is all or nothing at all, I have been very concerned about the number of bills that have come out of the Energy Committee in the last 2 years. We have not been very productive, I think, and then all of a sudden at the end, next to the last day, we get a humongous bill.

And so the offers have been made. The struggle is still available. And if it is not all or nothing, I think we may be able to sit down and work out a little Henry Clay. Henry Clay was the great compromiser. Henry Clay said compromise was ''negotiated hurt.'' Well, let us sit down and hurt a little bit and get a bill out here that is in the best interests of the country instead of saying, if you do not take this, you do not get anything.

Mr. DORGAN. Will the Senator yield?

Mr. FORD. I will be happy to yield.

Mr. DORGAN. I was listening to the discussion about the parks bill, and I listened to the discussion yesterday about the bill. I listened to the discussions about the continuing resolution and appropriations bills, about the FAA bill. And the common issue with respect to all of them is we find ourselves here right at the edge of the midnight hour on this legislative session and in a circumstance where, as I understand it, four appropriations bills were not even brought to the floor of the Senate. We have a circumstance here the Senator from Kentucky would know more than most about where the FAA bill was not able to be resolved and finally got here, and now obviously an amendment has been offered. But the reason we find ourselves in a time crunch on these things is because they did not get here until right near the midnight hour.

Mr. FORD. I say to my friend, they are not here yet. They are not here yet.

Mr. DORGAN. That is true. In terms of trying to reach some agreements, I hope very much that those who want to advance the parks bill will understand that all of the interests that are involved in this, including the White House and both bodies here in the Congress, need to be involved in the discussions.

My understanding is that recommendations and negotiations have been offered, and that bill can be resolved. But I am also concerned about our finding ourselves at the end of a session once again with a CR, a continuing resolution which simply throws all of the appropriations bills that are not completed into one big pile, completed at 3 o'clock in the morning. There is not one Member of the Senate who has read it. I do not even know where it is. I do not suspect it is available. But if it is available, no one has read it. When it is available, no one will read it. Maybe the Senate will be forced to read it. I do not know.

But in any event, we should not find ourselves at the end of a session like this up against the wall on critical pieces of legislation. The reasonable way to do completion is earlier in the year to start the pieces of legislation through the process so that you can have back and forth negotiations.

I ask the Senator from Kentucky who has been involved integrally in a couple of these situations, is that not the case? We have seen a legislative logjam self-created, and then people express surprise that, gee, I do not understand why this is not being greased through here. Well, because they created a logjam themselves. We ought to resolve at least never to do this again. I hope we will.

Mr. FORD. I say to my friend, the continuing resolution is nothing new. Sometimes it is for a short period of time; sometimes it is for longer. I think this is the first time we have had a continuing resolution with appropriations bills that have never been to the Senate. There are four of them.

So we do not have to leave here. As I said last night, we do not have to leave here. We are still getting paid whether we are up here or not. You still draw your salary. So we do not have to leave here. We are being paid. I do not think we are earning our keep if we do not do our job. And so here we are with a continuing resolution with appropriations bills that are a must. Throw everything else aside. Appropriations bills are a must to operate government. The Defense bill conference report I do not think is here yet. We are going to try to wrap all that CR in that so we cannot amend it.

What kind of game are we playing here? And so everybody is checking their list to see if they have their little project in the CR. If they did not get it in the CR, they are fussing. So let us get it out in the Chamber and start looking at it.

I tell you one thing we might do to stop all this. Have a 2-year budget. I have been trying to get it for 8 or 10 years now. We now have a 1-year budget process and 1-year oversight. You can make all the changes in a 2-year budget you can make in a 1-year budget. If you have an emergency, you can correct it. If you have a flood or earthquake or hurricane, whatever it might be, you can have a method by which you can change that.

So let us have some oversight in 1 year. We have a budget for 2 years. We would not be up here with this logjam backed up to the wall and trying to go home, trying to go home without doing the people's business.

I know we are not in the majority, and so therefore we have very little control. So the majority wants to get out of town. With their record, I would want to get out of town, too.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

OMNIBUS PARKS LEGISLATION

Mr. MURKOWSKI. I wonder if I could respond to my good friend from North Dakota relative to his concerns about the process here, particularly on the Presidio-omnibus parks bill, because, I, too, as chairman of the committee on which he serves, feel an extraordinary frustration about what we went through in committee because, as the Members know, we held the hearings, accommodated members as they introduced their bills, and then we attempted to move these bills to the floor.

I think it is important to recognize that virtually every single bill in the parks package, 126 sections to accommodate Members, immediately have holds put on them by one Senator from New Jersey. That is just the fact. The record will reflect that reality. His motivation—it is part of the rules; it is appropriately done—was to get the House to move on Sterling Forest. There were objections over there on Sterling Forest. And that is part of the process. They have a right to do that. But as a consequence, we could not move a single bill to the floor for action because there was a hold on them.

Here we have this package today of 126 sections in the Presidio parks bill, and that is why we have it, Madam President. It is as a consequence of Members using the rules, if you will, to advance the position of their own bills. But my job as chairman of the committee is to try to advance all those bills

that came out of my committee. That is what the Presidio parks package is all about.

As a consequence, we are in a situation now where, having been notified by the administration of certain objections to that package, we responded. We responded in a conference mode, and we pulled off what they objected to. They objected to Utah wilderness. They objected to grazing. They objected to the 15-year Tongass extension contractual commitment. They objected to the Minnesota wilderness waters. So we pulled those. And then, they came back 2 days later with provisions in the Presidio conference report which would invoke a Presidential veto, and they listed: Conveyance to the city of Sumner, 1.5 acres to the City of Sumner, OR; 218. Shenandoah National Park; 219. Tulare conveyance; Alpine school district, 30 acres of land to the Alpine School District for a public school facility, passed the House by suspension. They never raised an objection. Coastal barrier, FL, 40 acres of developed property out of 1.2 million acres, supported by a bipartisan Florida delegation and the Governor; conveyance to Del Norte County Unified School District, transfer of small acres to the school district in California for recreation, recess purposes.

Now, Madam President, this administration has a responsibility for killing this package. This package is dead once the CR comes over from the House, as the majority whip is well aware. Right now there is a hold on this package, and the hold is by the minority leader on behalf of the administration. Otherwise we can move this conference back to the House while they are still in session and they will move it back here and it is passed. And the Presidio takes place as a reality, the Snow Basin takes place, so we can host the winter Olympics, that becomes a reality, the San Francisco Bay delta cleanup becomes a reality, Sterling Forest becomes a reality. And they are not even responding.

Last night we sent a letter down saying we are ready to continue discussions to get this done. It is 2:30, Saturday afternoon, no response.

I ask unanimous consent this letter be printed in the RECORD, as well as the identification of the 40-some-odd individual items that they indicated they would invoke a Presidential veto over, with an explanation on them, so that everyone who reads the RECORD can readily understand, if you will.

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

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, September 27, 1996.

Mr. JOHN L. HILLEY,
Assistant to the President and Director for Legislative Affairs,
The White House.

DEAR MR. HILLEY: After our discussion earlier today, I thought it would be constructive if as Chairman of the Conference on H.R. 1296, I provided you with comments on the items to which the Administration appears to object by virtue of the fact they were not included on the list of acceptable items you provided to me late last night.

As you will see many of the legislative provisions previously passed the House under suspension with no Administration objections. Still other provisions passed the Senate or the House after the Administration testified in support. Others had passed the House or Senate after bi-partisan negotiations had attempted to address specific Administration concerns. Yet other provisions, while important to individual members, relate to such minor matter as the study of a four foot radio tower at the site of an existing tower on a national forest. It is difficult to comprehend an objection to such a provision in the context of this conference report. Finally, some provisions to which you apparently object have the broad bi-partisan support of House and Senate delegations, often including the Governor of the relevant state.

I hope this information is helpful to the Administration in re-considering its position. Tomorrow I will again attempt to recommit H.R. 1296 to conference for the purpose of allowing the conferees to meet and consider changes to the conference report. If the Administration would care to present information concerning its objections to specific provisions at such a meeting of the conferees I would be pleased to arrange this meeting and give the information presented due consideration. Obviously such a meeting will not be possible unless H.R. 1296 is recommitted to conference. I believe that in the short time remaining in the 104th Congress this is a reasonable path to take to a successful conference report. It is my sincere hope that for the benefit of the many intensely interested members both Democrat and Republican, some retiring at the end of this Congress, this important parks and public lands legislation will pass the Congress.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

PROVISIONS IN PRESIDIO CONFERENCE REPORT WHICH WOULD INVOKE A PRESIDENTIAL VETO.

216—*Conveyance to city of Sumpter Oregon:* Authorizes Secretary of Agriculture to convey 1.5 acres to City of Sumpter, Oregon for public purposes. Administration raised no objections when bill passed under suspension in the House.

218—*Shenandoah National Park:* Adjusts 1923 Park boundary authorization to match today's existing park boundary. Similar bill passed House 377–33 under suspension. Provision has support of bi-partisan VA. Delegation.

219—*Tulare conveyance:* Clears title of 14 acres owned by a railroad to citizens of Tulare, California. Attempt by City of Tulare to clean-up blighted downtown area. Hearings held and provision was reported by Resources Committee. DOI reportedly has no objection.

220—*Alpine School District:* Conveys 30 acres of land to the Alpine school district for a public school facility. Passed House by suspension and Administration never raised objection.

223—*Coastal Barrier Resource System:* Removes 40 acres of developed property out of a 1.2 million acre Coastal Barrier Resource System. Reported by the Resources Committee. Supported by bi-partisan Florida Delegation and the Governor.

224—*Conveyance to Del Norte County Unified school district:* Transfers small acreage to the School district in California for educational purposes. Passed House under suspension. Provision includes Forest Service requested amendments.

303—*Alaska peninsular subsurface consolidation:* Authorizes Secretary to exchange subsurface holdings of Koniag Corporation on an equal value basis for lands and interest owned by the federal gov't. Passed House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

304—*Snow basin land exchange:* Would allow expedited land exchange to facilitate the 2002 Winter Olympics. Passed both House and Senate. Included in the original Presidio package, the Administration indicated it would sign.

309—*Sand Hollow exchange:* Equal value exchange in Zion National Park to transfer water development rights in order to protect Zion National Park. Passed the House. The Administration has indicated supported.

311—*Land exchange, city of Greely, Colorado:* Equal value exchange to secure property needed by the city to secure protection of the city's water supply.

312—*Gates of the Arctic National Park and Preserve land exchange and foundary adjustment:* This would add more than 2 million acres of native owned lands to Gates of the Arctic National Park and Preserve in AK—in exchange for lands in the NPR–A.

313—*Kenai Natives Association land exchange:* This would facilitate exchange between KNA and the FWS to allow an Alaska Native Corp. to gain economic use of their land—this would be an acre-for-acre exchange. An Administration supported two-for-one acre exchange passed the House.

401—*Cache La Poudre corridor:* Establishes a corridor to interpret and protect a unique and historical waterway. Included in the original Presidio package the Administration indicated it would sign.

405—*RS2477:* Places a moratorium on final regulations without Congressional approval. Language agreed to by Senate Republicans and Democrats and the Administration. Reported by Energy Committee.

406—*Hanford Reach preservation:* Extends a moratorium on construction of any new dams or impoundments in this area. Passed House under suspension with Administration objections.

502—*Vancouver National historic reserve:* Establishes a new historic reserve. Administration testified in support. Passed the Senate. Hearings held in both bodies.

602—*Corinth, Mississippi Battlefield Act:* Establishes a visitors center at Shiloh National Military Park in Mississippi. Included in the original Presidio package the Administration indicated it would sign. Passed the Senate.

603—*Richmond National Battlefield Park:* Establishes boundary in accordance with new NPS management plan dated 8/96. Passed the House 337–33 under suspension. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bipartisan Va. Delegation.

604—*Revolutionary War:* A study to determine if these sites warrant further protection Senate Energy reported bill—Administration testified in support. Hearings in both bodies.

607—*Shenandoah Valley Battlefield:* Establishes Historical Area. Does not create a new park. Administration opposed House-passed bill, however it has been modified to address their concerns. Supported by the bi-partisan Va. Delegation.

701—*Ski area permits:* Simplifies ski area fee collection. Passed House and Senate. Included in the original Presidio package the Administration indicated it would sign. Administration testified in support.

703—*Visitor services:* Would raise $150 million for parks to help with badly needed repairs of existing park structures. 100% of new fees go back to the parks. Provision was

modified to address Administration concerns.

704—*Glacier Bay National Park:* Raises fees to support research and natural resources protection through a per-person charge on vessels entering Glacier Bay.

803—*Ozark wild horses:* Would protect and prevent the removal of a existing wild horse herds at Ozark National Scenic Riverway. Passed the House under suspension without Administration objection. Passed Senate Committee.

806—*Katmai National Park agreements:* Authorizes research in National Parks, including the ability of the USGS to conduct volcanoligical research in Katmai National Park. Administration has supported research cooperative agreements for the last three Congressional sessions.

811—*Expenditures of funds outside boundary of Rock Mountain National Park:* Allows NPS to build a visitor center outside the park with private funds. Administration and the National Park Service requested this provision. Passed the House under suspension. Passed Senate Energy Committee.

815—*NPS administrative reform:* Provides authorities NPS has requested for years—aids parks in protection of resources and provide facilities for employees. Provides Senate confirmation of NPS Director. Administration testified in support at House hearings. Portions incorporated in President Clinton's Earth Day address on National Parks. Passed House under suspension with no Administration opposition.

816—*Mineral King:* Authorizes the continuation of summer cabin leases. Totally discretionary for the Secretary. Supported by bipartisan members of House and Senate California Delegation. House hearings held. Reported by Resources Committee. Provision has been modified to address Administration's concerns.

818—*Calumet Ecological Park:* A study of the Calumet Lake area to determine alternatives for preservation.

819—*Acquisition of certain property in Santa Cruz:* Provides for the acquisition of property on Santa Cruz Island to prevent the further destruction of the resource due to over-population of feral goats.

1021—*Black Canyon of the Gunnison National Park:* Formally designates a recreation area. Changes monument status to park and creates a BLM Conservation area. Designates 22,000 acres of wilderness. Energy Committee hearings held.

1022—*National Park Foundation:* Provides the opportunity for the private sector to sponsor the NPS, similar to the sponsorship of the Olympic games. Administration has testified in support. Administration testified in support. Part of President Clinton's Earth Day proclamation on Parks. Provision has been modified to address last minute Administration concerns.

1028—*Mount Hood:* Exchange between private company and federal gov't. Passed the Senate with no Administration objection.

1029—*Creation of the Coquille Forest:* Equal value exchange creating a tribal forest. Passed the Senate with no Administration objection.

1034—*Natchez National Historical Park:* Creates an auxiliary area to a NPS unit and provides $3 million for an intermodal transportation system and visitor center. Administration testified in support at Energy Committee hearing. Reported by Senate Energy.

1036—*Rural electric and telephone facilities:* Authorizes BLM to waive right-of-way rental charges for small rural electric and phone cooperatives.

1037—*Federal borough recognition:* Allows the unorganized borough in Alaska to receive PILT payments. Language was modified in conjunction with BLM and Administration has raised no objection. Reported by Energy Committee.

1038—*Alternative processing:* Prohibits the termination of a timber sale contract solely for the reason of failure to operate a pulp mill. Provides flexibility so that jobs in the sawmill portion of the contract are not lost along with the pulp mill jobs. This is not a contract extension nor is it an increase in timber harvesting. Language has been drastically modified from original proposal. Hearings on contract issues held in both bodies.

1039—*Village land negotiations:* Provides authority for the Secretary to negotiated with five tiny Alaskan villages regarding their entitlements under ANCSA. Language has been modified to address Administration concerns. Provides the Secretary with already existing authority to negotiate without the restrictions of a legal challenge against him. Language has been further modified from earlier versions and does not include the conveyance of any land or assets. Hearings held in both bodies.

1040—*Unrecognized communities in SE Alaska:* Authorizes the native residents of five Southeast Alaska villages to organize as urban or group corporations under an amendment to ANCSA. Provision does not direct grants of any federal land or compensation to these villages without a future act of congress. Language has been drastically modified from earlier proposals in that it does not contain any guarantee of land to the villages.

1041—*Gross brothers:* Transfers approximately 160 acres of Forest Service land to Daniel J. Gross and Douglas K. Gross of Wrangell, Alaska. These are the children of the original homesteaders. Energy Committee hearing held.

1043—*Credit for reconveyance:* Would allow Cape Fox Corporation to transfer 320 acres of land near the Beaver Falls Hydro project to the Forest Service. CFC's ANCSA entitlement would be credited with an equal amount of acreage. This provision does not provide CFC any additional entitlement. Hearing held in the House. Administration raised no objection to this provision.

1044—*Radio site report:* A study to determine if an existing radio site continues to be necessary.

1045—*Retention and maintenance of certain dams and weirs, etc.:* Requires the Forest Service to maintain specific dams and weirs in the Immigrant Wilderness Area.

1046—*Matching land conveyance (University of Alaska):* Authorizes the Secretary of Interior to discuss a land grant with the University of Alaska who has never received its federal entitlement under the Land Grant College Program. Provides for a matching grant to the State. Provision specifically excludes lands that are part of a CSU or part of a National Forest.

Mr. NICKLES. Will the Senator yield for a question?

Mr. MURKOWSKI. I will be happy to yield to my friend from Oklahoma.

Mr. NICKLES. Correct me if I am wrong, but I remember the administration originally said they might veto it if it had a provision dealing with an Alaska pulp mill, a provision in Minnesota, a couple of major provisions that they strongly objected to.

Those were removed, were they not, out of the package?

Mr. MURKOWSKI. The Senator from Oklahoma is correct. They were removed. The 15-year contract extension was removed. Minnesota wilderness waters were removed. And, of course, Utah wilderness and grazing were removed.

Mr. NICKLES. I was going to say, the grazing provisions were also seriously objected to. So you have removed the really contentious issues. I have looked through the list of 46. There are some Democrat's, and mostly Republican projects. For most of those there is not a great deal of land, there are not significant projects that they are trying to have removed. But it bothers me to think in many cases there has never been an objection raised to any of those, even in the Senate, when we passed it in the past, or from the House. Is that not correct?

Mr. MURKOWSKI. The Senator from Oklahoma is correct.

For example, this is in Missouri: Ozark wild horses preservation. What we would do would be to protect, prevent the removal, of the wild horse herds of the Ozarks on the national scenic riverway. This passed the House under the suspension without the administration's objection. It passed the Senate Energy Committee. Without this in the package, without this passing, those horses are going to be killed. They are going to be shot.

There is no explanation. I cannot imagine the administration, in an election year—I cannot imagine the administration not responding to the needs of the Presidio, or cleaning up the San Francisco Bay area, or getting behind the land exchange for Snow Basin, allowing the Olympics to continue in this plan. But there is no explanation.

Mr. NICKLES. Madam President, I compliment the Senator from Alaska, again. I want to encourage him not to give up faith, and maybe we will have some better cooperation from the administration and hopefully the minority leader so we can pass this package. It does have strong bipartisan support.

As I mentioned before, I read through a few of these projects. There are a lot of projects by Democrats and Republicans in this package. The Senator from Alaska runs the Energy Committee in a very bipartisan way, as Senator JOHNSTON has. So these projects are not partisan.

Mr. MURKOWSKI. Absolutely, the Senator is correct. As a matter of fact, I have a list here of those that affect Democratic Members, many of whom are retiring, that they want to encourage passage of. My Democratic friends on the committee know that, as we address the hearing process, it is in a bipartisan manner. We work very well together. I have always felt very comfortable with Senator JOHNSTON as the ranking member, and the professional staff of both sides.

I think our efforts are recognized, as trying to be responsive to Members regardless of what their party affiliation is.

I will share this with my friend from Oklahoma. The largest single beneficiary is the State of California. There are probably about 18 sections in here,

including the Presidio, Elsmere Canyon, San Francisco Bay enhancement—cleanup of the San Francisco Bay area.

The Arkansas-Oklahoma land exchange, which affects you and the State of Arkansas as well. Obviously, Senator BUMPERS is interested in that. Senator HEFLIN, who is retiring—Alabama, Selma to Montgomery Historic Trail. These are in the package and these affect our Democratic colleagues.

Florida, the Florida coastal barrier amendments, Senator GRAHAM. Georgia, Senator NUNN retiring, Chickamauga-Chattanooga. Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Michigan—Montana, Lost Creek exchange; New Jersey, Sterling Forest; Senator MOYNIHAN in New York, Women's rights boundary adjustment, Sterling Forest; Virginia, Senator ROBB, Senator WARNER, Cumberland Gap boundary, Richmond Battlefield boundary adjustment, Shenandoah Valley Battlefield establishment.

That is why this is so cumbersome, because there are so many sections, 126 sections. West Virginia, West Virginia rivers, Senator BYRD.

I am absolutely at a loss. Maybe the administration simply feels that, somehow, they can put a spin on this that this is not important; or somehow the environmental community is not supporting the package in its entirety. There are a few items in here that probably the environmental community would not support. But when you put a package together in a democratic process it is a give and take, and that is why this package is together and not individually brought before the Senate, because holds were put on every single bill that came out of the committee. As the whip knows, as a member of the committee, we could not get anything to the floor because we had holds on every single bill that came out of this committee by the Senator from New Jersey, who saw fit to do that to influence the House. That issue was Sterling Forest, which I have always supported. I do not have any problem with Sterling Forest. It is a good piece of legislation. I want it to happen.

Now we are in the process of sacrificing everything, and I think, in these waning hours, it is very important the public understand where the responsibility has to lie. It has to lie at 1600 Pennsylvania Avenue.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, again, I thank my colleague from Alaska for his leadership. He has been very fair, No. 1, in putting this package together. As a member of the Energy Committee for many, many years, working with him, he has done a good job. I might say, most of these deal with our national parks. I think a lot of us like to consider ourselves big friends of the national parks. We like to enjoy them. You mentioned Shenandoah Park. You think of Yellowstone or you think of some of the other projects, Presidio next to San Francisco.

That is a project that a lot of people have been working on. The compromise package on Presidio is going to allow better management so the Federal Government is not writing checks, as we were, and utilization of the property is going to be a lot better for the public. Thinking of some of the other parks and systems that we have in this, to enhance the parks throughout our country is a good, significant investment. That is what we are trying to do by this bill.

I did talk to our colleague, Senator CAMPBELL, from Colorado, who, unfortunately, had a bad motorcycle accident and is not here. But he requested, he said, would you please help me try to pass some of these bills? I have been working on these for the last couple of years. I counted, I think, eight or nine bills dealing with Colorado and the parks and so on, some land exchanges, that are important to Colorado and really important to our country.

I told him I would try to help. I told the Senator from California I would try to pass Presidio. I want to do it.

There have been holds, primarily on the Democrat side, that have been blocking this bill for months. The Senator from Alaska has been trying to bring it up. Some of that dealt with the land in New Jersey.

That is in this bill. So we do need to pass it. I hope we can still find a way. I cannot imagine, when you have such strong bipartisan support, that we cannot find a way to do it. I am troubled by the administration's objection. I am troubled by the fact that they would come up with moving the goalposts.

They had objections before. The Senator from Alaska took those out. I urged him to take out, at some sacrifice to the Senator and to the State of Alaska, one of his largest year-round employers. And he made that sacrifice so we could pass this package. I compliment him for his willingness to make some sacrifice so we could enact a bill that would benefit most of the country.

Now, for the administration to come up with a lot of, I don't know, excuses, to object to that package? I hope they will relent. I hope they will reconsider. Because it will be a real shame not to be able to pass most all of this legislation that the Senator from Alaska has brought before the Senate.

Mr. MURKOWSKI. I wonder if I can ask my colleague a question, relative to what the possible motivation might be? Why will they not allow us as a body, bipartisan, to address this and resolve it by lifting the holds and letting us vote on it? Because the procedure is that it would come before the Senate. There would be, if it were in order, a vote to recommit back. If it prevails, then the Presidio and the entire omnibus package is dead.

We are being prevented from voting to make an ultimate determination of the disposition of the package. I tried to find out what possible explanation there might be. With this hold on it we cannot move the conference report back to the House. It is my understanding, procedurally, in the House, someone could move to recommit. That would kill it in the House. But I have been assured by the Members in the House that is very unlikely to occur. It is doubtful it would even come up, but, procedurally, it would come back here, be subject to recommittal, and we would have a vote so we could determine by a democratic process the disposition. But we are being precluded from that at this time.

Mr. NICKLES. To respond to the question of the Senator from Alaska, the parliamentary situation is such, in the last day or two of the Senate, a lot of things will not move unless you have unanimous consent. I know the Senator from Alaska has tried to get this bill up but there have been holds. There have been objections. Now I think we are at the place where we cannot bring this bill up unless we have unanimous consent.

We have an objection from the Democratic side. Maybe that will be removed. I hope that it will. I hope they realize what is at stake, and maybe it will be reconsidered. I am urging them to do so. I just think there are too many positive things for the entire country for us to let this fall.

Madam President, I ask unanimous consent to have printed in the RECORD the sections which I understand the administration is objecting to, so people can see.

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

SECTIONS DELETED

216—*Conveyance to City of Sumter Oregon* (Hatfield): Authorizes Secretary to convey 1.5 acres to City of Sumter Oregon for public purposes.

Parks—public purpose—this is supposed to be the people President—What in the world does he have against a place for kids to play.

218—*Shenandoah National Park* (Robb/Warner/Bliley/Wolf): Adjusts 1923 Park boundary authorization to match today's existing park boundary.

White House Staff informs you that they would have reached the same conclusion on the boundary adjustment but they needed more process.

Doesn't take anything away from the park—old map authorized 500,000 acres—if we went to that limit there wouldn't be enough money in the Treasury to buy all the private farms and homes that would be in the park.

219—*Tulare conveyance* (House GOP): Affirms that land sold by the railroad to citizens in Tulare, California is free from any title problems.

This was an attempt to bring some stability and certainty to land ownership in the town of Tulare—this administration doesn't seem to care about the towns folks or their future.

220—*Alpine School District* (Kyl, McCain): 30 acres of land to the Alpine School District for a public school facility.

What in the world is wrong with supporting a school district and aiding in the education of school children—I thought this was the education President.

223—*Coastal barrier resource system* (All Florida): Transfers 40 acres of development property out of a 2.1 million acre undeveloped resource area.

This was what the Florida delegation and the Governor believes is best for their citizens—since this President knows better than the States ''elected'' officials what's good for the people—there is certainly no longer a need for State level elected officials.

224—*Conveyance to Del Norte County Unified School District* (House California GOP): Transfers small acreage to the school district for educational purposes.

I guess that it now takes more than a village to raise a child—the title to the new book he is writing is ''All You Really Need is a President to Raise a Child.''

303—*Alaska Peninsula subsurface consolidation* (Murkowski): Authorizes Secretary to exchange subsurface holdings of Koniag Corporation on an equal value for lands and interest owned by the federal govt. This will complete exchanges approved earlier.

It was this provision of the bill that caused the tax problem in the bill.

From this action I can only conclude that the President thinks it's a ''good'' idea to have private in-holdings in national parks and refuges.

304—*Snow-Basin land exchange* (Hatch/Bennett/Hansen and all of Utah): This provision would allow expedited land exchange to facilitate the 2002 winter Olympics which would be an economic boom for the U.S. especially the west. This has been in the process for six years and have received nothing from the Clinton Administration.

I'm not sure what the President has against the Olympics or the people of Utah—maybe he would like to see the United States embarrassed in the eyes of the world.

309—*Sand Hollow exchange* (Hatch/Bennett): Equal value exchange to add acreage to Zion National Park and allows additional water to flow through the park.

His ''own'' people and the environmental community have pushed this exchange—what does this guy have against Utah!—all I can conclude is that a young Bill Clinton must have been pushed down by a big kid from Utah during recess.

311—Land exchange city of Greely, Colorado (Campbell/Brown):

Equal value exchange to secure property needed by city to secure ownership of the cities water supply.

Apparently this administration would like to manage the city of Greely's water supply—having achieved world peace and cured the common cold they apparently are bored and need something to do—sorry Greely.

312—Gates of the Arctic National Park and Preserve land exchange and boundary adjustment (Murkowski, Knowles):

This exchange could have led to a more than 2 million acre expansion of the Gates of the Arctic National Park and Preserve in AK—in Exchange for lands in the NPR–A.

Since when is helping the national parks a bad idea in the Clinton administration—the only conclusion that can be drawn is that they don't like it because its not their idea.

313—Kenai Natives Association land exchange:

This would facilitate exchange between KNA and the FWS to allow an Alaska Native Corp. to gain economic use of their land—this would be an acre-for-acre exchange.

There seems to be no rhyme or reason in the White House position—on one hand they don't want to add two million acres to a national park and on the other they want to double the acreage put into a withdrawal.

401—Cache la Poudre Corridor (Campbell/Brown's number #1 priority):

Establishes Corridor to interpret and protect unique and historical waterway.

All I can conclude from their refusal to support this action is that they don't think the Cache la Poudre deserves to be protected—I guess the people of Colorado are wrong in wanting to preserve an important piece of their history.

405—RS2477 (Murkowski/Hatch/Bennett/Stevens):

Puts a moratorium on the putting new regulations in place without Congressional approval.

This is ''just'' moratorium lanaguage—the minority and the BLM negotiated this language with us—we were all in agreement.

406—Hanford Reach Preservation (Gorton/Doc Hastings):

Extends a moratorium on construction of any new dams or impoundment sin this area.

Can we conclude from this action that Clinton ''wants'' to start building dams on the river.

502—Vancouver National Historic Preserve (Gorton/Murray):

Changes a historic site into a National Park.

Apparently Senator Gorton doesn't know his constituents.

602—Corinth, Mississippi Battlefield Act (Lott):

Establishes a NPS civil war site in Mississippi.

Is there something wrong with honoring the events associated with the civil war in Mississippi?—or could it be that this is in Trent Lott's State.

603—Richmond National Battlefield Park (Warner/Robb/Bliley/Wolf):

Establishes Boundary in accordance with new NPS management Plan dated 8/96.

Administration concerned about the process—this did not seem to bother them when he declared a national monument in Utah—no process!

604—Revoluntionary War (Jeffords):

A study to determine if these sites warrant further protection.

Most of the problems we have had with this administration is that the leap before they think—I guess the idea of studying the need for something before doing it is a alien concept in the White House.

607—Shenadoah Valley Battlefield (Warner/Robb):

Establishes Historical Area. Does not make a new park.

This is what the delegation wants—can they not be trusted to determine what's right for their own constituents.

701—Ski area permits:

Simplifies ski area fee collection.

This is supported by National Ski Association and western State elected officials.

703—Visitor services:

Would raise $150 million dollars for parks to help with badly needed repairs of existing park structures. 100% of new fees go back to park.

Opposition to this provision is simply ridiculous—the Park Service needs these funds to maintain operations—this seems like a blatant attempt to tear down the national parks and blame the Congress.

704—Glacier Bay National Park (Murkowski):

Raises fees to support research and natural resource protection through a head tax on passenger vessels into Glacier Bay.

Never let it be said that this administration would let scientific data get between them and a political decision.

803—Ferel burros and horses (Ashcroft and Bond):

Our bill would prevent the slaughter of horses by the NPS.

It's not bad enough that the White House has declared an open hunting season on people in the West—now they want to shoot the horse they rode in on, too.

806—Katmai National Park agreements (Young):

Authorizes USGS to drill scientific core samples.

Volcanological research—what can be wrong with that—maybe Mr. Clinton needs to live at the base of an active volcano for a while to appreciate the need for volcano research.

811—Expenditures of funds outside boundary of Rocky Mountain National Park (Campbell/Brown):

Simply allows NPS to build a visitor center outside the park mostly with private funds.

The NPS has sought this for years—I guess that Mr. Clinton no longer even trusts his own park service.

815—NPS administrative reform:

Provides authorities NPS has requested for years—Aid park in protection of resources and provide facilities for employees. Provides Senate confirmation of NPS Director.

In keeping with that theme—not only does he not trust his park employees—now he wants them to live under substandard conditions.

816—Mineral king (Boxer/Feinstein):

Extends summer cabin leases. Totally discretionary by Secretary.

Again, the President does not trust his Secretary of the Interior or his Park Service folks to do the right thing—this bill gives them complete control.

818—Calumet Ecological Park (Simon/Mosley/Braun):

A study to Extend I and M canal National Heritage Corridor to incorporate a large portion of Chicago.

Not much to say about this one.

819—Acquisition of certain property in Santa Cruz

Goats are ruining this Island—provision in this bill would allow the NPS to remove goats from Island and restore to pristine conditions.

Those portions of the island that are not under government management look like Afghanistan—the remainder of this island needs to be protected.

1021—Black Canyon of the Gunnison National Park (The only thing that Campbell wants. They are punishing him):

Formally creates a recreation area. Changes monument status to park. Creates a BLM Conservation area. Creates 22,000 acres of wilderness. Has all the four management agencies involved operating under one complex.

1022—*National Park Foundation:* Park Foundation—Murkowski/Lieberman/et. al. Provides for the opportunity for the Private Sector to sponsor the NPS similar to the sponsorship of the Olympic games. We have accepted Bumpers 6 amendments which clarify the sanctity of the NPS. Which clarifies that in no way the corporate entity can over commercialize the Park service system.

Can anybody deny that our national parks are in need of help and support and that Government funding is certainly not on the increase!

1028—*Mount Hood* (Hatfield): Exchange between private company and federal Gov't. Provision is already in CR.

1029—*Creation of the Coquille Forest* (Hatfield): Already in CR. Equal value exchange creating a tribal forest.

1034—*Natchez National Historical Park* (Cochran): Creates an auxiliary area to a NPS unit and provides $3 million for an intermodel transportation system and visitor system.

Is this administration opposed to creating less intrusive modes of transportation to allow more people to be able to enjoin the magnificent national park system—or are the just opposed to Republicans getting something for their home States?

1036—*Rural electric and telephone facilities:* Authorizes BLM to waive Right-of-way rental charges for small rural electric and phone cooperatives.

1037—*Federal borough recognition (PILT)* (Murkowski/Stevens): This allows the unorganized borough in Alaska to receive PILT payments. 60% of the federal lands in Alaska are in this borough. The Administration did not oppose this during committee and the language was worked out in cooperation with them.

The administration supported this in committee. This is a slap in the face to rural Alaskans who lose out of economic opportunities because of the massive amount of public lands in their backyards—what could possibly be the reason for opposing this—other than it is in a State that did not vote for the President.

1038—*Alternative processing* (Murkowski): This is an attempt to save the remaining jobs in SE Alaska.

Why doesn't the President just tell us, ''I want the remaining jobs to go away and I want the communities to suffer.'' This is what he is doing.

1039—*Village Land Negotiations (Appendix C issue)* (Murkowski): This is an outright slap in the face of Alaska natives. This provision just asked the Secretary to talk to five tiny Alaskan villages who have waited more than 20 years to receive the land they were promised under ANCSA.

This is a classic example of the Federal Government giving the old bait-and-switch routine to America's native people and having no intention of ever making good on their promises.

1040—*Unrecognized communities in SE Alaska* (Murkowski): This merely let five communities in Alaska establish as a group or Urban corporation. It involved no land transfers. It was a Native Alaska equal right bill.

Another situation in which the Federal Government has turned its back on Alaska's Native people!

1041—*Gross brothers* (Murkowski): They served their country in uniform and now there country is denying them the land they homesteaded.

1043—*Credit for reconveyance* (Murkowski): This would have allowed Cape Fox Corporation to transfer 320 acres of land near the Beaver Falls Hydro project Back to the Forest Service. CFC would not have gotten any new lands in exchange.

Does the Federal Government oppose receiving land back?

1044—*Radio site report*

A study to determine if a existing radio site is needed.

1045—*Retention and maintenance of certain dams and weirs etc.:* Forces the Forest Service to maintain specific dams and weirs in the Immigrant Wilderness Area.

1046—*Matching land conveyance (University of Alaska)* (Murkowski): This authorized the Secretary of the Interior to discuss a land grant with the University of Alaska who has never received it's federal entitlement. On a matching basis with the state.

Once again the ''Education President'' strikes again and proves he is against education.

Mr. NICKLES. Madam President, I will make one comment. Looking at the first one, authorizes the Secretary of Interior, I believe, to convey 1.5 acres to the city of Sumter, OR, for public purposes. Senator HATFIELD and Senator WYDEN, I am guessing, felt like this was important to the city of Sumter. I don't know. It is an acre and a half. I somewhat question why they are objecting to that. Senator HATFIELD is going to be retiring.

I am shocked, and I almost bet there has never been a veto threat or objection raised on that land before.

I see the Shenandoah National Park, adjust 1923 park boundary authorization to match today's existing park boundary. That seems to me to make sense.

We could go through this entire list. We already have entered it in the RECORD so people can see.

I have looked through this list, and there is no reason to veto this bill or to object to taking up this bill. To answer the question of my colleague from Alaska, I urge the minority to allow us to bring the bill up and vote. I will be shocked if we don't get 90 votes for this bill, 90-some votes, because there is no reason to object to this package, if you look at all the good things in this bill.

I am not totally knowledgeable of all 126 projects, but I have looked through the list, and what they are objecting to makes very, very little sense. My guess is—and I count votes on occasion—my guess is we will have overwhelming support. At least 80 or 90 percent of our colleagues would vote for passage of this package.

So I urge the minority leader to reconsider and talk to the administration and allow us to bring this bill up, pass it and let it become law this year.

Mr. MURKOWSKI. I wonder if I can just share with my friend, the whip, the Senator from Oklahoma, relative to the roles that seem to be eroding here as authorizers, and as a member of the Committee on Energy and Natural Resources, my friend from Oklahoma knows really what is happening here. It is almost like a line-item veto that is being dictated by the administration on this legislation, where we have met with them, taken out what they objected to, then they move the goalposts and come back with 46 more.

The constitutional structure of Government suggests the legislative body is involved in a process. Our process is hearings, input and movement on the bill. But they seem to come in and line-item veto or cherry-pick and say, ''No, this is unacceptable.''

If this continues, clearly the legislative responsibility that we have as authorizes is taken away. Of course, I have always had a concern about these items moving on to the appropriations bill, because the appropriators then become the authorizers as well, or they simply control the disposition.

It would seem to me that as a consequence of what happened this year in our committee, I refer to the experience and observation of my friend from Oklahoma, where every single bill that you try to move out results in a hold, that we are going to have to take some extreme means next year in the process, if we introduce this package and pass it out of committee, that if Members put holds on it, maybe the Senate is simply going to have to stop, maybe we are going to have to object to any unanimous consent agreement until we can get some kind of a restructuring so we can move bills as we report them out of committee, get them to the floor and get them to a vote. The disposition should be determined by a vote, not one Member holding up 126 bills.

So that is my degree of frustration, having the responsibility of chairman of the committee and the authorizing responsibility. To be put in a position where I am subject to negotiations with the administration to spin off bills that we passed and reported out for those that they will take and those they won't take clearly puts them in a position of line-item veto and circumvents the responsibility that we have as authorizers.

I know there are a lot of Members out there who have bills that are very important to them who want some kind of exception from the package, but the problem I have is I hold a responsibility equally to Republicans and Democrats within the committee to do the best I can to get their bills collectively passed. When I get in the position of having to pick and choose because of the administration's dictate, it is very, very difficult, and I am not sure I want to proceed in that kind of a manner because it is simply not fair to all the Members. I would like the RECORD to note that.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I appreciate the Senator's comment. I agree with him. Hopefully, we will figure out a way to get through this impasse. I am going to work with the Senator from Alaska today to try and make that happen, but it has to happen today because I think the House will be leaving later this evening.

Mr. MURKOWSKI. This is the last chance. The bus has left. If we don't get this done, I am guessing by—well, I am guessing the House is going to probably finish around 6 with the CR.

Mr. NICKLES. Or before.

Mr. MURKOWSKI. So we probably don't have much more than an hour or an hour and a half to have a hold that is applicable now, put on by the Democrats at the dictate of the White House, and if we don't get this thing done now, it is going to be too late and there is not going to be a Presidio, there is not going to be a San Francisco Bay cleanup, there is not going to be Sterling Forest, there is not going to be the ski exchange, and we simply have to move now. It is now or never, and I implore my colleagues on the other side to look at the merits of this package in its entirety and let us vote on it. That is why we are here.

Mr. NICKLES. Madam President, I thank my colleague from Alaska.

I ask unanimous consent to have printed in the RECORD an article in today's paper, Saturday, September 28, from the Denver Post. The headline of the editorial is ''Clinton's partisanship threatens lands bill.''

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

[From the Denver Post, Sept. 28, 1996]

CLINTON'S PARTISANSHIP THREATENS LANDS BILL

In an election, a certain number of power plays are expected. But the reasons President Clinton gave for threatening to veto an omnibus parks bill go beyond power politics to inject a dangerous level of partisanship into public lands policies.

A congressional conference committee already had stripped many of the most objectionable provisions from the bill, including an ill-advised grazing proposal. Most of the 126 projects that survived into the final version were noncontroversial.

Clinton, however, has labeled 45 of those remaining projects as unacceptable and threatened to veto the whole bill because of them. Of those, four are in Colorado.

Only one Colorado project had stirred much controversy previously; A deal would have let the U.S. Forest Service cede control of a reservoir whose water the city of Greeley wants, in exchange for Greeley giving the U.S. government some ranchland next to national forest property. Environmentalists feared the deal could let Greeley dry up streams near the reservoir. At the very least, the deal should wait until a pending study of the region's bypass flow issue has been completed.

But Clinton didn't cite only controversial projects as reasons for threatening to kill the bill. He also targeted mundane projects that enjoyed widespread bipartisan support.

For example, the bill would have funded construction of a new visitors center at the Fall River entrance of Rocky Mountain National Park, a project Clinton's own Interior Department had requested.

The president also objected to a deal that would have added 22,000 acres of wilderness to the Black Canyon of the Gunnison National Monument and transformed it into a full-fledged national park. A series of lengthy public hearings already had resolved concerns about the national park designation.

Strangest of all, the White House spurned plans to protect a stretch of the Cache La Poudre River from development and to build a system of hiking, biking and horse-riding trails in the preserved open space. Environmental groups had joined the cities of Fort Collins and Greeley in support of the plan.

Now, the GOP is howling because the 45 projects on Clinton's hit list all happen to be sponsored by congressional Republicans Clinton thus handed his foes a whole box of political ammunition that they will shoot back at him from now until Election Day.

If Clinton decided to veto the bill based on policy concerns, he has been poorly advised on the merits of the projects. If he is simply opposing projects as an election-year ploy, however, he may have committed a serious blunder in the eyes of many Colorado voters.

Mr. NICKLES. Madam President, looking through it, there are several projects in Colorado that are objected to. It says:

> The President also objected to a deal that would have added 22,000 acres of wilderness to the Black Canyon of the Gunnison National Monument and transformed it into a full-fledged national park. A series of lengthy public hearings already had resolved concerns about the national park designation.

That is just one. I know President Clinton stood outside of the Grand Canyon and had a big environmental picture day and talked about taking 1.8 million acres in Utah, without consulting the Utah delegation or the Utah Governor. But I am looking at their reluctance to cooperate with us on this package as being a lot more detrimental, because this package does lots of things in all States, from California to New Jersey, including Colorado.

I just think there are some real inconsistencies here. I hope our colleagues will join us in working together to see if we can't pass this bill later today.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

TRIBUTE TO JOYCE McCLUNEY

Mr. LOTT. Mr. President, I rise today to say thank you, and express my appreciation, on behalf of all Senators for the outstanding work of Joyce McCluney who has served this Government for 29 years. She was with Senator Bob Dole during his tenure both as minority leader and as majority leader of this body. For 9 years, she served as his office manager and coordinated the Senator's support team, an endless challenge of organization and detail that I am witnessing first hand now. Along with her other responsibilities, she spent countless hours making the complicated arrangements for visiting heads of state and foreign parliamentary delegations meeting with the Republican leader.

These past 2 years, Joyce served as Deputy Sergeant at Arms with Sergeant at Arms Howard O. Greene, Jr. Time and again, she demonstrated her foresight and excellent administrative skills in administering the Senate's largest, most technologically complex office in the U.S. Senate and her unquestionable support to all Senators in this body has been exemplary. She has just done an outstanding job.

She raised three children while she was accumulating outstanding career credentials. Her impressive resume includes assignments with the Senate Finance Committee, the White House, the Commerce Department, the State Department, and the offices of the leader of the U.S. Senate.

Joyce is retiring from the Senate and from Government. She plans a brief interlude of well-deserved rest and recreation and I know that in the near future she will contribute her many talents to new and exciting endeavors. Joyce McCluney takes with her many, many accolades for her achievements and the gratitude of everyone who benefited from her dedication to this institution. She leaves a legacy of outstanding contributions and a legion of friends and admirers. I want to thank Joyce McCluney for all she has done for this institution and to wish the best of all good things in her future.

I extend best wishes to Joyce McCluney and express the appreciation of the Senate for her fine work.

THE Calendar

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed, en bloc, to the consideration of Calendar No. 579, which is H.R. 3660; Calendar No. 576, which is H.R. 1514; Calendar No. 476, which is H.R. 2967; and Calendar No. 475, which is H.R. 1823.

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

Mr. LOTT. Mr. President, I further ask unanimous consent that the bills be deemed read a third time, and passed, en bloc, the motions to reconsider be laid upon the table, and that any statements relating to the bills appear at the appropriate place in the RECORD.

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

RECLAMATION RECYCLING AND WATER CONSERVATION ACT OF 1996

The bill (H.R. 3660) to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes, and was considered, ordered to a third reading, read the third time, and passed.

PROPANE EDUCATION AND RESEARCH ACT OF 1996

The bill (H.R. 1514) to authorize and facilitate a program to enhance safety, training, research, and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes, was considered, ordered to be a third reading, read the third time, and passed.

Mr. BUMPERS. Mr. President, Senator THOMPSON and I would like to enter into a brief colloquy with the sponsor of this bill, Senator DOMENICI. Some concerns were raised in the last Congress, with respect to a similar bill, that such legislation might adversely affect users of propane by interfering with propane markets or artificially stimulating the demand for propane. Does the bill before us address these concerns?

Mr. DOMENICI. I thank my colleague from Arkansas for his question. He is correct that such concerns were raised, but the bill before the Senate today addresses these concerns. This bill includes changes that make clear that the Propane Research and Education Council [PERC], which is created by this bill, is not a marketing and promotion agency, but rather a research and educational one. It also caps the level of funding that can be committed to motor fuel uses of propane, which is

arguably the application that might have the greatest impact on propane usage in this country. These changes were agreed to by parties representing propane producers and propane consumers.

Mr. THOMPSON. Does this bill allow funds to be used for any marketing and promotional activities.

Mr. DOMENICI. The bill stipulates that the PERC may engage in education of consumers regarding propane. In fact, a specific provision of the bill, section 5(h), requires the PERC to give priority to research and development, safety, education, and training in the development of programs and projects.

Mr. BUMPERS. How will the PERC distinguish between education and market promotion? What might be some examples, of activities that are intended to be permitted under this bill, and activities that are not?

Mr. DOMENICI. Activities not intended under this bill would include efforts by the PERC, or efforts supported by PERC-provided funding but carried out by other organizations, that solicit individuals to switch from other fuels to propane, or that subsidize such fuel switching. Such activities would certainly not qualify as education under any definition. Another example of an activity not contemplated by this bill would be a general media campaign of 30-second television commercials to the effect that propane is a good fuel choice. This would not be considered education, since the amount of substantive information likely to be contained in such a commercial would not qualify it as a legitimate educational tool. However, builder/architect outreach efforts that disseminate information about propane home heating devices, so that consumers likely to consider propane heating could make informed choices, would be permitted under this bill. Similarly, efforts to educate propane consumers about new advances in technology, such as the development of a propane heat pump or the development of new flaming technologies for weed control in agriculture, would be permitted. While these types of activities could be considered marketing or promotion, they education consumers by making them aware of more efficient and therefore less costly appliances and practices, and thus are beneficial to consumers. Similarly, efforts to disseminate safety-related educational materials which will benefit consumers, are also contemplated, even though it might be argued that such materials are promotional. During our hearing on this bill earlier this year the Propane Consumers Coalition readily acknowledged that these types of activities were contemplated under this bill and I believe this strikes an appropriate balance.

Mr. THOMPSON. Are there other consumer protection provisions included in the bill.

Mr. DOMENICI. Yes. The bill provides that if, in any year, the 5-year rolling prices index of propane exceeds by a specified level the 5-year rolling average price of a composite index of other home heating fuels, the activities of the PERC will be restricted to research and development, training, and safety programs. In addition, the bill requires certain studies and reports to ensure that the bill is having no adverse effect on consumers. Finally, three seats on the PERC are reserved for members representing the public. I firmly believe, and the Propane Consumers Coalition has testified before the Senate Energy Committee, that these provisions will ensure that this legislation will not have a negative effect on consumers.

Mr. THOMPSON. I thank the Senator.

Mr. BUMPERS. I thank the Senator.

EXTENDING THE AUTHORIZATION OF THE URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978

The bill (H.R. 2967) to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE CENTRAL UTAH PROJECT COMPLETION ACT

The bill (H.R. 1823) to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING HYDROGEN RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAMS OF DOE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4138, received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4138) to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 4138) was deemed read the third time and passed.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 604, S. 1649.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1649) to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1649

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 ''Irrigation Project Contract Extension Act of 1996''.

SEC. 2. EXTENSION OF CONTRACTS.

The Secretary of the Interior shall extend the **[**construction repayment**]** and water service contracts for the following projects, entered into by the Secretary of the Interior under **[**subsections (d) and**]** *subsections* (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) and section 9(c) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), for a period of 4 additional years after the dates on which each of the contracts, respectively, would expire but for this section:

[(1) The Ainsworth Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), the Act of August 21, 1954 (68 Stat. 757, chapter 781), and the Act of May 18, 1956 (70 Stat. 160, chapter 285), situated in Cherry County, Brown County, and Rock County, Nebraska.

[(2) The Almena Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Norton County and Phillips County, Kansas.**]**

[(3)**]***(1)* The Bostwick Unit (Kansas portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Republic County, Jewell County, and Cloud County, Kansas.

[(4)**]***(2)* The Bostwick Unit (Nebraska portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Harlan County, Franklin County, Webster County, and Nuckolls County, Nebraska.

[(5)**]***(3)* The Farwell Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and

the Act of August 3, 1956 (70 Stat. 975, chapter 923), situated in Howard County, Sherman County, and Valley County, Nebraska.

[(6)] *(4)* The Frenchman-Cambridge Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Chase County, Frontier County, Hitchcock County, Furnas County, *Red Willow County,* and Harlan County, Nebraska.

[(7)] *(5)* The Frenchman Valley Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Hayes County and Hitchcock County, Nebraska.

[(8)] *(6)* The Kirwin Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Phillips County, Smith County, and Osborne County, Kansas.

[(9)] *(7)* The Sargent Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), situated in Blaine County, Custer County, and Valley County, Nebraska.

[(10)] *(8)* The Webster Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Rooks County and [Osborn] *Osborne* County, Kansas.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be considered agreed to, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 1649), as amended, was deemed read the third time and passed.

MARINE MINERAL RESOURCES RESEARCH ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 471, S. 1194.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1194) to amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Mineral Resources Research Act of 1996''.

SEC. 2. RESEARCH PROGRAM.

The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) by inserting after the first section the following:

''TITLE I—MINING POLICY'';

(2) by redesignating section 2 as section 101; and

(3) by adding at the end the following:

''TITLE II—MARINE MINERAL RESOURCES RESEARCH PROGRAM

''SEC. 201. DEFINITIONS.

''In this title:

''(1) The term 'contract' has the same meaning as 'procurement contract' in section 6303 of title 31, United States Code.

''(2) The term 'cooperative agreement' has the same meaning as in section 6305 of title 31, United States Code.

''(3) The term 'eligible entity' means—

''(A) a research or educational entity chartered or incorporated under Federal or State law;

''(B) an individual who is a United States citizen; or

''(C) a State or regional agency.

''(4) The term 'grant' has the same meaning as 'grant agreement' in section 6304 of title 31, United States Code.

''(5) The term 'in-kind contribution' means a noncash contribution provided by a non-Federal entity that directly benefits and is related to a specific project or program. An in-kind contribution may include real property, equipment, supplies, other expendable property, goods, and services.

''(6) The term 'marine mineral resource' means—

''(A) sand and aggregates;

''(B) placers;

''(C) phosphates;

''(D) manganese nodules;

''(E) cobalt crusts;

''(F) metal sulfides; and

''(G) other marine resources that are not—

''(i) oil and gas;

''(ii) fisheries; or

''(iii) marine mammals.

''(7) The term 'Secretary' means the Secretary of the Interior.

SEC. 202. RESEARCH PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish and carry out a program of research on marine mineral resources.

''(b) PROGRAM GOAL.—The goal of the program shall be to—

''(1) promote research, identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

''(2) assist in developing domestic technologies required for efficient and environmentally sound development of marine mineral resources;

''(3) coordinate and promote the use of technologies developed with Federal assistance, and the use of available Federal assets, for research, identification, assessment, exploration, and development of marine mineral resources; and

''(4) encourage academia and industry to conduct basic and applied research, on a joint basis, through grants, cooperative agreements, or contracts with the Federal Government.

''(c) RESPONSIBILITIES OF THE SECRETARY.—In carrying out the program, the Secretary shall—

''(1) promote and coordinate partnerships between industry, government, and academia to research, identify, assess, and explore marine mineral resources in an environmentally sound manner;

''(2) undertake programs to develop the basic information necessary to the long-term national interest in marine mineral resources (including seabed mapping) and to ensure that data and information are accessible and widely disseminated as needed and appropriate;

''(3) identify, and promote cooperation among agency programs that are developing, technologies developed by other Federal programs that may hold promise for facilitating undersea applications related to marine mineral resources, including technologies related to vessels and other platforms, underwater vehicles, survey and mapping systems, remote power sources, data collection and transmission systems, and various seabed research systems; and

''(4) foster communication and coordination between Federal and State agencies, universities, and private entities concerning marine mineral research on seabeds of the continental shelf, ocean basins, and arctic and cold water areas.

In carrying out these responsibilities, the Secretary shall ensure the participation of nonfederal users of technologies and data related to marine mineral resources in planning and priority setting.

''SEC. 203. GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.

''(a) ASSISTANCE AND COORDINATION.—

''(1) IN GENERAL.—The Secretary shall award grants or contracts to, or enter into cooperative agreements with, eligible entities to support research for the development or utilization of—

''(A) methods, equipment, systems, and components necessary for the identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

''(B) methods of detecting, monitoring, and predicting the presence of adverse environmental effects in the marine environment and remediating the environmental effects of marine mineral resource exploration, development, and production; and

''(C) education and training material in marine mineral research and resource management.

''(2) COST-SHARING FOR CONTRACTS OR COOPERATIVE AGREEMENTS.—

''(A) FEDERAL SHARE.—Except as provided in subparagraph (B)(ii), the Federal share of the cost of a contract or cooperative agreement carried out under this subsection shall not be greater than 80 percent of the total cost of the project.

''(B) NON-FEDERAL SHARE.—The remaining non-Federal share of the cost of a project carried out under this section may be—

''(i) in the form of cash or in-kind contributions, or both; and

''(ii) comprised of funds made available under other Federal programs, except that non-Federal funds shall be used to defray at least 10 percent of the total cost of the project.

''(C) CONSULTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this subsection that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).

''(b) COMPETITIVE REVIEW.—

''(1) IN GENERAL.—An entity shall not be eligible to receive a grant or contract, or participate in a cooperative agreement, under subsection (a) unless—

''(A) the entity submits a proposal to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

''(B) the proposal has been evaluated by a competitive review panel under paragraph (3).

''(2) COMPETITIVE REVIEW PANELS.—

''(A) COMPOSITION.—A competitive review panel shall be chaired by the Secretary or by the Secretary's designee and shall be composed of members who meet the following criteria:

''(i) APPOINTMENT.—The members shall be appointed by the Secretary.

''(ii) EXPERIENCE.—Not less than 50 percent of the members shall represent or be employed by private marine resource companies that are involved in exploration of the marine environment or development of marine mineral resources.

''(iii) INTEREST.—None of the members may have an interest in a grant, contract, or cooperative agreement being evaluated by the panel.

''(B) NO COMPENSATION.—A review panel member who is not otherwise a Federal employee shall receive no compensation for performing duties under this section, except that, while engaged in the performance of duties away from the home or regular place of business of the member, the member may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service under section 5703 of title 5, United States Code.

''(3) EVALUATION.—A competitive review panel shall base an evaluation of a proposal on criteria developed by the Secretary that shall include—

''(A) the merits of the proposal;

''(B) the research methodology and costs of the proposal;

''(C) the capability of the entity submitting the proposal and any other participating entity to perform the proposed work and provide in-kind contributions;

''(D) the amount of matching funds provided by the entity submitting the proposal or provided by other Federal, State, or private entities;

''(E) the extent of collaboration with other Federal, State, or private entities;

''(F) in the case of a noncommercial entity, the existence of a cooperative agreement with a commercial entity that provides for collaboration in the proposed research;

''(G) whether the proposal promotes responsible environmental stewardship; and

''(H) such other factors as the Secretary considers appropriate.

''(c) LIMITATIONS.—

''(1) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

''(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

''(d) REPORTS.—An eligible entity that receives a grant or contract or enters into a cooperative agreement under this section shall submit an annual progress report and a final technical report to the Secretary that—

''(1) describes project activities, implications of the project, the significance of the project to marine mineral research, identification, assessment, and exploration, and potential commercial and economic benefits and effects of the project; and

''(2) in the case of an annual progress report, includes a project plan for the subsequent year.

''SEC. 204. MARINE MINERAL RESEARCH CENTERS.

''(a) IN GENERAL.—No later than 90 days after the date of enactment of this section, the Secretary shall designate 3 centers for marine mineral research and related activities.

''(b) CONCENTRATION.—One center shall concentrate primarily on research in the continental shelf regions of the United States, 1 center shall concentrate primarily on research in deep seabed and near-shore environments of islands, and 1 center shall concentrate primarily on research in arctic and cold water regions.

''(c) CRITERIA.—In designating a center under this section, the Secretary shall give priority to a university that—

''(1) administers a federally funded center for marine minerals research;

''(2) matriculates students for advanced degrees in marine geological sciences, nonenergy natural resources, and related fields of science and engineering;

''(3) is a United States university with established programs and facilities that primarily focus on marine mineral resources;

''(4) has engaged in collaboration and cooperation with industry, governmental agencies, and other universities in the field of marine mineral resources;

''(5) has demonstrated significant engineering, development, and design experience in two or more of the following areas;

''(A) seabed exploration systems;

''(B) marine mining systems; and

''(C) marine mineral processing systems; and

''(6) has been designated by the Secretary as a State Mining and Mineral Resources Research Institute.

''(d) CENTER ACTIVITIES.—A center shall—

''(1) provide technical assistance to the Secretary concerning marine mineral resources;

''(2) advise the Secretary on pertinent international activities in marine mineral resources development;

''(3) engage in research, training, and education transfer associated with the characterization and utilization of marine mineral resources; and

''(4) promote the efficient identification, assessment, exploration, and management of marine mineral resources in an environmentally sound manner.

''(e) ALLOCATION OF FUNDS.—In distributing funds to the centers designated under subsection (a), the Secretary shall, to the extent practicable, allocate an equal amount to each center.

''(f) LIMITATIONS.—

''(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section during a fiscal year may be use÷÷d by the Secretary for expenses associated with administration of the program authorized by this section.

''(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

''SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated such sums as are necessary to carry out this title.''.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the title amendment be agreed to, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 1194), as amended, was deemed read the third time and passed.

The title was amended so as to read: ''To promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.''.

AMENDING THE HELIUM ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4168 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4168) to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 4168) was deemed read the third time and passed.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. LOTT. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 556, which is H.R. 3868.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3868) to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

AMENDMENT NO. 5415

(Purpose: To extend energy conservation programs under the Energy Policy and Conservation Act through calendar year 1997, and for other purposes)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MURKOWSKI, proposes an amendment numbered 5415.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to implement this part.'';

(2) in section 181 (42 U.S.C. 6251) by striking ''June 30, 1996'' both places it appears and inserting in lieu thereof ''September 30, 1997'';

(3) by striking ''section 252(1)(l)'' in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting ''section 252(k)(1)'';

(4) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking ''allocation and information provisions of the international energy program'' and inserting ''international emergency response provisions'';

(B) in subsection (d)(3), by striking ''known'' and inserting after ''circumstances'' ''known at the time of approval'';

(C) in subsection (e)(2) by striking ''shall'' and inserting ''may'';

(D) in subsection (f)(2) by inserting ''voluntary agreement or'' after ''approved'';

(E) by amending subsection (h) to read as follows—

''(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

''(1) the international energy program, or

''(2) any allocation, price control, or similar program with respect to petroleum products under this Act.'';

(F) in subsection (i) by inserting ''annually, or'' after ''least'' and by inserting ''during an international energy supply emergency'' after ''months'';

(G) in subsection (k) by amending paragraph (2) to read as follows—

''(2) The term ''international emergency response provisions'' means—

''(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

''(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on ''Stocks and Supply Disruptions'') for—

''(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

''(ii) complementary actions taken by governments during an existing or impending international oil supply disruption''; and

(H) by amending subsection (1) to read as follows:

''(1) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'';

(5) by adding at the end of section 256(h), ''There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part.''

(6) by adding at the end of section 256(h) (42 U.S.C. 6276(h)) ''There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part.'';

(7) in section 281 (42 U.S.C. 6285) by striking ''June 30, 1996'' both places it appears and inserting in lieu thereof ''September 30, 1997''.;

(8) in section 365(f)(1) (42 U.S.C. 6325(f)(1)) by striking ''not to exceed'' and all that follows through ''fiscal year 1993'' and inserting in lieu thereof ''for fiscal year 1997 such sums as may be necessary'';

(9) by amending section 397 (42 U.S.C. 6371f) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary.''; and

(10) in section 400BB(b) (42 U.S.C. 6374a(b)) by amending paragraph (1) to read as follows:

''(1) There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for fiscal year 1997, to remain available until expended.''

SEC. 2. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary.''.

Mr. LOTT. Now I ask unanimous consent the amendment be agreed to, the bill be deemed read for the third time, passed as amended, the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The amendment (No. 5415) was agreed to.

The bill (H.R. 3868), as amended, was deemed read the third time, and passed.

DEPARTMENT OF ENERGY STANDARDIZATION ACT OF 1996

Mr. LOTT. I ask unanimous consent the Senate proceed to Calendar No. 486, S. 1874.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1874) to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. LOTT. I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1874) was deemed read for a third time and passed, as follows:

S. 1874

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 ''Department of Energy Standardization Act of 1996''.

SEC. 2. STANDARDIZATION OF DEPARTMENT OF ENERGY REQUIREMENTS WITH GOVERNMENT-WIDE REQUIREMENTS.

(a) DEPARTMENT OF ENERGY REGULATIONS.—

(1) Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended by striking subsections (b) and (d).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(e) of the Department of Energy Organization Act (42 U.S.C. 7191(e)) is amended by striking ''subsections (b), (c), and (d)'' and inserting ''subsection (c)''.

(b) SPECIAL REQUIREMENTS AFFECTING ADVISORY COMMITTEES.—

(1) Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended by—

(A) striking ''(a)''; and

(B) striking subsection (b).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is hereby repealed.

HEALTH PROFESSIONS EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT

Mr. LOTT. I ask unanimous consent to proceed to the immediate consideration of Calendar No. 121, S. 555.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 555) to amend the Public Health Service Act to consolidate and reauthorize health professional and minority and disadvantaged health education programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause, and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Health Professions Education Consolidation and Reauthorization Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Minority and disadvantaged health professions grant program.
Sec. 102. Training in family medicine, general internal medicine, general pediatrics, preventive medicine, physician assistants, and general dentistry.
Sec. 103. Enhanced health education and training.
Sec. 104. Health professions workforce development.
Sec. 105. General provisions.
Sec. 106. Preference in certain programs.
Sec. 107. Definitions.
Sec. 108. Savings provision.

Subtitle B—Nursing Education

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

Sec. 131. General amendments with respect to federally supported loans.
Sec. 132. Restructuring and technical amendments.
Sec. 133. Definition of underserved areas.
Sec. 134. Conforming amendments.

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 135. Primary care loan program.
Sec. 136. Loans for disadvantaged students.
Sec. 137. Student loans regarding schools of nursing.
Sec. 138. General provisions.

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health education assistance loan program.
Sec. 142. HEAL lender and holder performance standards.
Sec. 143. Reauthorization.

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

Sec. 151. Scholarships for disadvantaged students.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. Programs regarding birth defects.

Sec. 302. Traumatic brain injury.
Sec. 303. State offices of rural health.
Sec. 304. Health services for Pacific Islanders.
Sec. 305. Demonstration projects regarding Alzheimer's Disease.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103–183.
Sec. 402. Certain authorities of Centers for Disease Control and Prevention.
Sec. 403. Administration of certain requirements.
Sec. 404. Technical corrections relating to health professions programs.
Sec. 405. Clinical traineeships.
Sec. 406. Construction of regional centers for research on primates.
Sec. 407. Required consultation by Secretary.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. MINORITY AND DISADVANTAGED HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—DISADVANTAGED HEALTH PROFESSIONS TRAINING

"SEC. 736. STATEMENT OF PURPOSE.

"(a) IN GENERAL.—The Secretary shall make grants to or enter into contracts with eligible entities for the purpose of establishing, enhancing, and expanding programs to increase the number and the quality of disadvantaged health professionals, particularly those who provide health services to disadvantaged populations or in medically underserved areas or rural areas.

"(b) USE OF FUNDS.—Amounts provided under a grant or contract awarded under this part may be used for costs of planning, developing, or operating centers of excellence in minority health professions education, programs for assisting individuals from disadvantaged backgrounds to enter a health profession, minority faculty development, minority faculty loan repayment or fellowships, trainee support, technical assistance, workforce analysis, and dissemination of information.

"(c) CONSORTIUM.—Schools within a consortium that applies for a grant or contract under this part shall enter into an agreement to allocate the funds received under the grant or contract among such schools and expend such funds in accordance with the application for such grant or contract.

"SEC. 737. PREFERENCES.

"In awarding grants or contracts to eligible entities under this part, the Secretary shall give preference to—

"(1) projects that involve more than one health professions discipline or training institution and have an above average record of retention and graduation of individuals from disadvantaged backgrounds; and

"(2) centers of excellence at Historically Black Colleges and Universities (as defined in section 739) beginning in fiscal year 1999 and for each fiscal year thereafter.

"SEC. 738. AUTHORIZATION OF APPROPRIATION.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $51,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

"(b) SET-ASIDE.—With respect to each of the fiscal years 1996, 1997 and 1998, the Secretary shall set-aside $12,000,000 of the amount appropriated under subsection (a) in each such fiscal year for the purpose of making grants under section 736 to centers of excellence at certain Historically Black Colleges and Universities.

"(c) NO LIMITATION.—Nothing in this section shall be construed as limiting the centers of excellence referred to in subsection (b) to the set-aside amount, or to preclude such entities from competing for other grants under section 736.

"SEC. 739. DEFINITIONS.

"As used in this part:

"(1) CENTERS OF EXCELLENCE.—The term 'centers of excellence' means a health professions school that—

"(A)(i) has a significant number of minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting minority individuals to attend the school and encouraging minority students of secondary educational institutions to attend the health professions school; and

"(iv) has made significant recruitment efforts to increase the number of minority individuals serving in faculty or administrative positions at the school; or

"(B) is a center of excellence at certain Historically Black Colleges and Universities.

"(2) CONSORTIUM.—The term 'consortium' means the designated eligible entity seeking a grant under this part and one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, public health, or graduate programs in mental health practice.

"(3) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

"(4) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term 'Historically Black Colleges and Universities' means a school described in section 799B(1) that has received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.".

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a-2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 102. TRAINING IN FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

(1) in the part heading by striking "PRIMARY HEALTH CARE" and inserting "FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY";

(2) by repealing section 746 and sections 748 through 752 (42 U.S.C. 293j and 293l through 293p); and

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, GENERAL DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting ", general internal medicine (including geriatrics), or general pediatrics" after "family medicine";

(iv) in paragraphs (3) and (4), by inserting "(including geriatrics) after "family medicine";

(v) in paragraph (3), by striking "and" at the end thereof;

(vi) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training;

"(6) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine, that have available full-time faculty members with training and experience in the fields of preventive medicine; and

"(B) to provide financial assistance to residency trainees enrolled in such programs; and

"(7) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, that would lead to a significantly greater ratio of participating individuals in such programs eventually entering practice in general dentistry in rural and medically underserved communities compared to the current ratio of all dentists nationally practicing general dentistry in rural and medically underserved communities.

For purposes of paragraph (7), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general practice of dentistry, or approved advanced education programs in the general practice of dentistry. The Secretary may only fund programs under such paragraph if such programs provide a significant amount of care for underserved populations and other high-risk groups, and if the Secretary determines that there is a national shortage of general dentists.";

(C) in paragraphs (1) and (2)(A) of subsection (b), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) PRIORITY AND LIMITATION.—

"(1) PRIORITY.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general dentistry upon completion of their first period of training required to obtain initial board certification. Each program shall designate the primary care training or general dentistry positions that such program shall provide with grant funding to support and for which such program shall be held accountable

regarding the primary care or general dentistry requirement set forth in this section.

''(2) LIMITATION.—With respect to programs for the training and education of medical students, the Secretary may only provide grants or contracts under this section to administrative units in general pediatrics or general internal medicine if a qualified administrative unit applicant demonstrates that its medical school has—

''(A) a mission statement that has a primary care medical education objective;

''(B) faculty role models and administrative units in primary care; and

''(C) required undergraduate ambulatory medical student clerkships in family medicine, internal medicine, and pediatrics.

Where a medical school does not have an administrative unit in family medicine, clerkships in family medicine shall not be required.''; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking ''$54,000,000'' and all that follows and inserting ''$76,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.''; and

(ii) in paragraph (2)—

(I) by striking ''20'' and inserting ''12''; and

(II) by inserting ''for family medicine academic administrative units'' after ''under subsection (b)''.

SEC. 103. ENHANCED HEALTH EDUCATION AND TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

''PART D—AREA HEALTH EDUCATION CENTERS

''SEC. 750. AREA HEALTH EDUCATION CENTERS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects which —

''(1) improve the recruitment, distribution, supply, quality, utilization, and efficiency of personnel providing health services in urban and rural areas and to populations that have demonstrated serious unmet health care need;

''(2) encourage the regionalization of educational responsibilities of the health professions schools;

''(3) are designed to prepare, through field placements, preceptorships, the conduct of or affiliation with community-based primary care residency programs, agreements with community-based organizations for the delivery of education and training in the health professions, and other programs, individuals to effectively provide health services in health professional shortage areas;

''(4) conduct health professions education and training activities consistent with national and State priorities, including geriatrics;

''(5) encourage health promotion and disease prevention activities;

''(6) conduct interdisciplinary training and practice involving other health professionals;

''(7) conduct continuing education programs for health professionals or coordinate with such programs; and

''(8) address other areas as determined appropriate by the Secretary.

''(b) PREFERENCES.—In awarding grants or contracts to eligible entities under this part, the Secretary shall give preference to projects that—

''(1) involve more than one health professions discipline or training institution; and

''(2) have a good record of retention and graduation of individuals that enter practice in medically underserved communities.

''(c) OTHER ELIGIBLE PROGRAMS.—

''(1) GERIATRIC EDUCATION CENTERS.—The Secretary shall award grants or contracts under this section for the establishment or operation of geriatric education centers.

''(2) PUBLIC HEALTH TRAINING CENTERS.—

''(A) IN GENERAL.—The Secretary shall award grants or contracts under this section for the operation of public health training centers.

''(B) ELIGIBLE ENTITIES.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

''(C) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subparagraph (A) unless the program agrees that it—

''(i) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations; and

''(ii) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities.

''(d) ELIGIBLE ENTITIES.—As used in this part, the term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice or physician assistant training programs, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

''(e) GERIATRIC EDUCATION CENTERS.—A geriatric education center shall be an accredited health professions school or program that—

''(1) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

''(2) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

''(3) supports the training and retraining of faculty to provide instruction in geriatrics;

''(4) supports continuing education of health professionals who provide geriatric care; and

''(5) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

''SEC. 751. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $43,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $29,000,000 for fiscal year 1999.''.

SEC. 104. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended—

(1) in the part heading to read as follows:

''PART E—HEALTH PROFESSIONS WORKFORCE DEVELOPMENT'';

(2) by redesignating section 776 (42 U.S.C. 294n) as section 761; and

(3) by striking sections 777 and 778 (42 U.S.C. 294o and 294p) and inserting the following new section:

''SEC. 762. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for health professions education and practice.

''(b) ELIGIBLE APPLICANTS.—Applicants eligible to obtain funds under subsection (a) shall include schools of medicine, osteopathic medicine, dentistry, veterinary medicine, pharmacy, podiatric medicine, chiropractic medicine, optometry, public health, or allied health, graduate programs in mental health practice, physician assistant training programs, and other public and nonprofit private entities.

''(c) PRIORITY AREAS.—In awarding grants or contracts under subsection (a), the Secretary shall give priority to entities that will use amounts provided under such grants or contracts to enhance the education of health professionals for purposes of—

''(1) providing care for underserved populations and other high-risk groups;

''(2) increasing the number of individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals;

''(3) conducting health professions research and data collection; and

''(4) carrying out other activities in areas determined appropriate by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $16,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

''(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $2,000,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.''.

(b) HEALTH PROFESSIONS DATA.—The second sentence of section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended—

(1) by striking ''is authorized to'' and inserting ''shall''; and

(2) by inserting ''clinical social workers,'' after ''clinical psychologists,''.

(c) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408) is amended—

(1) in subsection (j), by striking ''1995'' and inserting ''1999'';

(2) in subsection (k), by striking ''1995'' and inserting ''1999'';

(3) by adding at the end thereof the following new subsection:

''(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.'';

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 763; and

(6) by inserting such section after section 762.

SEC. 105. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

''SEC. 796. APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

''(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

''(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity

of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

''(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 797. USE OF FUNDS.

''(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized health workforce objectives, in accordance with this title.

''(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 798. MATCHING REQUIREMENT.

''The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 799. GENERALLY APPLICABLE PROVISIONS.

''(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

''(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

''(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

''(d) DURATION OF ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

''(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

''(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

''(f) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

"SEC. 799A. TECHNICAL ASSISTANCE.

''Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.''.

SEC. 106. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

''(c) EXCEPTIONS FOR NEW PROGRAMS.—

''(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

''(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

''(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

''(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

''(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

''(C) Substantial clinical training experience is required under the program in medically underserved communities.

''(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

''(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

''(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

''(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.''.

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking ''sections 747'' and all that follows through ''767'' and inserting ''section 747''; and

(2) in paragraph (2), by striking ''under section 798(a)''.

SEC. 107. DEFINITIONS.

(a) PROFESSIONAL PSYCHOLOGY.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) (as so redesignated by section 105(a)(2)(E)) is amended by striking ''program in clinical psychology'' and inserting ''graduate programs in professional psychology''.

(b) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end thereof;

(2) in subparagraph (C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(D) is a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary;

''(E) has ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

''(F) has practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.''.

(c) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

''(3) The term 'program for the training of physician assistants' means an educational program that—

''(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

''(B) extends for at least one academic year and consists of—

''(i) supervised clinical practice; and

''(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

''(C) has an enrollment of not less than eight students; and

''(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.''.

SEC. 108. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Education

SEC. 121. SHORT TITLE.

This title may be cited as the ''Nursing Education Consolidation and Reauthorization Act of 1995''.

SEC. 122. PURPOSE.

It is the purpose of this title to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subparts II and III of part B and section 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) by redesignating subpart III of part B as subpart II;

(3) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS

"Subpart I—General Program";

(4) by striking section 837;

(5) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

''As used in this title:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

''(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

''(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

''(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

''(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

''(6) ACCREDITED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

''(B) NEW PROGRAMS.—A new school of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such school.

''(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

''(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

''(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

''(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

''(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

''(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

''The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

''In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

''(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

''(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

''(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

''(d) DURATION OF ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

''(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

''(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"SEC. 807. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

''(a) ESTABLISHMENT.—There is hereby established a National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting of the Secretary or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson), and 15 members appointed by the Secretary without regard to the Federal civil service laws, of which—

''(1) 2 shall be selected from full-time students enrolled in schools of nursing;

''(2) 3 shall be selected from the general public;

''(3) 2 shall be selected from practicing professional nurses; and

''(4) 8 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

A majority of the members shall be nurses. The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.

''(b) DUTIES.—The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the

range of issues relating to nurse supply, education and practice improvement.

''(c) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"SEC. 808. TECHNICAL ASSISTANCE.

''Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"SEC. 809. RECOVERY FOR CONSTRUCTION ASSISTANCE.

''(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

''(1) the owner of the facility ceases to be a public or nonprofit school;

''(2) the facility ceases to be used for the training purposes for which it was constructed; or

''(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

''(b) NOTICE OF CHANGE IN STATUS.—The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of the Health Professions Training Assistance Act of 1985, whichever is later.

''(c) AMOUNT OF RECOVERY.—

''(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

''(2) INTEREST.—

''(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during such period.

''(B) TIME PERIOD.—The period referred to in subparagraph (A) is the period beginning—

''(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection; or

''(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

''(d) WAIVER OF RIGHTS.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

''(e) LIMITATION ON LIENS.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, AND OTHER ADVANCED PRACTICE NURSES

"SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

''(1) projects that support the enhancement of advanced practice nursing education and practice; and

''(2) traineeships for individuals in advanced practice nursing programs.

''(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice nurses' means nurses trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives or nurse anesthetists, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, nurse midwives, nurse anesthetists, nurse educators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

''(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

''(1) meet guidelines prescribed by the Secretary; and

''(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

''(d) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

''(e) TRAINEESHIPS.—

''(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

''(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

''(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

''(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

''(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, pre-entry preparation, and retention activities.

''(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First and Second Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992 and 1993, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the Black Nurses Association, the Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the National Nurses Association, and the Native American Indian and Alaskan Nurses Association.

''(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

''(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for ethnic and racial minorities in the school or schools involved in the projects.

''(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

''(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

''(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the education mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education for purposes of—

''(1) improving nursing services in schools and other community settings;

''(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV–AIDS, substance abusers, homeless, and battered women;

''(3) providing managed care, quality improvement, and other skills needed under new systems of organized health care systems;

''(4) developing cultural competencies among nurses;

''(5) providing emergency health services;

''(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups; or

''(7) other priority areas as determined by the Secretary.

"PART F—AUTHORIZATION OF APPROPRIATIONS

"SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 811, 821, and 831, $62,000,000 for fiscal year 1996, such sums as may be necessary in each of the fiscal years 1997 and 1998, and $59,000,000 for fiscal year 1999.''; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or

contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

SEC. 131. GENERAL AMENDMENTS WITH RESPECT TO FEDERALLY SUPPORTED LOANS.

(a) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254l-1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and public health disease prevention and health promotion activities'' before the dash; and

(B) in paragraph (1), by striking ''and physician assistants'' and inserting ''physician assistants, and public health professionals'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting ''public health,'' after ''dentistry,'';

(B) in subparagraph (B), by inserting ''public health,'' after ''dentistry,''; and

(C) in subparagraph (C), by inserting ''public health,'' after ''dentistry,'';

(3) in subsection (c)(4)—

(A) in subparagraph (A), by inserting ''and schools of public health'' after ''professions schools'';

(B) in subparagraph (B)(i)—

(i) by inserting ''or public health professional'' after ''any health professional''; and

(ii) by inserting ''or public health disease prevention and health promotion activities'' before the period;

(C) in subparagraph (C)—

(i) by inserting ''or public health disease prevention and health promotion activities,'' after ''primary health services,'';

(ii) by inserting ''or public health professions'' after ''health professions''; and

(iii) by inserting ''or public health professionals'' after ''health professionals'' each place that such occurs;

(4) in subsection (f)(1)(B)(iv), by inserting ''or public health disease prevention and health promotion activities'' after ''primary health services'';

(5) in subsection (g)(2)(A)(iii)—

(A) by inserting ''or public health professional'' after ''the health professional''; and

(B) by inserting ''or public health disease prevention and health promotion activities'' after ''primary health services''; and

(6) in subsection (i)(8),—

(A) by inserting ''or public health professionals'' after ''health professionals''; and

(B) by inserting ''or public health disease prevention and health promotion activities'' after ''primary health services''.

(b) OBLIGATED SERVICE.—Section 338C(b)(5) of the Public Health Service Act (42 U.S.C. 254m(b)(5)) is amended—

(1) in subparagraph (A), by inserting ''public health,'' after ''dentistry,''; and

(2) in subparagraph (E)—

(A) in clause (ii), by inserting ''public health,'' after ''dentistry,''; and

(B) in clause (iii), by inserting ''public health,'' after ''dentistry,''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

''SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $90,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2000.

''(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall determine the most appropriate manner in which to allocate amounts appropriated under subsection (a) between the programs authorized in chapter 1, chapter 2, and chapter 3. In determining the manner in which to allocate such amounts, the Secretary shall give priority to funding State-based programs as appropriate under chapter 3. The Secretary shall distribute such amounts among the various programs in such chapters in a manner which furthers both Federal and State needs for health professionals in underserved areas.''.

(d) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''in health professional shortage areas'' and inserting ''or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas''; and

(B) in paragraph (2)—

(i) by inserting ''or public health professionals'' after ''health professionals''; and

(ii) by striking ''in health professional shortage areas'' and inserting ''or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking ''FEDERAL'' and inserting ''FEDERAL OR APPROVED STATE''; and

(ii) by inserting before the period the following: ''or approved State designated health professional shortage areas'';

(B) in paragraph (2), by inserting ''or public health professionals'' after ''health professionals'';

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''or public health professionals'' after ''health professionals''; and

(II) in clause (ii), by striking health'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''or public health professional'' after ''health professional''; and

(II) in clause (ii)—

(aa) by inserting ''or public health professional'' after ''the health professional''; and

(bb) by striking ''services in a'' and inserting ''services or public health disease prevention and health promotion activities in a Federal''; and

(D) by adding at the end thereof the following new paragraph:

''(4) PRIVATE PRACTICE.—

''(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

''(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice.''; and

(3) in subsection (h), to read as follows:

''(h) DEFINITIONS.—Unless specifically provided otherwise, as used in this subpart and section 338F:

''(1) APPROVED STATE DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'approved State designated health professional shortage area' means an area designated by the State as underserved using specific methodology and criteria to identify such areas. Such criteria and methodology shall be approved by the Secretary.

''(2) COMMUNITY ORGANIZATION.—The term 'community organization' means a public or nonprofit private entity.

''(3) PRIMARY HEALTH CARE.—The term 'primary health care' means health services regarding family medicine, general internal medicine, general pediatrics, or may include obstetrics and gynecology, that are provided by physicians, certified nurse practitioners, certified nurse midwives, or physician assistants.

''(4) STATE.—The term 'State' means each of the several States and the District of Columbia.''.

(e) COMMUNITY SCHOLARSHIP PROGRAMS.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

*(1) in the section heading, by striking ''**demonstration grants to states for**'';*

(2) in subsection (a), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas''; and

(B) in paragraph (2), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(4) in subsection (e)(1), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(5) in subsection (f)(1)(A), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(6) in subsection (g), by striking ''health manpower shortage areas'' each place that such appears and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas''; and

(7) by striking subsections (j) through (l).

SEC. 132. RESTRUCTURING AND TECHNICAL AMENDMENTS.

(a) REDESIGNATIONS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended—

(1) by redesignating sections 338J and 338K (42 U.S.C. 254s and 254t) as sections 338M and 338N, respectively;

(2) by redesignating sections 338C through 338H (42 U.S.C. 254m through 254q) as sections 338G through 338L, respectively;

(3) by redesignating section 338I (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254r) as section 338E;

(4) by redesignating section 338L (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254u) as section 338F;

(b) CONSOLIDATION OF CERTAIN PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsection (a)) is further amended—

(1) by striking the subpart heading and inserting the following:

''Subpart III—Federally Supported Scholarships and Loans

''CHAPTER 1—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIPS PROGRAMS'';

(2) by redesignating section 338B as section 338C;

(3) by inserting before section 338C (as so redesignated) the following:

"CHAPTER 2—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAMS

"Subchapter A—Loan Repayment Program";

and

(4) by inserting after section 338C (as so redesignated) the following:

"Subchapter B—Nursing Loan Repayment Program".

(c) TRANSFERS AND REDESIGNATIONS OF NURSING LOAN REPAYMENT PROGRAM.—Subpart II of part E of title VIII (42 U.S.C. 297n et seq.) (as so redesignated by section 123(3)) is amended—

(1) by striking the subpart heading;

(2) by transferring section 846 (42 U.S.C. 297n) to subchapter B of chapter 2 of subpart III of part D of title III (as added by subsection (b)(4)); and

(3) in section 846—

(A) by striking the section heading and inserting the following:

"SEC. 338D. NURSING LOAN REPAYMENT PROGRAM.";

(B) by striking subsection (d); and

(C) by striking subsection (g).

(d) TRANSFERS AND REDESIGNATIONS OF STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsections (a) through (c)) is further amended—

(1) by inserting after section 338D (as so transferred and redesignated by subsection (c)(3)) the following:

"CHAPTER 3—STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS

"Subchapter A—State Loan Repayment Programs";

(2) by transferring section 338E (as so redesignated by subsection (a)(3)) to subchapter A of chapter 3 of such subpart (as added by paragraph (1));

(3) by inserting after section 338E (as transferred by paragraph (2)) the following:

"Subchapter B—Community Scholarship Programs";

(4) by transferring section 338F (as so redesignated by subsection (a)(4)) to subchapter B of chapter 3 of such subpart (as added by paragraph (3)); and

(5) by inserting after section 338F (as transferred by paragraph (4)) the following:

"CHAPTER 4—GENERAL PROVISIONS".

(e) CLINICAL RESEARCHERS.—Paragraph (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(3)) is amended to read as follows:

''(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps loan repayment program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps loan repayment programs.''.

SEC. 133. DEFINITION OF UNDERSERVED AREAS.

Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended in the first sentence—

(1) by striking '', or (C)'' and inserting '', (C)''; and

(2) by inserting before the period the following: '', or (D) a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary''.

SEC. 134. CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in subparagraphs (A) and (B) of section 303(d)(4) (42 U.S.C. 242a(d)(4)(A) and (B)), by striking ''338C or 338D'' each place that such occurs and inserting ''338G or 338H'';

(2) in section 331(c) (42 U.S.C. 254d(c)), by striking ''338D'' and inserting ''338H'';

(3) in section 337(a) (42 U.S.C. 254j(a)), by striking ''338G'' and inserting ''338K'';

(4) in 338A (42 U.S.C. 254l)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking ''338D'' and inserting ''338I''; and

(ii) in subparagraph (B), by striking ''338C'' and inserting ''338H'';

(B) in subsection (f)(3), by striking ''338D'' and inserting ''338I''; and

(C) in subsection (i)(5)—

(i) in subparagraph (A), by striking ''338E'' and inserting ''338I''; and

(ii) in subparagraph (B)(ii), by striking ''338E'' and inserting ''338I'';

(5) in section 338C (as so redesignated) (42 U.S.C. 254l–1)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking ''338E'' and inserting ''338I''; and

(ii) in subparagraph (B), by striking ''338D'' and inserting ''338H'';

(B) in subsection (f)(1)(B)(iv), by striking ''338D'' and inserting ''338H'';

(C) in subsection (f)(4), by striking ''338E'' and inserting ''338I''; and

(D) in subsection (i)(7)—

(i) in subparagraph (A), by striking ''338E'' and inserting ''338I''; and

(ii) in subparagraph (B)(ii), by striking ''338E'' and inserting ''338I'';

(6) in section 338E(d)(1)(C) (as so redesignated by section 132), by striking ''338J'' and inserting ''338M'';

(7) in section 338G (as so redesignated by section 132)—

(A) in subsection (a)—

(i) by striking ''338D'' and inserting ''338H''; and

(ii) by striking ''338B'' and inserting ''338C''; and

(B) in subsection (c)(2), by striking ''338D'' and inserting ''338H'';

(8) in section 338H (as so redesignated by section 132)—

(A) in subsection (a), by striking ''338C'' and inserting ''338G''; and

(B) in subsection (c), by striking ''338B'' and inserting ''338C'';

(9) in section 338I (as so redesignated by section 132)—

(A) in subsection (b)(1)(A)—

(i) by striking ''338F'' and inserting ''338J'';

(ii) by striking ''338C or 338D'' and inserting ''338G or 338H'';

(iii) by striking ''338C'' and inserting ''338G''; and

(iv) by striking ''338D'' and inserting ''338H''; and

(B) in subsection (c)(1)—

(i) by striking ''338F'' and inserting ''338K'';

(ii) by striking ''338B'' and inserting ''338C''; and

(iii) by striking ''338C or 338D'' and inserting ''338G or 338H'';

(10) in section 338J(b) (as so redesignated by section 132)—

(A) in paragraph (1)—

(i) by striking ''338E'' and inserting ''338I''; and

(ii) by striking ''338B'' and inserting ''338C''; and

(B) in paragraph (2), by striking ''338I'' and inserting ''338E'';

(11) in section 338K (as so redesignated by section 132)—

(A) in subsection (a)(2), by striking ''338D'' and inserting ''338H''; and

(B) in subsection (d)(1), by striking ''338E'' and inserting ''338I''; and

(12) in section 338M(e)(1)(B)(ii)(III) (as so redesignated by section 132), by striking ''338I'' and inserting ''338E''.

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 135. PRIMARY CARE LOAN PROGRAM.

(a) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking ''3 years before'' and inserting ''4 years before''.

(b) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking ''through the date on which the loan is repaid in full'' and inserting ''for 5 years after completing the residency program''.

(c) REPORT REQUIREMENT.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 136. LOANS FOR DISADVANTAGED STUDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking ''$15,000,000 for fiscal year 1993'' and inserting ''$8,000,000 for each of the fiscal years 1996 through 1998''.

(b) REPEAL.—Effective October 1, 1998, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 137. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) IN GENERAL.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by inserting before the semicolon at the end the following: '', and (C) such additional periods under the terms of paragraph (8) of this subsection'';

(3) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following paragraph:

''(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.''.

(b) MINIMUM MONTHLY PAYMENTS.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking ''$15'' and inserting ''$40''.

(c) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

''(l) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

''(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

''(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) BREACH OF AGREEMENTS.—Section 338D of the Public Health Service Act (as so redesignated and amended under section 132(c)) is amended by adding at the end thereof the following new subsection:

''(g) BREACH OF AGREEMENT.—

''(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

''(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

''(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

''(ii) is dismissed from the nursing program for disciplinary reasons; or

''(iii) voluntarily terminates the nursing program.

''(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

''(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

''(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

''(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.''.

(e) TECHNICAL AMENDMENTS.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:''; and

(B) in paragraph (1), by striking ''at the close of September 30, 1999,'' and inserting ''on the date of termination of the fund''; and

(2) in subsection (b), to read as follows:

''(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).''.

SEC. 138. GENERAL PROVISIONS.

(a) MAXIMUM STUDENT LOAN PROVISIONS AND MINIMUM PAYMENTS.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the sum of'' and all that follows through the end thereof and inserting ''the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).''.

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the amount $2,500'' and all that follows through ''including such $2,500'' and inserting ''the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary''.

(3) REPAYMENT PERIOD.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking ''TEN-YEAR'' and inserting ''REPAYMENT'';

(B) by striking ''ten-year period which begins'' and inserting ''period of not less than 10 years nor more than 25 years which begins''; and

(C) by striking ''such ten-year period'' and inserting ''such period''.

(4) MINIMUM PAYMENTS.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''$15'' and inserting $40''.

(b) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

''(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

''(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

''(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

''(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.''.

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking ''and (x)'' and inserting ''(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)''.

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking ''(ix)'' and inserting ''(x)''; and

(B) in the matter following such clause (xi), by striking ''(x)'' and inserting ''(xi)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) REPORT REQUIREMENT.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding ''and'' after the semicolon;

(2) in paragraph (5), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (6).

(c) COLLECTION FROM ESTATES.—Section 714 of the Public Health Service Act (42 U.S.C. 292m) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, the Secretary may, in the case of a borrower who dies, collect any remaining unpaid balance owed to the lender, the holder of the loan, or the Federal Government from the borrower's estate.''.

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) GENERAL AMENDMENTS.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking ''determined.'' and inserting ''determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.'';

(3) by striking ''Upon'' and inserting:

''(1) IN GENERAL.—Upon''; and

(4) by adding at the end the following new paragraph:

''(2) EXCEPTIONAL PERFORMANCE.—

''(A) AUTHORITY.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

''(B) COMPLIANCE PERFORMANCE RATING.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

''(C) ANNUAL AUDITS FOR LENDERS, HOLDERS, AND SERVICERS.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence

standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

''(D) SECRETARY'S DETERMINATIONS.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

''(E) QUARTERLY COMPLIANCE AUDIT.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

''(F) REVOCATION AUTHORITY.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

''(G) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

''(H) COST OF AUDITS.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

''(I) ADDITIONAL REVOCATION AUTHORITY.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

''(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.''.

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

''(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. REAUTHORIZATION.

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking ''1993'' and inserting ''1996'';

(2) by striking ''1994'' and inserting ''1997'';

(3) by striking ''fiscal year 1995'' and inserting ''each of the fiscal years 1998 and 1999''; and

(4) by striking ''September 30, 1998'' and inserting ''September 20, 2002''.

(b) INSURANCE PROGRAM.—Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking ''any of the fiscal years 1993 through 1996'' and inserting ''fiscal year 1993 and subsequent fiscal years''.

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

SEC. 151. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

Part B of title VII of the Public Health Service Act (as amended by section 101(a)) is further amended by adding at the end thereof the following new section:

''SEC. 740. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

''(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (f)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (f). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school, and may not, for any year of such attendance for which the scholarship is provided, provide an amount exceeding the total amount required for the year.

''(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agrees that, in providing scholarships pursuant to the grant, the school will give preference to students for whom the costs of attending the school would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

''(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of minority students, and the proportion of graduates working in medically underserved areas.

''(d) MAXIMUM SCHOLARSHIP AWARD.—The maximum scholarship that an individual may receive in any year from an eligible entity that is a health professions and nursing schools shall be $3000.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $32,000,000 for each of the fiscal years 1996 through 1999. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

''(f) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

''(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health, a school offering a graduate program in mental health practice, or an entity providing programs for the training of physician assistant; and

''(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A) is from a disadvantaged background;

''(B) has a financial need for a scholarship; and

''(C) is enrolled (or accepted for enrollment) at an eligible health profession or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.''.

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

''(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

''(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

''(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

''(A) Support research, demonstrations and evaluations to test new and innovative models.

''(B) Increase knowledge and understanding of health risk factors.

''(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

''(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

''(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

''(3) Support a national minority health resource center to carry out the following:

''(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

''(B) Facilitate access to such information.

''(C) Assist in the analysis of issues and problems relating to such matters.

''(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

''(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

''(5) Not later than June 8 of each year, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

''(c) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

''(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

''(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

''(4) COMPOSITION.—

''(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

''(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

''(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

''(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

''(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

''(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

''(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

''(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, and other appropriate offices, regarding recommendations for carrying out activities under subsection (b)(4).

''(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

''(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 340A, 404, or 724, or part B of title VII, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

''(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

''(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

''(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

''(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

''(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

''(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

''(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

''(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 201(b)(5) for such years by the heads of the Public Health Service agencies.

''(g) DEFINITION.—For purposes of this section:

''(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

''(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

''(h) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $19,000,000 for fiscal year 1999.''.

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking ''ESTABLISHMENT OF''.

TITLE III—SELECTED INITIATIVES

SEC. 301. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

''PROGRAMS REGARDING BIRTH DEFECTS

''SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

''(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects; and

''(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

''(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

''(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

''(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

''(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

''(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

''(c) GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

''(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

''(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

''(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1997 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

''(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

''(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

''(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

''(4) describes the activities carried out under this section; and

''(5) contains any recommendations of the Secretary regarding this section.''.

SEC. 302. TRAUMATIC BRAIN INJURY.

(a) PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking ''and'' after the semicolon at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following paragraph:

''(4) the authority to make awards of grants or contracts to public or nonprofit private entities for the conduct of basic and applied research regarding traumatic brain injury, which research may include—

''(A) the development of new methods and modalities for the more effective diagnosis, measurement of degree of injury, post-injury monitoring and prognostic assessment of head injury for acute, subacute and later phases of care;

''(B) the development, modification and evaluation of therapies that retard, prevent or reverse brain damage after acute head injury, that arrest further deterioration following injury and that provide the restitution of function for individuals with long-term injuries;

''(C) the development of research on a continuum of care from acute care through rehabilitation, designed, to the extent practicable, to integrate rehabilitation and long-term outcome evaluation with acute care research; and

''(D) the development of programs that increase the participation of academic centers of excellence in head injury treatment and rehabilitation research and training.''; and

(2) in subsection (h), by adding at the end the following paragraph:

''(4) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.''.

(b) PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.—Part E of title XII of the Public Health Service Act (42 U.S.C. 300d–51 et seq.) is amended by adding at the end the following new section:

''SEC. 1252. STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of carrying out demonstration projects to improve the availability of health services regarding traumatic brain injury.

''(b) STATE ADVISORY BOARD.—

''(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved agrees to establish an advisory board within the appropriate health department of the State or within another department as designated by the chief executive officer of the State.

''(2) FUNCTIONS.—An advisory board established under paragraph (1) shall be cognizant of findings and concerns of Federal, State and local agencies, citizens groups, and private industry (such as insurance, health care, automobile, and other industry entities). Such advisory boards shall encourage citizen participation through the establishment of public hearings and other types of community outreach programs.

''(3) COMPOSITION.—An advisory board established under paragraph (1) shall be composed of—

''(A) representatives of—

''(i) the corresponding State agencies involved;

''(ii) public and nonprofit private health related organizations;

''(iii) other disability advisory or planning groups within the State;

''(iv) members of an organization or foundation representing traumatic brain injury survivors in that State; and

''(v) injury control programs at the State or local level if such programs exist; and

''(B) a substantial number of individuals who are survivors of traumatic brain injury, or the family members of such individuals.

''(c) MATCHING FUNDS.—

''(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may make a grant under such subsection only if the State agrees to make available, in cash, non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

''(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(e) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding traumatic brain injury.

''(f) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and results of the programs established under this section, including measures of outcomes and consumer and surrogate satisfaction.

''(g) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.''.

(c) STUDY; CONSENSUS CONFERENCE.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary''), acting through the appropriate agencies of the Public Health Service, shall conduct a study for the purpose of carrying out the following with respect to traumatic brain injury:

(i) In collaboration with appropriate State and local health-related agencies—

(I) determine the incidence and prevalence of traumatic brain injury; and

(II) develop a uniform reporting system under which States report incidence of traumatic brain injury, if the Secretary determines that such a system is appropriate.

(ii) Identify common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and shall, subject to the availability of information, include an analysis of—

(I) the effectiveness of each such intervention in improving the functioning of individuals with brain injuries;

(II) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

(III) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

(iii) Develop practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

(B) DATES CERTAIN FOR REPORTS.—

(i) Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of carrying out subparagraph (A)(i).

(ii) Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committees specified in clause (i) a report describing the findings made as a result of carrying out clauses (ii) and (iii) of subparagraph (A).

(2) CONSENSUS CONFERENCE.—The Secretary, acting through the Director of the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development, shall conduct a national consensus conference on managing traumatic brain injury and related rehabilitation concerns.

(3) DEFINITION.—For purposes of this subsection, the term ''traumatic brain injury'' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to near drowning.

SEC. 303. STATE OFFICES OF RURAL HEALTH.

(a) IN GENERAL.—Section 338M of the Public Health Service Act (as so redesignated by section 132) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''in cash''; and

(2) in subsection (j)(1)—

(A) by striking ''and'' after ''1992,''; and

(B) by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 1996 through 1997''; and

(3) in subsection (k), by striking ''$10,000,000'' and inserting ''$20,000,000''.

(b) REPEAL.—Effective on October 1, 1997, section 338M of the Public Health Service Act (as so redesignated by section 132) is repealed.

SEC. 304. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting '', substance abuse'' after ''availability of health''; and

(ii) by striking '', including improved health data systems''; and

(B) in paragraph (3)—

(i) by striking ''manpower'' and inserting ''care providers''; and

(ii) by striking ''by—'' and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking ''and'' at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

''(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

''(8) to improve access to health promotion and disease prevention services for rural American Samoa.'';

(2) in subsection (f)—

(A) by striking ''there is'' and inserting ''there are''; and

(B) by striking ''$10,000,000'' and all that follows through ''1993'' and inserting ''$3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $5,000,000 for fiscal year 1997''; and

(3) by adding at the end thereof the following new subsection:

''(g) STUDY AND REPORT.—

''(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

''(2) REPORT.—Not later than July 1, 1996, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).''.

SEC. 305. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''not less than 5, and not more than 15,'';

(2) in paragraph (2)—

(A) by inserting after ''disorders'' the following: ''who are living in single family homes or in congregate settings''; and

(B) by striking ''and'' at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and''.

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the heading for the section, by striking ''**LIMITATION**'' and all that follows and inserting ''**REQUIREMENT OF MATCHING FUNDS**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking ''third year'' and inserting ''third or subsequent year''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended by striking ''and 1993'' and inserting ''through 1998''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''Section 1201 of the Public Health Service Act (42 U.S.C. 300d)'' and inserting ''Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)''; and

(B) in subsection (f)(1), by striking ''in section 1204(c)'' and inserting ''in section 1203(c) (as redesignated by subsection (b)(2) of this section)'';

(2) in section 602, by striking ''for the purpose'' and inserting ''For the purpose''; and

(3) in section 705(b), by striking ''317D((l)(1)'' and inserting ''317D(l)(1)''.

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking ''making grants under subsection (b)'' and inserting ''carrying out subsection (b)'';

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking ''provides for for'' and inserting ''provides for'';

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking ''nonprivate'' and inserting ''private''.

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking ''(d)(5)'' and inserting ''(e)(5)''.

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act is amended by inserting after section 317H the following section:

''MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

''SEC. 317I. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

''(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.''.

(b) EFFECTIVE DATE.—This section is deemed to have taken effect July 1, 1995.

SEC. 403. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking ''(b) SENSE'' and all that follows through ''In the case'' and inserting the following:

''(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case'';

(2) by striking ''(2) NOTICE TO RECIPIENTS OF ASSISTANCE'' and inserting the following:

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE''; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 404. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS PROGRAMS.

Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended by inserting after section 794 the following section:

''SEC. 794A. RECOVERY.

''(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408))—

''(1)(A) in the case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

''(B) in the case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school; or

''(C) in the case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity;

''(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)) for which it was constructed, or

''(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

''(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

''(c) AMOUNT.—

''(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

''(2) INTEREST.—

''(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

''(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

''(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a); or

''(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

''(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

''(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.''.

SEC. 405. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting ''counseling,'' after ''family therapy,''.

SEC. 406. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking ''$5,000,000'' and inserting ''$2,500,000''.

SEC. 407. REQUIRED CONSULTATION BY SECRETARY.

The Secretary of Health and Human Services, regarding the programs under parts B, C, D, and E of title VII, and parts B, C, and D of title VIII, of the Public Health Service Act, as amended by this Act, shall—

(1) publish in the Federal Register a general program description for the funding of awards under such parts;

(2) solicit and receive written and oral comments concerning such description, including the holding of a public forum at which interested individuals and groups may provide comment; and

(3) take into consideration information received under paragraph (2).

AMENDMENT NO. 5416

(Purpose: To make various modifications in the bill)

Mr. LOTT. Senator KASSEBAUM has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mrs. KASSEBAUM, proposes an amendment numbered 5416.

The amendment is as follows:

On page 116, lines 18, and 19, strike ''With'' and all that follows through ''the'' and insert ''The''.

On page 116, line 21, strike ''such''.

On page 122, line 22, strike '', and'' and all that follows through ''dentists'' on line 24.

On page 126, strike lines 16 through 23.

On page 126, line 24, strike ''(c)'' and insert ''(b)''.

On page 128, line 9, strike ''(d)'' and insert ''(c)''.

On page 128, line 18, strike ''(e)'' and insert ''(d)''.

On page 140, line 3, strike ''tion'' and insert ''tions 747 and 750''.

On page 170, line 1, insert ''dentistry,'' after the comma.

On page 170, line 2, insert ''dentists,'' after the comma.

On page 196, strike lines 4 through 11, and insert the following:

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking ''$350,000,000'' and all that follows through ''1995'' and inserting ''$260,000,000 for fiscal year 1996, ''$160,000,000 for fiscal year 1997, and $80,000,000 for fiscal year 1998'';

(2) by striking ''obtained prior loans insured under this subpart'' and inserting ''obtained loans insured under this subpart in fiscal year 1996 or in prior fiscal years''; and

(3) by adding at the end thereof the following new sentence: ''The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.''.

Beginning on page 212, strike line 10 and all that follows through line 14 on page 220.

On page 220, line 15, strike ''303'' and insert ''302''.

On page 221, line 6, strike ''304'' and insert ''303''.

On page 222, line 12, strike ''305'' and insert ''304''.

Mr. LOTT. I ask unanimous consent the amendment be agreed to, the committee amendment be agreed to, the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment (No. 5416) was agreed to.

The bill (S. 555), as amended, was deemed read for a third time and passed, as follows:

S. 555

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Health Professions Education Consolidation and Reauthorization Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Minority and disadvantaged health professions grant program.
Sec. 102. Training in family medicine, general internal medicine, general pediatrics, preventive medicine, physician assistants, and general dentistry.
Sec. 103. Enhanced health education and training.
Sec. 104. Health professions workforce development.
Sec. 105. General provisions.
Sec. 106. Preference in certain programs.
Sec. 107. Definitions.
Sec. 108. Savings provision.

Subtitle B—Nursing Education

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

Sec. 131. General amendments with respect to federally supported loans.
Sec. 132. Restructuring and technical amendments.
Sec. 133. Definition of underserved areas.
Sec. 134. Conforming amendments.

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 135. Primary care loan program.
Sec. 136. Loans for disadvantaged students.
Sec. 137. Student loans regarding schools of nursing.
Sec. 138. General provisions.

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health education assistance loan program.
Sec. 142. HEAL lender and holder performance standards.
Sec. 143. Reauthorization.

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

Sec. 151. Scholarships for disadvantaged students.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. Programs regarding birth defects.
Sec. 302. State offices of rural health.
Sec. 303. Health services for Pacific Islanders.
Sec. 304. Demonstration projects regarding Alzheimer's Disease.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103–183.
Sec. 402. Certain authorities of Centers for Disease Control and Prevention.
Sec. 403. Administration of certain requirements.
Sec. 404. Technical corrections relating to health professions programs.
Sec. 405. Clinical traineeships.
Sec. 406. Construction of regional centers for research on primates.
Sec. 407. Required consultation by Secretary.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. MINORITY AND DISADVANTAGED HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

''PART B—DISADVANTAGED HEALTH PROFESSIONS TRAINING

''SEC. 736. STATEMENT OF PURPOSE.

''(a) IN GENERAL.—The Secretary shall make grants to or enter into contracts with eligible entities for the purpose of establishing, enhancing, and expanding programs to increase the number and the quality of disadvantaged health professionals, particularly those who provide health services to disadvantaged populations or in medically underserved areas or rural areas.

''(b) USE OF FUNDS.—Amounts provided under a grant or contract awarded under this part may be used for costs of planning, developing, or operating centers of excellence in minority health professions education, programs for assisting individuals from disadvantaged backgrounds to enter a health profession, minority faculty development, minority faculty loan repayment or fellowships, trainee support, technical assistance, workforce analysis, and dissemination of information.

''(c) CONSORTIUM.—Schools within a consortium that applies for a grant or contract

under this part shall enter into an agreement to allocate the funds received under the grant or contract among such schools and expend such funds in accordance with the application for such grant or contract.

"SEC. 737. PREFERENCES.

''In awarding grants or contracts to eligible entities under this part, the Secretary shall give preference to—

''(1) projects that involve more than one health professions discipline or training institution and have an above average record of retention and graduation of individuals from disadvantaged backgrounds; and

''(2) centers of excellence at Historically Black Colleges and Universities (as defined in section 739) beginning in fiscal year 1999 and for each fiscal year thereafter.

"SEC. 738. AUTHORIZATION OF APPROPRIATION.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $51,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

''(b) SET-ASIDE.—The Secretary shall set-aside $12,000,000 of the amount appropriated under subsection (a) in each fiscal year for the purpose of making grants under section 736 to centers of excellence at certain Historically Black Colleges and Universities.

''(c) NO LIMITATION.—Nothing in this section shall be construed as limiting the centers of excellence referred to in subsection (b) to the set-aside amount, or to preclude such entities from competing for other grants under section 736.

"SEC. 739. DEFINITIONS.

''As used in this part:

''(1) CENTERS OF EXCELLENCE.—The term 'centers of excellence' means a health professions school that—

''(A)(i) has a significant number of minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

''(ii) has been effective in assisting minority students of the school to complete the program of education and receive the degree involved;

''(iii) has been effective in recruiting minority individuals to attend the school and encouraging minority students of secondary educational institutions to attend the health professions school; and

''(iv) has made significant recruitment efforts to increase the number of minority individuals serving in faculty or administrative positions at the school; or

''(B) is a center of excellence at certain Historically Black Colleges and Universities.

''(2) CONSORTIUM.—The term 'consortium' means the designated eligible entity seeking a grant under this part and one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, public health, or graduate programs in mental health practice.

''(3) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

''(4) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term 'Historically Black Colleges and Universities' means a school described in section 799B(1) that has received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a-2(c)(3)(D)(i)) is amended by striking ''section 739'' and inserting ''part B of title VII''.

SEC. 102. TRAINING IN FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

(1) in the part heading by striking ''PRIMARY HEALTH CARE'' and inserting ''FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, PHYSICIAN ASSISTANTS, AND GENERAL DENTISTRY'';

(2) by repealing section 746 and sections 748 through 752 (42 U.S.C. 293j and 293l through 293p); and

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PREVENTIVE MEDICINE, GENERAL DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting '', internal medicine, or pediatrics'' after ''family medicine''; and

(II) by inserting before the semicolon the following: ''that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)'';

(ii) in paragraph (2), by inserting '', general internal medicine, or general pediatrics'' before the semicolon;

(iii) in paragraphs (3) and (4), by inserting '', general internal medicine (including geriatrics), or general pediatrics'' after ''family medicine'';

(iv) in paragraphs (3) and (4), by inserting ''(including geriatrics) after ''family medicine'';

(v) in paragraph (3), by striking ''and'' at the end thereof;

(vi) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

''(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training;

''(6) to meet the costs of projects—

''(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine, that have available full-time faculty members with training and experience in the fields of preventive medicine; and

''(B) to provide financial assistance to residency trainees enrolled in such programs; and

''(7) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, that would lead to a significantly greater ratio of participating individuals in such programs eventually entering practice in general dentistry in rural and medically underserved communities compared to the current ratio of all dentists nationally practicing general dentistry in rural and medically underserved communities.

For purposes of paragraph (7), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general practice of dentistry, or approved advanced education programs in the general practice of dentistry. The Secretary may only fund programs under such paragraph if such programs provide a significant amount of care for underserved populations and other high-risk groups.'';

(C) in paragraphs (1) and (2)(A) of subsection (b), by inserting '', general internal medicine, or general pediatrics'' after ''family medicine'';

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

''(c) PRIORITY AND LIMITATION.—

''(1) PRIORITY.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general dentistry upon completion of their first period of training required to obtain initial board certification. Each program shall designate the primary care training or general dentistry positions that such program shall provide with grant funding to support and for which such program shall be held accountable regarding the primary care or general dentistry requirement set forth in this section.

''(2) LIMITATION.—With respect to programs for the training and education of medical students, the Secretary may only provide grants or contracts under this section to administrative units in general pediatrics or general internal medicine if a qualified administrative unit applicant demonstrates that its medical school has—

''(A) a mission statement that has a primary care medical education objective;

''(B) faculty role models and administrative units in primary care; and

''(C) required undergraduate ambulatory medical student clerkships in family medicine, internal medicine, and pediatrics.

Where a medical school does not have an administrative unit in family medicine, clerkships in family medicine shall not be required.''; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking ''$54,000,000'' and all that follows and inserting ''$76,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.''; and

(ii) in paragraph (2)—

(I) by striking ''20'' and inserting ''12''; and

(II) by inserting ''for family medicine academic administrative units'' after ''under subsection (b)''.

SEC. 103. ENHANCED HEALTH EDUCATION AND TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—AREA HEALTH EDUCATION CENTERS

"SEC. 750. AREA HEALTH EDUCATION CENTERS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects which —

''(1) improve the recruitment, distribution, supply, quality, utilization, and efficiency of personnel providing health services in urban and rural areas and to populations that have demonstrated serious unmet health care need;

''(2) encourage the regionalization of educational responsibilities of the health professions schools;

''(3) are designed to prepare, through field placements, preceptorships, the conduct of or affiliation with community-based primary care residency programs, agreements with community-based organizations for the delivery of education and training in the health professions, and other programs, individuals to effectively provide health services in health professional shortage areas;

''(4) conduct health professions education and training activities consistent with national and State priorities, including geriatrics;

''(5) encourage health promotion and disease prevention activities;

''(6) conduct interdisciplinary training and practice involving other health professionals;

''(7) conduct continuing education programs for health professionals or coordinate with such programs; and

''(8) address other areas as determined appropriate by the Secretary.

''(b) OTHER ELIGIBLE PROGRAMS.—

''(1) GERIATRIC EDUCATION CENTERS.—The Secretary shall award grants or contracts under this section for the establishment or operation of geriatric education centers.

''(2) PUBLIC HEALTH TRAINING CENTERS.—

''(A) IN GENERAL.—The Secretary shall award grants or contracts under this section for the operation of public health training centers.

''(B) ELIGIBLE ENTITIES.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

''(C) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subparagraph (A) unless the program agrees that it—

''(i) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations; and

''(ii) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities.

''(c) ELIGIBLE ENTITIES.—As used in this part, the term 'eligible entities' means schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in mental health practice or physician assistant training programs, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application.

''(d) GERIATRIC EDUCATION CENTERS.—A geriatric education center shall be an accredited health professions school or program that—

''(1) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

''(2) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

''(3) supports the training and retraining of faculty to provide instruction in geriatrics;

''(4) supports continuing education of health professionals who provide geriatric care; and

''(5) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

"SEC. 751. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $43,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $29,000,000 for fiscal year 1999.''.

SEC. 104. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended—

(1) in the part heading to read as follows:

"PART E—HEALTH PROFESSIONS WORKFORCE DEVELOPMENT";

(2) by redesignating section 776 (42 U.S.C. 294n) as section 761; and

(3) by striking sections 777 and 778 (42 U.S.C. 294o and 294p) and inserting the following new section:

"SEC. 762. HEALTH PROFESSIONS WORKFORCE DEVELOPMENT.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for health professions education and practice.

''(b) ELIGIBLE APPLICANTS.—Applicants eligible to obtain funds under subsection (a) shall include schools of medicine, osteopathic medicine, dentistry, veterinary medicine, pharmacy, podiatric medicine, chiropractic medicine, optometry, public health, or allied health, graduate programs in mental health practice, physician assistant training programs, and other public and nonprofit private entities.

''(c) PRIORITY AREAS.—In awarding grants or contracts under subsection (a), the Secretary shall give priority to entities that will use amounts provided under such grants or contracts to enhance the education of health professionals for purposes of—

''(1) providing care for underserved populations and other high-risk groups;

''(2) increasing the number of individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals;

''(3) conducting health professions research and data collection; and

''(4) carrying out other activities in areas determined appropriate by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $16,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 1999.

''(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $2,000,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.''.

(b) HEALTH PROFESSIONS DATA.—The second sentence of section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended—

(1) by striking ''is authorized to'' and inserting ''shall''; and

(2) by inserting ''clinical social workers,'' after ''clinical psychologists,''.

(c) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408) is amended—

(1) in subsection (j), by striking ''1995'' and inserting ''1999'';

(2) in subsection (k), by striking ''1995'' and inserting ''1999'';

(3) by adding at the end thereof the following new subsection:

''(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.'';

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 763; and

(6) by inserting such section after section 762.

SEC. 105. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

"SEC. 796. APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

''(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

''(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

''(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 797. USE OF FUNDS.

''(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information,

as appropriate to meet recognized health workforce objectives, in accordance with this title.

''(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

''SEC. 798. MATCHING REQUIREMENT.

''The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''SEC. 799. GENERALLY APPLICABLE PROVISIONS.

''(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

''(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

''(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

''(d) DURATION OF ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

''(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

''(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

''(f) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

''SEC. 799A. TECHNICAL ASSISTANCE.

''Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.''.

SEC. 106. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

''(c) EXCEPTIONS FOR NEW PROGRAMS.—

''(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

''(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

''(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

''(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

''(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

''(C) Substantial clinical training experience is required under the program in medically underserved communities.

''(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

''(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

''(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

''(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.''.

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking ''sections 747'' and all that follows through ''767'' and inserting ''sections 747 and 750''; and

(2) in paragraph (2), by striking ''under section 798(a)''.

SEC. 107. DEFINITIONS.

(a) PROFESSIONAL PSYCHOLOGY.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) (as so redesignated by section 105(a)(2)(E)) is amended by striking ''program in clinical psychology'' and inserting ''graduate programs in professional psychology''.

(b) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end thereof;

(2) in subparagraph (C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(D) is a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary;

''(E) has ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

''(F) has practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.''.

(c) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

''(3) The term 'program for the training of physician assistants' means an educational program that—

''(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

''(B) extends for at least one academic year and consists of—

''(i) supervised clinical practice; and

''(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

''(C) has an enrollment of not less than eight students; and

''(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.''.

SEC. 108. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Education

SEC. 121. SHORT TITLE.

This title may be cited as the ''Nursing Education Consolidation and Reauthorization Act of 1996''.

SEC. 122. PURPOSE.

It is the purpose of this title to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subparts II and III of part B and section 855; and inserting the following:

''TITLE VIII—NURSING WORKFORCE DEVELOPMENT'';

(2) by redesignating subpart III of part B as subpart II;

(3) in subpart II of part B, by striking the subpart heading and inserting the following:

''PART E—STUDENT LOANS

''Subpart I—General Program'';

(4) by striking section 837;

(5) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

''As used in this title:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, State or local governments, and other public or nonprofit private entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

''(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

''(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

''(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

''(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

''(6) ACCREDITED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

''(B) NEW PROGRAMS.—A new school of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such school.

''(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

''(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

''(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

''(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

''(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

''(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

''The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

''In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

''(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

''(b) INFORMATION REQUIREMENTS.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

''(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

''(d) DURATION OF ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

''(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

''(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"SEC. 807. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

''(a) ESTABLISHMENT.—There is hereby established a National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting of the Secretary or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson), and 15 members appointed by the Secretary without regard to the Federal civil service laws, of which—

''(1) 2 shall be selected from full-time students enrolled in schools of nursing;

''(2) 3 shall be selected from the general public;

''(3) 2 shall be selected from practicing professional nurses; and

''(4) 8 shall be selected from among the leading authorities in the various fields of nursing, higher, and secondary education, and from representatives of hospitals and other institutions and organizations which provide nursing services.

A majority of the members shall be nurses. The student-members of the Council shall be appointed for terms of one year and shall be eligible for reappointment to the Council.

''(b) DUTIES.—The Council shall advise the Secretary in the preparation of general regulations and with respect to policy matters

arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement.

''(c) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

''SEC. 808. TECHNICAL ASSISTANCE.

''Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

''SEC. 809. RECOVERY FOR CONSTRUCTION ASSISTANCE.

''(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under subpart I of part A (as such subpart was in effect on September 30, 1985)—

''(1) the owner of the facility ceases to be a public or nonprofit school;

''(2) the facility ceases to be used for the training purposes for which it was constructed; or

''(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

''(b) NOTICE OF CHANGE IN STATUS.—The owner of a facility which ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or the owner of a facility the use of which changes as described in paragraph (2) or (3) of such subsection shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of the Health Professions Training Assistance Act of 1985, whichever is later.

''(c) AMOUNT OF RECOVERY.—

''(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction.

''(2) INTEREST.—

''(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of 91-day Treasury bills auctioned during such period.

''(B) TIME PERIOD.—The period referred to in subparagraph (A) is the period beginning—

''(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit school as described in paragraph (1) of subsection (a), or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of such subsection; or

''(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

''(d) WAIVER OF RIGHTS.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

''(e) LIMITATION ON LIENS.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.

''PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, AND OTHER ADVANCED PRACTICE NURSES

''SEC. 811. ADVANCED PRACTICE NURSING GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

''(1) projects that support the enhancement of advanced practice nursing education and practice; and

''(2) traineeships for individuals in advanced practice nursing programs.

''(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice nurses' means nurses trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives or nurse anesthetists, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, nurse midwives, nurse anesthetists, nurse educators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

''(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

''(1) meet guidelines prescribed by the Secretary; and

''(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

''(d) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced practice nurse education programs eligible for support under this section.

''(e) TRAINEESHIPS.—

''(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

''(A) the tuition, books, and fees of the program of advanced nursing practice with respect to which the traineeship is provided; and

''(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

''(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

''(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced practice nurses who will practice in health professional shortage areas designated under section 332.

''PART C—INCREASING NURSING WORKFORCE DIVERSITY

''SEC. 821. WORKFORCE DIVERSITY GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, pre-entry preparation, and retention activities.

''(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First and Second Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992 and 1993, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the Black Nurses Association, the Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the National Nurses Association, and the Native American Indian and Alaskan Nurses Association.

''(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

''(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for ethnic and racial minorities in the school or schools involved in the projects.

''(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

''(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

''PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

''SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

''(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the education mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education for purposes of—

''(1) improving nursing services in schools and other community settings;

''(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV–AIDS, substance abusers, homeless, and battered women;

''(3) providing managed care, quality improvement, and other skills needed under new systems of organized health care systems;

''(4) developing cultural competencies among nurses;

''(5) providing emergency health services;

''(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups; or

''(7) other priority areas as determined by the Secretary.

''PART F—AUTHORIZATION OF APPROPRIATIONS

''SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 811, 821, and 831,

$62,000,000 for fiscal year 1996, such sums as may be necessary in each of the fiscal years 1997 and 1998, and $59,000,000 for fiscal year 1999.''; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

PART 1—NATIONAL HEALTH SERVICE CORPS FINANCIAL ASSISTANCE PROGRAMS

SEC. 131. GENERAL AMENDMENTS WITH RESPECT TO FEDERALLY SUPPORTED LOANS.

(a) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254l-1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and public health disease prevention and health promotion activities'' before the dash; and

(B) in paragraph (1), by striking ''and physician assistants'' and inserting ''physician assistants, and public health professionals'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting ''public health,'' after ''dentistry,'';

(B) in subparagraph (B), by inserting ''public health,'' after ''dentistry,''; and

(C) in subparagraph (C), by inserting ''public health,'' after ''dentistry,'';

(3) in subsection (c)(4)—

(A) in subparagraph (A), by inserting ''and schools of public health'' after ''professions schools'';

(B) in subparagraph (B)(i)—

(i) by inserting ''or public health professional'' after ''any health professional''; and

(ii) by inserting ''or public health disease prevention and health promotion activities'' before the period;

(C) in subparagraph (C)—

(i) by inserting ''or public health disease prevention and health promotion activities,'' after ''primary health services,'';

(ii) by inserting ''or public health professions'' after ''health professions''; and

(iii) by inserting ''or public health professionals'' after ''health professionals'' each place that such occurs;

(4) in subsection (f)(1)(B)(iv), by inserting ''or public health disease prevention and health promotion activities'' after ''primary health services'';

(5) in subsection (g)(2)(A)(iii)—

(A) by inserting ''or public health professional'' after ''the health professional''; and

(B) by inserting ''or public health disease prevention and health promotion activities'' after ''primary health services''; and

(6) in subsection (i)(8), —

(A) by inserting ''or public health professionals'' after ''health professionals''; and

(B) by inserting ''or public health disease prevention and health promotion activities'' after ''primary health services''.

(b) OBLIGATED SERVICE.—Section 338C(b)(5) of the Public Health Service Act (42 U.S.C. 254m(b)(5)) is amended—

(1) in subparagraph (A), by inserting ''public health,'' after ''dentistry,''; and

(2) in subparagraph (E)—

(A) in clause (ii), by inserting ''public health,'' after ''dentistry,''; and

(B) in clause (iii), by inserting ''public health,'' after ''dentistry,''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

''SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $90,000,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2000.

''(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall determine the most appropriate manner in which to allocate amounts appropriated under subsection (a) between the programs authorized in chapter 1, chapter 2, and chapter 3. In determining the manner in which to allocate such amounts, the Secretary shall give priority to funding State-based programs as appropriate under chapter 3. The Secretary shall distribute such amounts among the various programs in such chapters in a manner which furthers both Federal and State needs for health professionals in underserved areas.''.

(d) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''in health professional shortage areas'' and inserting ''or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas''; and

(B) in paragraph (2)—

(i) by inserting ''or public health professionals'' after ''health professionals''; and

(ii) by striking ''in health professional shortage areas'' and inserting ''or public health disease prevention and health promotion activities in Federal health professional shortage areas or approved State designated health professional shortage areas'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking ''FEDERAL'' and inserting ''FEDERAL OR APPROVED STATE''; and

(ii) by inserting before the period the following: ''or approved State designated health professional shortage areas'';

(B) in paragraph (2), by inserting ''or public health professionals'' after ''health professionals'';

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ''or public health professionals'' after ''health professionals''; and

(II) in clause (ii), by striking health'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''or public health professional'' after ''health professional''; and

(II) in clause (ii)—

(aa) by inserting ''or public health professional'' after ''the health professional''; and

(bb) by striking ''services in a'' and inserting ''services or public health disease prevention and health promotion activities in a Federal''; and

(D) by adding at the end thereof the following new paragraph:

''(4) PRIVATE PRACTICE.—

''(A) In carrying out the program operated with a grant under subsection (a), a State may waive the requirement of paragraph (1) regarding the assignment of a health professional if, subject to subparagraph (B), the health professional enters into an agreement with the State to provide primary health services in a full-time private clinical practice in a health professional shortage area.

''(B) The Secretary may not make a grant under subsection (a) unless the State involved agrees that, if the State provides a waiver under subparagraph (A) for a health professional, section 338D(b)(1) will apply to the agreement under such subparagraph between the State and the health professional to the same extent and in the same manner as such section applies to an agreement between the Secretary and a health professional regarding a full-time private clinical practice.''; and

(3) in subsection (h), to read as follows:

''(h) DEFINITIONS.—Unless specifically provided otherwise, as used in this subpart and section 338F:

''(1) APPROVED STATE DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'approved State designated health professional shortage area' means an area designated by the State as underserved using specific methodology and criteria to identify such areas. Such criteria and methodology shall be approved by the Secretary.

''(2) COMMUNITY ORGANIZATION.—The term 'community organization' means a public or nonprofit private entity.

''(3) PRIMARY HEALTH CARE.—The term 'primary health care' means health services regarding family medicine, general internal medicine, general pediatrics, dentistry, or may include obstetrics and gynecology, that are provided by physicians, dentists, certified nurse practitioners, certified nurse midwives, or physician assistants.

''(4) STATE.—The term 'State' means each of the several States and the District of Columbia.''.

(e) COMMUNITY SCHOLARSHIP PROGRAMS.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended—

(1) in the section heading, by striking ''demonstration grants to states for'';

(2) in subsection (a), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas''; and

(B) in paragraph (2), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(4) in subsection (e)(1), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(5) in subsection (f)(1)(A), by striking ''health manpower shortage areas'' and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas'';

(6) in subsection (g), by striking ''health manpower shortage areas'' each place that such appears and inserting ''Federal health professional shortage areas and in approved State designated health professional shortage areas''; and

(7) by striking subsections (j) through (l).

SEC. 132. RESTRUCTURING AND TECHNICAL AMENDMENTS.

(a) REDESIGNATIONS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended—

(1) by redesignating sections 338J and 338K (42 U.S.C. 254s and 254t) as sections 338M and 338N, respectively;

(2) by redesignating sections 338C through 338H (42 U.S.C. 254m through 254q) as sections 338G through 338L, respectively;

(3) by redesignating section 338I (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254r) as section 338E;

(4) by redesignating section 338L (as such section exists one day prior to the date of enactment of this Act) (42 U.S.C. 254u) as section 338F;

(b) CONSOLIDATION OF CERTAIN PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsection (a)) is further amended—

(1) by striking the subpart heading and inserting the following:

"Subpart III—Federally Supported Scholarships and Loans

"CHAPTER 1—NATIONAL HEALTH SERVICE CORPS SCHOLARSHIPS PROGRAMS"

(2) by redesignating section 338B as section 338C;

(3) by inserting before section 338C (as so redesignated) the following:

"CHAPTER 2—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAMS

"Subchapter A—Loan Repayment Program";

and

(4) by inserting after section 338C (as so redesignated) the following:

"Subchapter B—Nursing Loan Repayment Program".

(c) TRANSFERS AND REDESIGNATIONS OF NURSING LOAN REPAYMENT PROGRAM.—Subpart II of part E of title VIII (42 U.S.C. 297n et seq.) (as so redesignated by section 123(3)) is amended—

(1) by striking the subpart heading;

(2) by transferring section 846 (42 U.S.C. 297n) to subchapter B of chapter 2 of subpart III of part D of title III (as added by subsection (b)(4)); and

(3) in section 846—

(A) by striking the section heading and inserting the following:

"SEC. 338D. NURSING LOAN REPAYMENT PROGRAM.";

(B) by striking subsection (d); and

(C) by striking subsection (g).

(d) TRANSFERS AND REDESIGNATIONS OF STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by subsections (a) through (c)) is further amended—

(1) by inserting after section 338D (as so transferred and redesignated by subsection (c)(3)) the following:

"CHAPTER 3—STATE LOAN REPAYMENT AND COMMUNITY SCHOLARSHIP PROGRAMS

"Subchapter A—State Loan Repayment Programs";

(2) by transferring section 338E (as so redesignated by subsection (a)(3)) to subchapter A of chapter 3 of such subpart (as added by paragraph (1));

(3) by inserting after section 338E (as transferred by paragraph (2)) the following:

"Subchapter B—Community Scholarship Programs";

(4) by transferring section 338F (as so redesignated by subsection (a)(4)) to subchapter B of chapter 3 of such subpart (as added by paragraph (3)); and

(5) by inserting after section 338F (as transferred by paragraph (4)) the following:

"CHAPTER 4—GENERAL PROVISIONS".

(e) CLINICAL RESEARCHERS.—Paragraph (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)(3)) is amended to read as follows:

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps loan repayment program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps loan repayment programs.".

SEC. 133. DEFINITION OF UNDERSERVED AREAS.

Section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)) is amended in the first sentence—

(1) by striking ", or (C)" and inserting ", (C)"; and

(2) by inserting before the period the following: ", or (D) a State or local health department that has a severe shortage of public health personnel as determined under criteria established by the Secretary".

SEC. 134. CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in subparagraphs (A) and (B) of section 303(d)(4) (42 U.S.C. 242a(d)(4)(A) and (B)), by striking "338C or 338D" each place that such occurs and inserting "338G or 338H";

(2) in section 331(c) (42 U.S.C. 254d(c)), by striking "338D" and inserting "338H";

(3) in section 337(a) (42 U.S.C. 254j(a)), by striking "338G" and inserting "338K";

(4) in 338A (42 U.S.C. 254l)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking "338D" and inserting "338I"; and

(ii) in subparagraph (B), by striking "338C" and inserting "338H";

(B) in subsection (f)(3), by striking "338D" and inserting "338I"; and

(C) in subsection (i)(5)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B)(ii), by striking "338E" and inserting "338I";

(5) in section 338C (as so redesignated) (42 U.S.C. 254l-1)—

(A) in subsection (c)(1)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B), by striking "338D" and inserting "338H";

(B) in subsection (f)(1)(B)(iv), by striking "338D" and inserting "338H";

(C) in subsection (f)(4), by striking "338E" and inserting "338I"; and

(D) in subsection (i)(7)—

(i) in subparagraph (A), by striking "338E" and inserting "338I"; and

(ii) in subparagraph (B)(ii), by striking "338E" and inserting "338I";

(6) in section 338E(d)(1)(C) (as so redesignated by section 132), by striking "338J" and inserting "338M";

(7) in section 338G (as so redesignated by section 132)—

(A) in subsection (a)—

(i) by striking "338D" and inserting "338H"; and

(ii) by striking "338B" and inserting "338C"; and

(B) in subsection (c)(2), by striking "338D" and inserting "338H";

(8) in section 338H (as so redesignated by section 132)—

(A) in subsection (a), by striking "338C" and inserting "338G"; and

(B) in subsection (c), by striking "338B" and inserting "338C";

(9) in section 338I (as so redesignated by section 132)—

(A) in subsection (b)(1)(A)—

(i) by striking "338F" and inserting "338J";

(ii) by striking "338C or 338D" and inserting "338G or 338H";

(iii) by striking "338C" and inserting "338G"; and

(iv) by striking "338D" and inserting "338H"; and

(B) in subsection (c)(1)—

(i) by striking "338F" and inserting "338K";

(ii) by striking "338B" and inserting "338C"; and

(iii) by striking "338C or 338D" and inserting "338G or 338H";

(10) in section 338J(b) (as so redesignated by section 132)—

(A) in paragraph (1)—

(i) by striking "338E" and inserting "338I"; and

(ii) by striking "338B" and inserting "338C"; and

(B) in paragraph (2), by striking "338I" and inserting "338E";

(11) in section 338K (as so redesignated by section 132)—

(A) in subsection (a)(2), by striking "338D" and inserting "338H"; and

(B) in subsection (d)(1), by striking "338E" and inserting "338I"; and

(12) in section 338M(e)(1)(B)(ii)(III) (as so redesignated by section 132), by striking "338I" and inserting "338E".

PART 2—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 135. PRIMARY CARE LOAN PROGRAM.

(a) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) of the Public Health Service Act (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".

(c) REPORT REQUIREMENT.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 136. LOANS FOR DISADVANTAGED STUDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1996 through 1998".

(b) REPEAL.—Effective October 1, 1998, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 137. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) IN GENERAL.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

''(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.''.

(b) MINIMUM MONTHLY PAYMENTS.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking ''$15'' and inserting ''$40''.

(c) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

''(l) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

''(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

''(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) BREACH OF AGREEMENTS.—Section 338D of the Public Health Service Act (as so redesignated and amended under section 132(c)) is amended by adding at the end thereof the following new subsection:

''(g) BREACH OF AGREEMENT.—

''(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

''(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

''(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

''(ii) is dismissed from the nursing program for disciplinary reasons; or

''(iii) voluntarily terminates the nursing program.

''(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

''(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

''(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

''(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.''.

(e) TECHNICAL AMENDMENTS.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:''; and

(B) in paragraph (1), by striking ''at the close of September 30, 1999,'' and inserting ''on the date of termination of the fund''; and

(2) in subsection (b), to read as follows:

''(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).''.

SEC. 138. GENERAL PROVISIONS.

(a) MAXIMUM STUDENT LOAN PROVISIONS AND MINIMUM PAYMENTS.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the sum of'' and all that follows through the end thereof and inserting ''the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).''.

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the amount $2,500'' and all that follows through ''including such $2,500'' and inserting ''the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary''.

(3) REPAYMENT PERIOD.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking ''TEN-YEAR'' and inserting ''REPAYMENT'';

(B) by striking ''ten-year period which begins'' and inserting ''period of not less than 10 years nor more than 25 years which begins''; and

(C) by striking ''such ten-year period'' and inserting ''such period''.

(4) MINIMUM PAYMENTS.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''$15'' and inserting $40''.

(b) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

''(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

''(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

''(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

''(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.''.

PART 3—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking ''and (x)'' and inserting ''(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)''.

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking ''(ix)'' and inserting ''(x)''; and

(B) in the matter following such clause (xi), by striking ''(x)'' and inserting ''(xi)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) REPORT REQUIREMENT.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding ''and'' after the semicolon;

(2) in paragraph (5), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (6).

(c) COLLECTION FROM ESTATES.—Section 714 of the Public Health Service Act (42 U.S.C. 292m) is amended by adding at the end the

following new sentence: ''Notwithstanding the first sentence, the Secretary may, in the case of a borrower who dies, collect any remaining unpaid balance owed to the lender, the holder of the loan, or the Federal Government from the borrower's estate.''.

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) GENERAL AMENDMENTS.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking ''determined.'' and inserting ''determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.'';

(3) by striking ''Upon'' and inserting:

''(1) IN GENERAL.—Upon''; and

(4) by adding at the end the following new paragraph:

''(2) EXCEPTIONAL PERFORMANCE.—

''(A) AUTHORITY.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

''(B) COMPLIANCE PERFORMANCE RATING.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

''(C) ANNUAL AUDITS FOR LENDERS, HOLDERS, AND SERVICERS.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

''(D) SECRETARY'S DETERMINATIONS.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

''(E) QUARTERLY COMPLIANCE AUDIT.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

''(F) REVOCATION AUTHORITY.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

''(G) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

''(H) COST OF AUDITS.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

''(I) ADDITIONAL REVOCATION AUTHORITY.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

''(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.''.

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

''(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. REAUTHORIZATION.

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking ''$350,000,000'' and all that follows through ''1995'' and inserting ''$260,000,000 for fiscal year 1996, $160,000,000 for fiscal year 1997, and $80,000,000 for fiscal year 1998'';

(2) by striking ''obtained prior loans insured under this subpart'' and inserting ''obtained loans insured under this subpart in fiscal year 1996 or in prior fiscal years''; and

(3) by adding at the end thereof the following new sentence: ''The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.''.

(b) INSURANCE PROGRAM.—Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking ''any of the fiscal years 1993 through 1996'' and inserting ''fiscal year 1993 and subsequent fiscal years''.

PART 4—SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

SEC. 151. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

Part B of title VII of the Public Health Service Act (as amended by section 101(a)) is further amended by adding at the end thereof the following new section:

''SEC. 740. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

''(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (f)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (f). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school, and may not, for any year of such attendance for which the scholarship is provided, provide an amount exceeding the total amount required for the year.

''(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agrees that, in providing scholarships pursuant to the grant, the school will give preference to students for whom the costs of attending the school would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

''(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of minority students, and the proportion of graduates working in medically underserved areas.

''(d) MAXIMUM SCHOLARSHIP AWARD.—The maximum scholarship that an individual may receive in any year from an eligible entity that is a health professions and nursing schools shall be $3,000.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $32,000,000 for each of the fiscal years 1996 through 1999. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

''(f) DEFINITIONS.—As used in this section:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

''(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health, a school offering a graduate program in mental health practice, or an entity providing programs for the training of physician assistant; and

''(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A) is from a disadvantaged background;

''(B) has a financial need for a scholarship; and

''(C) is enrolled (or accepted for enrollment) at an eligible health profession or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.''.

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

''(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

''(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

''(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

''(A) Support research, demonstrations and evaluations to test new and innovative models.

''(B) Increase knowledge and understanding of health risk factors.

''(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

''(D) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

''(E) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

''(3) Support a national minority health resource center to carry out the following:

''(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

''(B) Facilitate access to such information.

''(C) Assist in the analysis of issues and problems relating to such matters.

''(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

''(4) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language by facilitating the removal of impediments to the receipt of health care that result from such limitation. Activities under the preceding sentence shall include conducting research and developing and evaluating model projects.

''(5) Not later than June 8 of each year, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

''(c) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee'). The Deputy Assistant Secretary shall consult with the Committee in carrying out this section.

''(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) and (2) of subsection (b) for each racial and ethnic minority group.

''(3) CHAIR.—The Deputy Assistant Secretary shall serve as the chair of the Committee.

''(4) COMPOSITION.—

''(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

''(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

''(C) The nonvoting, ex officio members of the Committee shall be the directors of each of the minority health offices, and such additional officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

''(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

''(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

''(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

''(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

''(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, and other appropriate offices, regarding recommendations for carrying out activities under subsection (b)(4).

''(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—

''(A) In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338B, 340A, 404, or 724, or part B of title VII, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

''(B) With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

''(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

''(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

''(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

''(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) IN GENERAL.—In carrying out subsection (b), the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

''(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review and has been so recommended by the advisory committee established under subsection (c).

''(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

''(f) BIENNIAL REPORTS.—Not later than February 1 of fiscal year 1996 and of each second year thereafter, the Deputy Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted to the Deputy Assistant Secretary under section 201(b)(5) for such years by the heads of the Public Health Service agencies.

''(g) DEFINITION.—For purposes of this section:

''(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

''(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

''(h) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated $21,000,000 for fiscal year 1996, such sums as may be necessary for each of the fiscal years 1997 and 1998, and $19,000,000 for fiscal year 1999.''.

(b) MISCELLANEOUS AMENDMENT.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended in the heading for the section by striking ''ESTABLISHMENT OF''.

TITLE III—SELECTED INITIATIVES

SEC. 301. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

''PROGRAMS REGARDING BIRTH DEFECTS

''SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

''(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects; and

''(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects.

''(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

''(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

''(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

''(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

''(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

''(c) GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

''(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

''(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

''(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1997 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

''(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

''(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

''(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

''(4) describes the activities carried out under this section; and

''(5) contains any recommendations of the Secretary regarding this section.''.

SEC. 302. STATE OFFICES OF RURAL HEALTH.

(a) IN GENERAL.—Section 338M of the Public Health Service Act (as so redesignated by section 132) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''in cash''; and

(2) in subsection (j)(1)—

(A) by striking ''and'' after ''1992,''; and

(B) by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 1996 through 1997''; and

(3) in subsection (k), by striking ''$10,000,000'' and inserting ''$20,000,000''.

(b) REPEAL.—Effective on October 1, 1997, section 338M of the Public Health Service Act (as so redesignated by section 132) is repealed.

SEC. 303. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting '', substance abuse'' after ''availability of health''; and

(ii) by striking '', including improved health data systems'';

(B) in paragraph (3)—

(i) by striking ''manpower'' and inserting ''care providers''; and

(ii) by striking ''by—'' and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking ''and'' at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

''(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

''(8) to improve access to health promotion and disease prevention services for rural American Samoa.'';

(2) in subsection (f)—

(A) by striking ''there is'' and inserting ''there are''; and

(B) by striking ''$10,000,000'' and all that follows through ''1993'' and inserting ''$3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $5,000,000 for fiscal year 1997''; and

(3) by adding at the end thereof the following new subsection:

''(g) STUDY AND REPORT.—

''(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

''(2) REPORT.—Not later than July 1, 1996, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).''.

SEC. 304. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''not less than 5, and not more than 15,'';

(2) in paragraph (2)—

(A) by inserting after ''disorders'' the following: ''who are living in single family homes or in congregate settings''; and

(B) by striking ''and'' at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and''.

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the heading for the section, by striking ''**LIMITATION**'' and all that follows and inserting ''**REQUIREMENT OF MATCHING FUNDS**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking ''third year'' and inserting ''third or subsequent year''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended by striking ''and 1993'' and inserting ''through 1998''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''Section 1201 of the Public Health Service Act (42 U.S.C. 300d)'' and inserting ''Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)''; and

(B) in subsection (f)(1), by striking ''in section 1204(c)'' and inserting ''in section 1203(c) (as redesignated by subsection (b)(2) of this section)'';

(2) in section 602, by striking ''for the purpose'' and inserting ''For the purpose''; and

(3) in section 705(b), by striking ''317D((l)(1)'' and inserting ''317D(l)(1)''.

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking ''making grants under subsection (b)'' and inserting ''carrying out subsection (b)'';

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking ''provides for for'' and inserting ''provides for'';

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking ''nonprivate'' and inserting ''private''.

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking ''(d)(5)'' and inserting ''(e)(5)''.

(d) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act is amended by inserting after section 317H the following section:

''MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

''SEC. 317I. (a) TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.

''(b) FELLOWSHIP AND TRAINING PROGRAMS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.''.

(b) EFFECTIVE DATE.—This section is deemed to have taken effect July 1, 1995.

SEC. 403. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking ''(b) SENSE'' and all that follows through ''In the case'' and inserting the following:

''(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case'';

(2) by striking ''(2) NOTICE TO RECIPIENTS OF ASSISTANCE'' and inserting the following:

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE''; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 404. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS PROGRAMS.

Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended by inserting after section 794 the following section:

''SEC. 794A. RECOVERY.

''(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408))—

''(1)(A) in the case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

''(B) in the case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school; or

''(C) in the case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity;

''(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408)) for which it was constructed, or

''(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

''(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

''(c) AMOUNT.—

''(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

''(2) INTEREST.—

''(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

''(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

''(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a); or

''(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

''(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

''(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.''.

SEC. 405. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting ''counseling,'' after ''family therapy,''.

SEC. 406. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking ''$5,000,000'' and inserting ''$2,500,000''.

SEC. 407. REQUIRED CONSULTATION BY SECRETARY.

The Secretary of Health and Human Services, regarding the programs under parts B, C, D, and E of title VII, and parts B, C, and D of title VIII, of the Public Health Service Act, as amended by this Act, shall—

(1) publish in the Federal Register a general program description for the funding of awards under such parts;

(2) solicit and receive written and oral comments concerning such description, including the holding of a public forum at which interested individuals and groups may provide comment; and

(3) take into consideration information received under paragraph (2).

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we are continuing to work in an effort to get consideration of the FAA reauthorization bill. This is very important legislation. It does have a number of provisions related to the trust fund and to airport safety. It is vital to this country that we get this legislation completed.

There has been an objection by Senator FEINGOLD, a Senator from Wisconsin, to this very important legislation,

making it necessary for us to find a way to bring it to a conclusion, perhaps filing cloture, and get a cloture vote. I am satisfied we can win a cloture vote. There is overwhelming bipartisan support. This legislation has been developed very carefully from the Commerce Committee, with the aid and assistance of Senator STEVENS of Alaska, Senator FORD from Kentucky, Senator HOLLINGS has been involved, Senator MCCAIN managed the bill on the floor. It has passed the House, and now because of one provision that labor does not like, the Senator is prepared to take down the entire FAA reauthorization bill. I just do not understand that. We are willing to be reasonable and we are going to as far as we can.

Now because of our effort to advise Members that we would not have further recorded votes today, an effort is being made to take advantage of that, to block a cloture vote on Monday. I feel like that is not acting in good faith and we are not going to be able to accept that. We will force this to a vote. When a vote occurs, this legislation will pass because it does have bipartisan support.

I call on Senators that have reservations to give us an opportunity to at least get this to a vote without inconveniencing the entire Senate. We are willing to be reasonable in terms of time for discussion and a vote, but unless we get some cooperation, it appears that the entire Senate would be delayed in completing its work.

We also are continuing to hope we can find a way to move the so-called Presidio parks bill. The Senator from Alaska and the Senator from Washington have been very much involved in that. There have been good-faith efforts on that one, up and down the Hill, the whole package, a very small package of three or four items, maybe half that number, half the full omnibus bill. Surely there is a way we can get this major legislation completed in a fair way. It is not fair to have something agreed to that does include some very important items that the chairman of the Energy and Natural Resources Committee, the Senator from Alaska, Senator MURKOWSKI, has a right to be consulted and involved in selecting the project. I know Senators and Congressmen from all over America have parks heritage trails, scenic areas, areas that need to be preserved, and yet we have continued to have an objection to moving this forward.

I hope the next time we make an effort to get a unanimous-consent request to move the omnibus parks bill, the Presidio bill, that there would not be objection to that, and the technical correction that needs to be made could be dealt with in conference, and we can move this legislation through, legislation that has been in the making for, actually, many years, to my own personal knowledge, at least 4 years. It will be a real sad thing if we leave the Senate on Monday for the year without completing the parks bill.

You have the Presidio that has bipartisan support. It is a Federal burden in terms of costs. This is a plan to make use of the Presidio and not have the Federal Government have to continue to bear these costs. It does have the Sterling Forest project in New Jersey and New York, and projects all over America. In short, we need to get this done. I hope we can get a correction here, when we move next to get unanimous consent to take that bill back to the conference and have the correction made or to pass something before we leave.

I want to read a letter I just received from the President of the United States, apparently he dictated this while in Providence, RI, with regard to the agreement that was worked out on the omnibus appropriations bill. The letter says:

Dear Mr. Leader:

I commend the leadership for their fine work in negotiating a workable Omnibus Appropriations Bill that demonstrates fiscal responsibility and preserves those investment priorities important to the American people.

I urge the Congress to expeditiously pass the Omnibus Appropriations Bill. I intend to sign it if presented to me in its current form.

This is signed by the President of the United States.

This has been a bipartisan effort, bicameral effort, an effort working between the Congress and the White House. I think it is a good product. There are a lot of Senators and House Members that are not totally happy with it, and there are some provisions in it that I am sure the White House is not totally happy with. But that is the art of legislating. It involves some bipartisan, commonsense compromise. I think that is what we have in this legislation.

We asked for the President to indicate his support. He has now done so. I think that is helpful, and I think the American people will appreciate the kind of cooperation we have had.

I ask unanimous consent that it be printed at this point in the RECORD.

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

THE WHITE HOUSE, WASHINGTON
Providence, RI, September 28, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I commend the Leadership for their fine work in negotiating a workable Omnibus Appropriations Bill that demonstrates fiscal responsibility and preserves those investment priorities important to the American people.

I urge the Congress to expeditiously pass the Omnibus Appropriations Bill. I intend to sign it if presented to me in its current form.

Sincerely,

BILL CLINTON.

CONFERENCE REPORT ON ILLEGAL IMMIGRATION REFORM

Mr. LOTT. Mr. President, while I am awaiting the return of the distinguished minority whip, I observe that one of the issues that I am fixing to bring up is the so-called Gallegly immigration bill. This had been a part of the illegal immigration bill that had been passed and was in conference between the House and the Senate. It was the provision that the President objected to strenuously. And the administration and the Democratic leadership indicated that they would never allow us to pass the conference report through the Senate that contained this Gallegly language.

This language would allow States, on a prospective basis, if I understand it, to not be required to have to provide free education for the children of illegal immigrants. There are many States now that have a financial burden of being told by the Federal Government, ''We can't control our borders, we can't control illegal immigration into this country, but in spite of our failure, you have to provide free education.''

In the State of California, I think we are talking about well over 300,000 children, at a cost to that State of $2 billion for the education of the children of illegal immigrants. Should we not allow the States to have options here? As I understand it now, any children now in the schools could stay until they are through. But in the future, illegal aliens would be told they are not going to be able to get free education forever for their children in the school system. It is a magnet. It draws illegal immigrants into this country to get access to this free education system.

Somebody has to worry about the taxpayers in the State of California or Texas or Arizona, or in America. I thought that this was a very important part of the illegal immigration legislation. But it was so strenuously objected to, and a filibuster was threatened in the Senate. The President said he was going to veto it. So it was removed from the illegal immigration bill.

So then we find that the administration found new provisions to object to. They, for instance, said that they would take down the entire illegal immigration bill and maybe not agree to the omnibus appropriations conference report, unless the language in there that was removed, which said that we had to accept illegal immigrants, even though they were HIV positive, which leads to a cost of well over $100,000 and maybe even more, for HIV-positive illegal immigrants. I find that inexplicable. Again, it is a magnet. You get an HIV-positive problem, what is your solution? Come into America illegally and your medical needs will be taken care of by the taxpayers of America. But it was so important to the administration, until it threatened to take down the entire effort of negotiations on illegal immigration and on the continuing resolution.

I think it is a terrible policy. But again, to try to get an agreement, that provision was removed. A lot of effort went into this legislation by Senator SIMPSON, Senator KENNEDY, Congressman BERMAN, Congressman LAMAR SMITH. They felt very strongly about

the importance of getting this work completed, including the so-called title V. The administration indicated they wanted title V taken completely out. But once they started reading it and seeing what was in it, they realized there were several provisions in there that, in fact, they liked or that made good common sense. So in the wee hours this morning—it must have been 3 or 4 o'clock—Senator SIMPSON and others were in a room working on this language. Finally, with great difficulty, they came to an agreement. Many portions of title V are still in there. We still have some very reasonable expectations regarding legal immigrants. But the big illegal immigration bill now is in the continuing resolution that we will be taking up in the next couple of days.

So the House of Representatives, not able to get the Gallegly language included in illegal immigration, have now moved it separately. They passed it through the House overwhelmingly, as I understand it. I don't recall the vote. So we have it here in the Senate. We ought to pass the Gallegly language. I will be asking unanimous consent that we proceed to its consideration momentarily.

I still don't see the Democratic whip back from the Cloakroom. Others may wish to speak. I have to wait for his return, so I will yield the floor and perhaps the Senator from South Dakota can speak and allow me to come back.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

COMMENDING LEADERSHIP FOR ITS HARD WORK

Mr. PRESSLER. Mr. President, I commend the majority leader and others on the difficulty in bringing the Congress to a close and concluding all ongoing negotiations. I am very proud of the efforts that are being made on the Federal Aviation Administration authorization bill to get that vitally important legislation before the Senate for consideration. I am also very proud of the efforts to bring the Coast Guard bill to closure as well as efforts to agree to a continuing resolution.

With so many constituent interests represented by Congress, sometimes it is quite difficult to reach consensus on legislation. I think this point is not well understood across the country. We have a vast country, and I know that Congress is much criticized for acting slowly or sometimes failing to act. On the other hand, what is the alternative to resolving disputes with such a huge country, with so many Members of Congress, so many citizens, so many different interests? All those come to a head, so-to-speak, at the close of a Congress, and it requires great compromise.

It has been my pleasure to chair the House-Senate conference committee working on the critically important Federal Aviation authorization bill. The conference report accompanying that bill is ready for immediate consideration by this body. Unfortunately, several of my colleagues have objected to consideration of the conference report because they oppose a single section of that bill, an bipartisan amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS, in conference. Every Senate conferee voted in favor of the Hollings amendment which makes a technical correction to the Railway Labor Act. An excellent bill is being held up over a difference of opinion relating to 5 lines in a 189 pages aviation safety and security bill.

Mr. President, we cannot adjourn without passing the conference report to the Federal Aviation authorization bill. The House approved the conference report yesterday. If we do not approve the conference report, the Senate will have failed to meet its responsibility to the traveling public. Airports across the country will not receive much needed Airport Improvement Program [AIP] funds for safety-related repairs and other necessary improvements. Two years of tireless efforts to reach a compromise on FAA reform provisions will be lost. Vitally important aviation safety and security provisions will not be put in place. Family members of future aviation disaster victims would be denied the thoughtful, comprehensive protections this legislation would provide to them. Provisions to revitalize air service to small communities will not go into effect. It short, inaction by the Senate on this conference report would be a very serious mistake for which this body would be roundly criticized.

Let me also comment a little bit on agriculture, because I know that at this time of the year, the payments regarding the Freedom to Farm Act are going out to some farmers. That was a controversial bill that was worked out in this Chamber. Let me say that I am proud to have been a part of the leadership team and proud to have voted for freedom to farm. But we need to expand our agricultural markets abroad. We have done that for our commodities, and under NAFTA and GATT, we have exported more agricultural products than ever in our history. There has been some dispute on transshipment of cattle, in terms of Mexico and Canada, under NAFTA. We hope that those issues are resolved and NAFTA is better enforced.

Mr. President, I might also say that, in terms of our agriculture future, Alan Greenspan has said that one of the greatest agricultural farm bills is a balanced budget. I hope that we can continue to expand our agricultural exports, especially as they regard commodity prices.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Mr. President, I ask that I be permitted to speak as if in morning business for 5 minutes.

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

Mrs. BOXER. I thank the Chair.

STATUS OF CALIFORNIA LEGISLATION

Mrs. BOXER. Mr. President, as we come down to the final hours, there are so many pending matters that are important to my home State of California, and it would take far too long to go into all of them in detail. But I thought for purposes of the RECORD I would let my constituents know and my colleagues know where we stand on a number of these issues that are so important. I discuss them not in any order of priority but just as I put them forward.

First of all, I am distressed that we still have not confirmed a judge who is highly qualified to sit on the Federal bench in the Central District Court of California, Margaret Morrow. Republicans in this Congress said, ''Look, when you send us a nominee, make sure that he or she has bipartisan support.'' Senator FEINSTEIN and I and the Senators on this side of the aisle have done that with our nominations, and yet, as my friend from Illinois knows, because he sits on that Judiciary Committee and expressed his great disappointment with the lack of action on these judges, we have not gotten our nominees confirmed. I think it is a great disservice to the people of this country who seek justice, who demand justice, who want swift justice. If you do not have the people on the bench to fulfill the responsibilities that we place upon the courts, we are not going to have justice in this Nation.

This particular nominee, Margaret Morrow, in the last month I asked her could she line up some Republican support, and everyone from the sheriff of Los Angeles to people in the private sector who are registered Republicans wrote magnificent letters about Margaret Morrow, thereby proving that she does have bipartisan, strong support.

It was an honor to recommend such a fine candidate to the President. Her name was submitted to me by my judicial advisory committee for the Central District of California. I did not personally know Ms. Morrow before I recommended her to the administration, but my committee enthusiastically found her to be a superior judicial candidate.

However, despite her strong bipartisan support and strong credentials, her nomination remains indefinitely stalled, with no Member coming forward to explain why she cannot be confirmed.

Margaret Morrow was nominated by the administration on May 10. She received her nominations hearing at the

Senate Judiciary Committee on June 25 and was reported out of committee just 2 days later without any opposition from the committee.

Three months later, Margaret Morrow's nomination sits on the Executive Calendar along with six others, waiting to be moved. These confirmations should not be held hostage for political reasons, Mr. President. Failure of this body to fill these vacancies are felt through backed up caseloads in our Nation's Federal courts. We have a bipartisan interest in ensuring that justice is administered fairly, and in a timely fashion. This means that criminals are brought to justice and civil disputes are resolved within a reasonable period of time.

The vacancy Ms. Morrow would be filling has been vacant since January 24 of this year. If we don't confirm her this session, it will be vacant for at least a full year. I don't think I need to remind this body that the Central District of California in Los Angeles is one of the busiest courts in the Nation.

Before I talk about Ms. Morrow's credentials or historical precedent for judicial confirmations, I wanted to make the point that there is also a personal side to the judicial confirmation process. For nominees who are awaiting confirmation, their personal and professional lives hang in the balance.

Margaret Morrow—a 45-year-old mother and law partner—has had to put her life on hold while she waits for the Senate to approve her nomination. Our delay has affected her ability to take on certain responsibilities at her law practice. Her whole family—particularly her husband and young son—have waited patiently for her confirmation to go through the Senate. Many of us here in the Senate have no idea what kind of strain and stress awaiting confirmation means for these nominees. We owe to her to at least give her a rollcall vote before the end of the session if she cannot be approved through unanimous consent.

Former Majority Leader Bob Dole spoke of this process himself. In June of this year, he suggested giving each nominee a rollcall vote, stating, ''We should not be holding people up. If we need a vote, vote them down or vote them up because [the nominees] probably have plans to make and there are families involved.'' Even then-Majority Leader Dole recognized the necessity to give resolution to nominees out of fairness to these individuals and their families.

In July, it was my understanding that under an agreement between Majority Leader LOTT and the minority leader there would be an attempt to work through the list of 23 Federal court judges on the Executive Calendar at that time. I commend the majority leader for working with his caucus to make this happen for the 17 district court nominees that were confirmed during that period. However, two district court nominees, including Margaret Morrow, were not included in this group. And none of the circuit court nominees were moved—including another Californian, William Fletcher, for the Ninth Circuit Court of Appeals.

Mr. President, I am unaware of any substantive reason why Ms. Morrow's nomination has not gone through. If another Member of this body has a reason for opposing her confirmation, I want the opportunity to discuss their objections, and her nomination brought to a vote before the full Senate.

MARGARET MORROW'S STRONG LEGAL CREDENTIALS

I want to take this time to fully explain why Ms. Morrow will be an excellent addition to the Federal bench. Let me review the highlights of Ms. Morrow's respected professional background.

For over 21 years, Ms. Morrow has distinguished herself as a private practice attorney. She is currently a partner at the Los Angeles firm of Quinn, Kully, and Morrow, where she has been since 1987. Prior to 1987, she was an attorney with Kadison, Pfaelzer, Woodard, Quinn, and Rossi. During her years in private practice, she has gained extensive experience in appellate litigation in both the Federal and State courts involving complex civil and commercial cases.

Ms. Morrow graduated with honors from Bryn Mawr College and Harvard Law School. She is married to Judge Paul Boland of the Los Angeles Superior Court. They have one son, Patrick Morrow Boland who is 9 years old.

In addition to her practice, Ms. Morrow served as the president of the State Bar of California from 1993 to 1994. This is a particularly noteworthy accomplishment because she was the first woman to be elected president in their 67-year history.

From 1988 to 1989, she served as president of the Los Angeles County Bar Association where she created and served on the Pro Bono Council, calling on each association member to devote at least 35 hours a year toward pro bono representation for the poor. This policy was the first of its kind in California and generated more than 150,000 additional hours of pro bono representation.

Ms. Morrow has also been active in the Ninth Circuit Judicial Conference, and on committees of the California Judicial Council. She has served on the Board of Directors of the Association of Business Trial Lawyers and taught numerous seminars on complex business litigation for the association. California Law Business listed her as 1 of the top 20 lawyers in 1994 and Los Angeles Business Journal named her as 1 of the 100 outstanding L.A. business attorneys in February 1995.

From 1989 to 1990, Ms. Morrow served on the highly respected Commission to Draft an Ethics Code for the Los Angeles City Government.

And Ms. Morrow has taught classes and seminars for numerous organizations, including the State Bar of California, the Federal Bar Association, and the California Judges Association.

BIPARTISAN SUPPORT FOR MARGARET MORROW

I further want to stress that there is wide bipartisan support for Ms. Morrow's nomination to the Central District of California. Many of California's prominent and conservative Republican lawmakers and elected officials support her confirmation.

Los Angeles Mayor Richard Riordan writes in strong support of Ms. Morrow's nomination. He adds that Morrow, ''would be an excellent addition to the Federal bench. She is dedicated to following the law, and applying it in a rational and objective fashion.''

James Rogan, Republican Assembly majority leader to the California Legislature, wrote to Senator LOTT urging his support of Ms. Morrow's nomination. He writes that Ms. Morrow is, ''tough, thoughtful, and fair'' adding that he has every confidence that she would be, ''conscientious in applying the law.''

The District Attorney of Orange County, Mike Capizzi, California writes to Senator LOTT, ''I have absolutely no hesitation in commending her nomination to you as being among the very best ever likely to come before you. . . Of particular interest to crime victims, law enforcement and public prosecutors are her initiatives and achievement in the fields of juvenile justice and domestic violence, where her efforts have helped focus and national attention.''

He ends his letter by stating:

> ''The record of scholarship, citizenship, and dedication to improving the legal system that Margaret will bring with her to the federal bench reveals great promise for a truly exceptional jurist of whom we will all be proud. I sincerely, wholeheartedly and enthusiastically entreat you to confirm Margaret's nomination for appointment to the district court, without delay. We need her.''

In a letter to Chairman HATCH, Chief Judge Roger Boren of the California State Court of Appeal, Second Appellate District, says Ms. Morrow enjoys the greatest respect from a broad spectrum of the California bar and judiciary.

Los Angeles County Sheriff Sherman Block also writes favorably of Margaret Morrow's nomination. In his letter, Sheriff Block says Margaret Morrow is an extremely hard working individual of impeccable character and integrity.

Lod Cook, Chairman Emeritus of ARCO, and a prominent Republican in the State of California wrote of Ms. Morrow:

> I am convinced she is the type of person who would serve us well on the federal bench. I believe she will bring no personal or political agenda to her work as a judicial officer. Rather, her commitment will be to ensuring fairness and openness in the judicial process and to deciding cases on the facts and the law as they present themselves.

HISTORY OF JUDICIAL CONFIRMATIONS

Mr. President, the Judiciary Committee has already carefully reviewed Ms. Morrow's

background and qualifications for this position.

They have reviewed stacks of information she provided to the committee, a full FBI background investigation, and her testimony before the committee. No objections were raised by committee members, and she was reported out of Committee only two days after her nominations hearing.

To provide some historical context, in 1992, every one of the 66 nominees approved by the Senate Judiciary Committee were approved by the full Senate. Every single nominee, Mr. President—and that was when we had a Republican administration and a Democratically controlled Senate. Included in those 66 judges were 11 court of appeals nominees. In 1992, the Democratic Senate confirmed the highest number of judges of any year of President Bush's term. And the confirmations did not slow as the election approached. During the four-month period between June and September, the Senate Judiciary Committee favorably reported 32 nominees, including 7 appeals court nominees.

In contrast, the Senate Judiciary Committee held only six hearings between January and September of this year. The Senate has so far confirmed a total of only 17 district court nominees, with little indication or commitment from the Republican leadership that we will move any more.

Mr. President, this Senate has failed to confirm a single appeals court judge this year. Not one, Mr. President. No Congress in at least 40 years has failed to confirm a single court of appeals judge. Is this the kind of precedent this Senate wants to establish?

In fact, even if all of the nominees pending before the Judiciary Committee are confirmed, the total number of judges confirmed this year will be one of the lowest election year total in over 20 years. In 1988, the Senate confirmed 42 judges, including 7 court of appeals nominees. In 1984, the Senate confirmed 43 judges including 10 court of appeals nominees. In 1980, 64 judges were confirmed, including 9 court of appeals nominees. In 1976, 32 judges were confirmed, including 5 court of appeals nominees.

Since every candidate has bipartisan support, the Senate should at the very least, grant a vote on Ms. Morrow's nomination if unanimous consent is not possible.

In sum, Mr. President, I am fully confident that the Members of the Senate will agree with me that Margaret Morrow's qualifications are outstanding and she is deserving of expeditious Senate confirmation. Her exceptional experience as an attorney, her professional service, and her deep commitment to justice qualify her to serve our Nation and the people of California with great distinction. And as evidenced by the letters I have read from, she has strong bipartisan support from some of the most prominent and conservative Republicans in my State.

I urge the distinguished Majority Leader to work with the Minority Leader to move for her immediate confirmation through unanimous consent or to schedule a rollcall vote.

So I just want to make one more plea to the majority leader. This is a nominee who was on the original list of 23 judges. There are only two left, one from California, one from Hawaii, and I do not think it does this Republican Congress any good at all as they go home to campaign when the people realize that they have approved the fewest judgeships in recent memory. We should not be playing politics with the courts.

We also had an excellent candidate in Richard Paez for the circuit court, and again action stalled on a nominee who actually got approved by this Congress for a district court judgeship. Why on Earth would we not move him up, boost him up?

Mr. President, I see that the majority leader is in the Chamber, and I will wrap up my comments in 1 minute. I appreciate him yielding to me.

I am pleased that we see no action on the Ward Valley land transfer, which would put a low-level nuclear dump in my State. We have fought that and we have stopped that from coming up.

I am very excited that it looks as if the Cruise Ship Revitalization Act will become the law of the land, thereby bringing hundreds of millions of dollars and revenues to California.

I am disappointed that we still do not have the Presidio legislation enacted. We are still working on that. I compliment my colleague, Senator FEINSTEIN, for working so hard to put together a negotiated settlement on part of the Headwaters Forest. She worked very long and hard on that.

I will have further to say on an issue very dear to the hearts of the people of my State, and frankly most of the schoolchildren in this country, and that is dolphin protection. Because I think we were able to ward off a real frontal attack on safety of dolphins, and I will speak more about that later.

So, thank you very much, Mr. President. I am pleased the administration got more money for education and the environment. These things are very, very important to this country.

I yield whatever time I have remaining.

Mr. LOTT. I thank the Senator from California for allowing us this opportunity to do some unanimous consent requests. I know the Senator from Kentucky is here for that purpose.

UNANIMOUS CONSENT REQUEST—H.R. 3539

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the conference report to accompany the FAA reauthorization bill and the report be considered as having been read.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, I shall object.

There was what is not a technical correction put on in conference, a provision that affects one corporation, benefits one corporation, and a provision that was defeated in the Appropriations Committee just 2 weeks ago when there was an attempt to put it on. I do not think this is the way we ought to be legislating. If that provision is taken off, I will be happy to support it. But I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I could be heard just briefly further with regard to that? I just came from the Democratic leader's office in which we were discussing this matter. We are still very hopeful something can be worked out. I know an effort is underway there.

Had the Senate been able to proceed to this very vital conference report, it was my intention to file a cloture motion, which would call for the cloture vote on Monday. Since our colleagues have chosen to object to the conference report, I cannot file that cloture motion. Consequently, the FAA conference report containing funds for the airport trust fund, essential air service, and addressing safety matters at our Nation's airports, is therefore in dire straits now. We are not sure exactly how we are going to be able to proceed, but I know a good-faith effort is underway, and I am hoping in the next few minutes something can be worked out that is fair.

Otherwise, we are either going to see the FAA reauthorization not be completed, which causes major problems with our airline industry, or we may be forced to ask our Senators to be prepared to vote on Sunday afternoon. That is an option we are reviewing. That also could entail having to have votes on Tuesday, inconveniencing everybody concerned. But maybe we can find a way to get to a conclusion without having to do it that way.

Does the Senator from Kentucky have a comment on that?

Mr. FORD. Mr. President, I agree with the majority leader. I would prefer we not be in this position. It was inadvertently left out of the law, and now they have seized on it and it has become a fight. I understand that very well.

But it was defeated. The Senator from Illinois did not say it was 11 to 11. It was not a huge defeat; it was a tie. So 11 people in the committee voted for it. So there was some support at that time, and I do not think much work had been done. If some work had been done, it probably would have been taken care of there and we would not be fooling with it on this bill.

I am not a lawyer, I am just on the jury. I am trying to listen to all these lawyers running around town trying to tell me what is and what is not. The jury tells me that we need to do something for the country as it relates to

aviation. My record with labor is just as good as the next fellow's, and I will put mine, my percentage, up with that of the Senator from Illinois as to my support for labor.

But this is one time I want the aviation industry of this country to continue to be the best in the world. If they are going to take this stance and say we are going to bring the FAA bill down—that is what the Senator from Illinois is doing—then we will be here next week, in my opinion. We will probably vote on Monday to proceed. We then lay a cloture motion down and they will be around here a lot longer than they had expected.

If that is the procedure, if you want to get the fur up, that is fine. It suits me fine. I understand it, not to say that I like it. I understand the procedure and I understand the rules. I understand the rules pretty well.

So, I hope we can work something out, I say to the majority leader. I am prepared to offer some objections myself here.

Mr. SIMON. If the majority leader will yield for 1 minute?

Mr. LOTT. I will be glad to.

Mr. SIMON. I am all for the FAA bill. What was put on was neither in the House nor in the Senate on this bill. That can be put on—if you drop this provision, it can be put on the continuing resolution. There are a variety of ways of handling this.

I hope we can get it worked out.

Mr. FORD. I say to my friend, you can put this bill into the continuing resolution now.

Mr. SIMON. What we should not do is tack on a major labor-management provision on this thing—without hearings on what is a very controversial provision, I might add.

UNANIMOUS-CONSENT REQUEST—H.R. 1617

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the conference report to accompany H.R. 1617, the work force development bill; the reading be considered waived, all points of order be waived, the conference report be considered as agreed to, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, and I shall object on behalf of the ranking member, Senator KENNEDY and myself. I do object. There are a lot of good things in this. There are a lot of things we have been working on a long time. I regret that it is necessary, but I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1237

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 545, S. 1237, a bill to amend certain provisions of law relating to child pornography; further, that a substitute amendment which is at the desk, offered by Senators HATCH, BIDEN, and others, be considered and agreed to, the bill be deemed read a third time and passed as amended, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, I am reserving the right to object. I have always opposed mandatory minimums. They are great politics. They are bad justice.

The Chief Justice of the U.S. Supreme Court, William Rehnquist, has admonished Congress not to put these mandatory minimums on. There are some particularly harsh ones here.

There is much in this bill to be commended. But if we can take the mandatory minimums off, I will remove any objection right away. Clearly we want to do everything we can to stop child pornography. But to say, for example, to an 18-year-old who is guilty of pornography with a 16-year-old, for two offenses you get life in prison, which is what this bill mandates—I am not sure that serves the cause of justice. I think we ought to leave that up to the judges, as Chief Justice Rehnquist has suggested. So I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2823

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 2823, the International Dolphin Conservation Program Act, which has been laboriously negotiated and supported by, for instance, a call I received from the Ambassador to Mexico, former Congressman Jim Jones, and supported by the administration actively, I believe, by Vice President AL GORE.

I, therefore, ask unanimous consent that it be discharged from the Commerce Committee; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table.

Mrs. BOXER. Mr. President, reserving the right to object, I do plan to object to this, and I would like to take some time to explain it.

Mr. President, today, the Majority Leader asked unanimous consent to take up a bill—the Stevens/Breaux/Gilchrest bill—that would significantly weaken protections for dolphins in the eastern tropical Pacific Ocean by rewriting—gutting—the ''dolphin safe'' tuna labeling law that Senator BIDEN and I wrote and pushed into law in 1990.

Today, the $1 billion U.S. canned tuna market is a ''dolphin safe'' market. Consumers know that the ''dolphin safe'' label means that dolphins were not harassed or killed.

Our definition of dolphin safe became law for all the right reasons. Those reasons are still valid today:

First, for the consumers, who were opposed to the encirclement of dolphins with purse seine nets and wanted guarantees that the tuna they consume did not result in harassment, capture and killing of dolphins;

Second, for the U.S. tuna companies, who wanted a uniform definition that would not undercut their voluntary efforts to remain dolphin safe;

Third, for the dolphins, to avoid harassment, injury and deaths by encirclement; and

Fourth, for truth in labelling.

Our law has been a huge success. Annual dolphin deaths have declined from 60,000 in 1990 to under 3,000 in 1995. Why mess with success?

The Stevens/Breaux/Gilchrest bill would permit more dolphins to be killed than are killed now.

The bill promotes the chasing and encirclement of dolphins, a tuna fishing practice that is very dangerous to dolphins. It does so by gutting the meaning of ''dolphin safe'', the label which must appear on all tuna sold in the United States. The ''dolphin safe'' label has worked: it doesn't need to be ''updated'', as the bill's sponsors claim.

A number of arguments have been made in support of the Stevens/Breaux/Gilchrest bill which I would like to refute at this time.

Bill supporters claim that it is supported by the environmental community. In fact, only a few environmental groups support the Stevens/Breaux/Gilchrest bill, while over 85 environmental, consumer, animal protection, labor and trade groups oppose the Stevens/Breaux/Gilchrest bill. I ask unanimous consent that a list of these groups be printed in the RECORD at this point. The fact is that the vast majority of environmental organizations in this country and around the world oppose the Stevens/Breaux bill.

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

Action for Animals, California
Americans for Democratic Action
American Society for the Prevention of Cruelty to animals
American Oceans Campaign
American Humane Association
Americans for Democratic Action
Animal Protection Institute
Ark Trust
Australians for Animals
Bellerive Foundation, Italy & Switzerland
Born Free Foundation
Brigantine New Jersey Marine Mammal Stranding Center
Cetacea Defence
Chicago Animal Rights Coalition
Clean Water Action
Coalition for No Whales in Captivity
Coalition Against the United States Exporting Dolphins, Fl.
Coalition for Humane Legislation
Colorado Plateau Ecology Alliance
Committee for Humane Legislation
Community Nutrition Institute
Defenders of Wildlife
Dolphin Project Interlock International
Dolphin Connection, California
Dolphin Freedom Foundation
Dolphin Defenders, Florida
Dolphin Data Base

Dolphin Alliance, Inc.
Doris Day Animal League
Earth Island Institute
Earth Trust
Education and Action for Animals
Endangered Species Project, Inc.
European Network for Dolphins
Federation for Industrial Retention and Renewal
Foundation Brigitte Bardot, France
Friends of the Earth
Friends of Animals
Friends for the Protection of Marine Life
Friends of the Dolphins, California
Fund for Animals
Fundacion Fauna Argentina
Hoosier Environmental Council
Humane Society of Canada
Humane Society of the Midlands
Humane Society International
Humane Society of the United States
In Defense of Animals
Institute for Agriculture and Trade Policy
Interhemispheric Resource Center
International Brotherhood of Teamsters
International Dolphin Project
International Wildlife Coalition
International Union of Electronic Workers
Irish Whale and Dolphin Society
Lifeforce Foundation
Marine Green Party
Marine Mammal Laboratory
Marine Mammal Fund
Massachussetts Audubon Society
Midwest Center for Labor Research
National Consumers League
National Family Farm Coalition
Oil Chemical and Atomic Workers International Union
Pacific Orca Society, Canada
People for the Ethical Treatment of Animals
Performing Animal Welfare Society
Progressive Animal Welfare Society
Public Citizen's Global Trade Watch
Pure Food Campaign
Reearth
Reseau-Cetaces, France
San Diego Animal Advocates
Sierra Club
Society for Animal Protective Legislation
South Carolina Association for Marine Mammal Protection
South Carolina Humane Society of Columbia
The Free Corky Project
UNITE!
Vier Pfoten, Austria and Germany
Whale Tales Press
Whale Rescue Team
Whale and Dolphin Welfare Committee of Ireland
Whale and Dolphin Society of Canada
Working Group for the Protection of Marine Mammals, Switzerland
Zoocheck, Canada

U.S. DEPARTMENT OF STATE,
Washington, DC, September 11, 1996.

Hon. BARBARA BOXER,
U.S. Senate.

DEAR SENATOR BOXER: Thank you for your letter of August 8 regarding the Declaration of Panama.

As you are aware, representatives of the United States and 11 other nations signed the Declaration of Panama on October 4, 1995. In our judgment, the Declaration represents a significant step forward in the efforts of nations whose vessels fish for tuna in the Eastern Tropical Pacific Ocean to protect dolphins and the marine environment as a whole.

By signing the Declaration of Panama, these nations have formally announced their intention to conclude a binding legal instrument incorporating the provisions of the 1992 La Jolla Agreement on dolphin protection in this fishery, as supplemented and strengthened by additional measures to protect dolphins as set forth in the Panama Declaration.

Thus, the Panama Declaration itself is not a legally binding international agreement, but rather a commitment to conclude such an agreement. Fulfillment of that commitment is expressly contingent upon—and only upon—certain changes in U.S. law. Those changes would occur with enactment of S. 1420 or its companion bill, H.R. 2823, which recently passed the House of Representatives with strong bipartisan support.

Once such an agreement is concluded, the Department would transmit it to Congress, as required by the Case-Zablocki Act.

I hope this responds to your inquiry. We would be happy to provide you with any additional information, or to discuss with you or your staff the Administration's support for the Panama Declaration and the enactment of H.R. 2823/S. 1420.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

U.S. SENATE,
Washington, DC, August 8, 1996.

Mr. MICHAEL J. MATHESON,
Acting Legal Adviser, Department of State, Washington, DC.

DEAR MR. MATHESON: We write regarding the ''Declaration of Panama,'' a document signed on October 4, 1995 by several countries, including the United States. This declaration addresses measures regarding the protection of dolphins in the Eastern Pacific Ocean. In this declaration, signed for the United States by Brian Hallman of the Office of Marine Conservation, the United States and 11 other nations announced their intention to formalize another agreement (the ''La Jolla Agreement'') as a ''binding legal instrument.''

So that we may understand the legal significane of this document, as interpreted by your office, we request answers to the following questions:

1. Does the Department regard the Declaration of Panama as a binding international agreement?

2. If so, please provide a legal analysis discussing the factors pertinent to determining whether a document is a binding international agreement. Such analysis should include, at a minimum, an assessment of the factors set forth in 22 C.F.R. §181.2 (State Department regulations regarding the coordination and reporting of international agreements).

3. If the Declaration of Panama is a binding international agreement, when did this agreement enter into force, and by what means?

4. If the Declaration of Panama is a binding international agreement, has the agreement been transmitted to Congress pursuant to the Case-Zablocki Act, 1 U.S.C.§112b? If it has not been so transmitted, why has it not been?

Thank you for your attention to this matter. We would appreciate a reply prior to the reconvening of Congress in early September.

Sincerely,

BARBARA BOXER,
U.S. Senator.
JOSEPH R. BIDEN, Jr.,
U.S. Senator.

Mrs. BOXER. The bill's supporters say that it is unreasonable for the United States to continue to impose a unilateral embargo on other fishing nations that wish to sell tuna in our country. I agree. It is time to lift the embargo. That is why Senator BIDEN and I, and a number of our colleagues, introduced legislation last year that would lift the country by country embargo against tuna that is caught by dolphin safe methods. Our bill would give all tuna fishermen the opportunity to export to the U.S. market as long as they use dolphin safe practices. In other words, we would open the U.S. market and comply with international trade agreements without gutting U.S. dolphin protection laws.

We have offered repeatedly over the past year to sit down and negotiate a compromise with the administration. We have stated repeatedly that we agree it is appropriate to lift the embargo. We want to reach a compromise that is in the best interest of the American consumer, dolphins, and our U.S. tuna processing industry.

The bills supporters believe that we should return to chasing and setting nets on dolphins because bycatch of other marine species is minimized. I believe that in order to sustain our renewable marine resources, we need to take a comprehensive ecosystem approach. I also recognize that management of a single species does not always produce benefits for the entire ecosystem. The bycatch of juvenile tuna and other marine species including endangered turtles, is an issue of concern that must be addressed. However, the bycatch arguments used by supporters of this bill are not based on solid science. We need more research before we can establish that bycatch is a problem.

Under the scheme supported by this bill, only one observer would be required on each tuna fishing boat. Now that may sound reasonable, but what you may not know is that the nets that are used to catch tuna are huge: a mile-and-a-half long. How can we expect one single observer to make sure that no dolphins die?

I was very surprised to hear the Senator from Louisiana earlier today repeatedly say how shameful it was that the Senate could not take up the tuna-dolphin treaty. The Senator suggested that unless the Senate passes the bill the majority leader tried to bring up, the United States will somehow be reneging on binding international agreements. This is simply untrue. It is a completely inaccurate characterization of the issue.

I know the Senator from Louisiana to be an honorable man and I would never accuse him of making a false statement knowingly. In this case, therefore, he must have been seriously misled and misinformed by those who wish to change the law, because, Mr. President, there is no tuna-dolphin treaty.

No treaty was signed by the United States or any other nation on the subject of tuna fishing and the killing of dolphins.

No treaty was submitted to the Senate for ratification, as required by the Case-Zablocki Act.

No treaty was referred to the Senate Foreign Relations Committee.

None of these things happened because there is no treaty.

What in fact the majority leader tried to bring before the Senate today is a bill which was introduced in the Senate by the Senator from Louisiana and the Senator from Alaska, and in the House by Congressman GILCHREST. This bill would amend, I would say gut, the existing law that defines the term ''dolphin safe'' for purposes of the sale of tuna in this country.

The agreement that the bill relates to is neither a treaty nor an international agreement. The so-called Panama Declaration is only a political statement—an agreement to agree in the future on a binding international agreement.

How do we know the Panama Declaration is not a treaty? A treaty is a binding commitment in international law which requires the parties to abide by its provisions. It is a legal instrument imposing legal obligations.

In our system of law, a treaty has the same standing as a statute passed by Congress—they are both the law of the land. This principle is embodied in article VI of the United States Constitution, which states:

> This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land . . .

The principle that treaties are the law of the land was confirmed by the Supreme Court in 1920 in the case of Missouri versus Holland, in which Justice Oliver Wendell Holmes wrote:

> By Article VI, treaties made under the authority of the United States . . . are declared the supreme law of the land.

Another fundamental constitutional doctrine relates to how the law of the land principle operates—the last in time doctrine, which means that if a treaty and a statute are in conflict, then the last one to be put into effect governs. So clearly—if the Panama Declaration were a binding international agreement, there would be no need for the bill the majority leader tried to take up.

In fact, the very wording of the Panama Declaration itself reveals that it is not a binding international agreement. In the second paragraph of the document, it reads:

> The governments . . . announce their intention to formalize . . . The La Jolla Agreement . . . as a binding legal instrument.

In addition, the declation sets forth a series of principles which will ultimately be contained in this yet-to-be-drafted international agreement. But these principles are so vague and largely hortatory that they cannot possible be read as imposing legal obligations.

If there were any doubt that the United States did not intend to be bound by this ''declaration'', we need only turn to the statement issued by the U.S. representative to the meeting in Panama.

> The U.S. Administration supports this initiative which is an important step on the road to a permanent, binding instrument . . . The initiative . . . is contingent upon changes in U.S. legislation . . . The U.S. Administration needs to work with our Congress on this . . . We do not want to mislead anyone here as to what the final outcome of that process might be.

It is clear that the administration was not binding the United States to anything, other than to work with the Congress to enact this legislation.

That is the commitment of the United States that the Senator from Louisiana talked about. It is nothing more. If we don't pass this bill, no binding agreement will have been broken, no international treaty obligation will have been violated.

The other nations present during the discussions in Panama surely understood this. They are fully aware that we have a government with co-equal branches, and that any changes in the tuna labelling laws, as envisioned by the Panama Declaration, require the consent of Congress.

The argument that rejection of this bill amounts to a violation of an international agreement is a red herring. There is no treaty and no international agreement in force for us to break.

Finally, on this point, Mr. President, let me ask unanimous consent to insert in the RECORD two letters: a letter sent by Senator BIDEN and myself to the State Department on the question of whether the Panama Declaration is a binding international agreement, and the State Department's response to us on that question. The State Department letter reads, in part:

> Thus, the Panama Declaration itself is not a legally binding international agreement, but rather a commitment to conclude such an agreement. . . . Fulfillment of that commitment is expressly contingent upon—and only upon—certain changes in U.S. law.

So, Mr. President—This declaration may be a political commitment, but it is most definitely NOT a legal obligation.

In summary, the arguments made by the supporters of the Stevens-Breaux-Gilchrest legislation—arguments of fact as well as arguments of law—are unsupportable. The bill is not needed for any convincing scientific or environmental purpose, and is not needed to meet any binding obligation of the United States.

In summary, Mr. President, in 1990, Senator BIDEN and I wrote a law called the Dolphin Protection Act. What happens is that when the tuna fishermen go out, they follow the dolphin because the dolphin follow the tuna. They cast a purse seine net, and they kill the dolphin along with the tuna.

We have taken the dolphin kill since 1990 down from 60,000 a year to 3,000 a year. We do not think there is any need at all to now allow this purse seining on dolphin. What this negotiation with Mexico would do is allow the Mexican fishermen to bring in their tuna. It is not dolphin-safe and the dolphin-safe label on the tuna can would lose all its meaning.

I very, very strongly object, not only in my behalf, but on behalf of Senator BIDEN, and I will also say, 85 environmental organizations, including the Humane Society, the Sierra Club and a host of others.

I appreciate the majority leader giving me this opportunity to explain why I object strongly, and I will do everything I can to make sure this bill never does become the law of the land.

I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 1296

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the conference report to accompany the Presidio parks bill; that the conference report be considered as having been read; and that immediately following the reporting by the clerk, the conference report be immediately recommitted to the conference committee.

Mr. FORD. Mr. President, on behalf of this side of the aisle, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I can be heard further on this, time has not run out. There is still time for us to get this conference report that affects 41 States and contains 126 parks and public land provisions. The Senate must recommit the conference report back to the conference committee in order to correct a tax matter which has now been cleared, I believe, in the House.

So it would allow us to get this very important piece of legislation through the process. If there is some other way it can be done, we have a couple of days, perhaps, in which we can pursue it.

I, again, repeat my great concern that this major preservation legislation, affecting so many areas, so many States appears to be in a position of being killed for no apparent reason that I can figure out. In fact, when I first talked to my Democratic colleagues about this, I think they were surprised that it was being objected to. I know the Presidio provision, for instance, is supported by the Senators from California.

For some reason, the administration has problems with this bill. They object, for instance, to the project in Utah called Snow Basin, which is an important part of where the Olympics will be held. I asked Chief of Staff Leon Panetta last night, ''Do you want to be involved in stopping a project which has been broadly supported in the area and is going to be critical to the next winter Olympics?'' I think he didn't realize that it had that ramification. But for some reason, it continues to be objected to.

Mr. President, I yield to the Senator from Alaska.

Mr. MURKOWSKI. I wonder if the Senator will yield for just a moment, because clearly the Utah Olympics and the Snow Basin exchange that is in

this are in jeopardy. It simply will not happen, and, of course, the motivating section was the Presidio. That is not included. Sterling Forest, I might add, in New Jersey and New York, is not included. It is my understanding the appropriators chose to put in Mount Hood in honor of Senator HATFIELD, as well as very early this morning adding the San Francisco Bay cleanup, which was part of the Presidio omnibus package and now will be moving evidently on a separate track.

Unless the administration sees fit to lift their hold, the Presidio, Utah Snow Basin, Sterling Forest, and all those 126 will be lost, and we will have to start again in the next Congress. Evidently, the San Francisco Bay cleanup has gone on the appropriations process, as well as Mount Hood. So that is what we are left with.

I thank the majority leader.

Mr. FORD. Mr. President, will the majority leader yield?

Mr. LOTT. I will be glad to yield.

Mr. FORD. I think negotiations are still available. I hope we can use the same procedure we did with the Kassebaum-Kennedy bill: have an agreement before it is referred back to conference. I think that is still doable. I would not say to my friend to throw it over his shoulder and forget it, that is the end of it. I think we ought to continue to try to work it out and have an agreement worked out prior to sending it back. I think it can be worked on.

Mr. MURKOWSKI. Let me say we stand ready. We spoke with the White House last night about the 46 items they found objectionable and potentially subject to veto, and we are still awaiting word back from the White House on those. So I appreciate the response of the majority leader and the response of the Senator from Kentucky. Again, we stand ready to respond.

Mrs. BOXER. Will the majority leader yield to me for a moment?

Mr. LOTT. Yes, I will, Mr. President.

Mrs. BOXER. Mr. President, I thank all the parties. I think we should not let this moment go by, I say to my majority leader, because I do believe there are so many wonderful things in the package that have been assembled by the Senator from Alaska. I know he has invested himself personally in the Presidio. He has been out there and he has shown, by his presence there, the bipartisan support we have out there.

This is one of the few issues where we have President Clinton, we have Senator Dole, we have Vice President GORE and Vice Presidential candidate Kemp all in agreement. We have FRANK MURKOWSKI and BARBARA BOXER agreeing that we have to do something with this Presidio.

I talked with Congressman MILLER this morning. I know he is trying hard to come up with a compromise. I just think, knowing all of you as I do, there has to be some way we can reach agreement. I stand ready to help in any way. Please contact me at any point in the negotiations if I can be of help.

Mr. LOTT. I thank the Senator.

UNANIMOUS-CONSENT REQUEST—H.R. 4137

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4137, a bill to combat drug-facilitated crimes of violence, which is at the desk.

I further ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, I think this is another one they are still trying to work out. But on behalf of Senators on my side, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I do hope the effort will continue to be made to work it out, because it would, as I said, combat drug-facilitated crimes of violence, including sexual assaults. I don't know where the hangup is.

Mr. FORD. I say to my friend, I don't know either. I am doing like he does. He has some friends on his side who object. I have them on my side. I understand everyone is feverishly working on a lot of things. The push to get out of here soon may cause us to get out later. So I hope we can all work together.

I thank my friend.

UNANIMOUS-CONSENT REQUEST—H.R. 4134

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 634, a bill to amend the Immigration and Nationality Act to deny public education benefits to illegal aliens; further, that the bill be deemed read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mr. FORD. Mr. President, on behalf of Senators on my side, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1174

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 484, S. 1174, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System; further, that the bill be deemed read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, this is one of the items in the so-called Presidio parks bill that is being attempted to be jerked out. I think if we are going to agree on one, we ought to agree on all or agree on the bill. So, therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2715

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from H.R. 2715 and, further, that the Senate proceed to its immediate consideration, and, further, that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, the distinguished majority whip asked me about this one earlier, how we could get it cleared. And I had given that information. So we are working on this bill. And until we get an answer back from your side, I must object. But I think we are moving in the right direction.

I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. This is the Paperwork Elimination Act. We will continue to work to see what we can do on that. I am aware of the Senator's other interests, and we are checking on that to see how we can work it out.

Mr. FORD. A quid pro quo here.

Mr. LOTT. We have been known to do that on occasion, for the best interests of the country.

Mr. FORD. You got that right.

UNANIMOUS-CONSENT REQUEST—H.R. 3719

Mr. LOTT. Mr. President, I ask unanimous consent to proceed to the immediate consideration of H.R. 3719, which is at the desk, further, that a substitute amendment at the desk offered by Senators BOND and BUMPERS be agreed to, the bill be deemed read a third time, passed, and that the motion to reconsider be laid upon the table, and any statements relating to this Small Business Act and Small Business Investment Act, which are amendments to the existing law of 1958, be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, this is the Small Business Act, as the majority leader said, and the Small Business Investment Act. Several Senators on both

sides have been trying very hard to work out an amendment that would be agreeable to everyone here. As I understand it, they are very close.

Under those circumstances, Mr. President, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I think we have one that we can clear here. It also is one that maybe the Senator in the chair would have some interest in.

IMPLEMENTATION OF THE METRIC CONVERSION ACT OF 1975

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2779, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2779) to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

AMENDMENT NO. 5417

(Purpose: To provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes)

Mr. LOTT. Senator BURNS has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. BURNS, for himself, Mr. STEVENS, Mr. GLENN, Mr. PRESSLER, Mr. HOLLINGS, Mr. KERRY, Mr. WARNER, Mr. ROBB, Mr. SHELBY, and Mr. GRAMS proposes amendment numbered 5417.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. BURNS. Mr. President, I am happy to report today that the Senate is ready to pass legislation, H.R. 2779, designed to protect American businesses, American jobs, and the American taxpayers by providing for the appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects. I was pleased both to introduce the Senate version of this measure, S. 1386, last fall along with my colleague Senator SHELBY, and to lead the effort in the Senate to obtain bipartisan approval here. This legislation restores a degree of sensibility and sanity to the manner in which this country gradually converts to the metric system. It is good for small business.

Bright and forward-thinking people have told me they believe the metric system is the future of this country. I will take them at their word. But there is absolutely no doubt whatsoever that there is a right way and a wrong way to bring about metric conversion. The right way is to work cooperatively with everyone who will be affected by metric conversion. The right way is to convert without unduly burdening businesses, without losing markets for U.S. firms, without forcing the taxpayers to pay a metric premium when Federal agencies procure metric products that are specialty items, not off-the shelf commercial items. The wrong way is to do precisely the opposite, which, unfortunately, has been happening.

The 1988 Trade bill contained language which established the metric system as the preferred system of measurement for the United States. Why was the language on the trade bill? The rationale was that it would improve the ability of American companies to export goods to metric-based countries if American firms could be moved to produce those goods in metric versions.

The principal tool for urging American companies to switch to the metric system is to use Government procurement policy. The trade bill includes language, ''to require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurement, grants, and other business-related activities . . .''

This legislation is being passed today because some Federal agencies responsible for implementing the metric policy either forgot to read or are completely ignoring the remainder of the above sentence: ''. . . except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units . . .''

Congress never intended for the switch to metrication to be forced at any cost or without regard to its impact on people, small business, or industry. This legislation insures that the Federal construction procurement policy will no longer ignore this important language which, in turn, can cause staggering problems for some industries.

We also need to keep in mind at the outset that metrication policy is rapidly running into conflict with other Government policies calling for the use of commercial products widely available in the private sector. Federal contracting personnel need to closely review procurement law developments such as the Federal Acquisition Streamlining Act [FASA] to ensure that, in their fervor to bring about metrication through Federal procurement, they are not inadvertently violating key elements of procurement laws and policies designed to promote the use of widely available commercial products and maximum access to the commercial market place.

Let me briefly describe some of the finer points of the legislation, and send a very clear signal to the agencies as to how the law is to be interpreted and applied.

Agencies have begun to hide behind metric law to maintain Government unique specifications and the internal support staff needed to maintain the Government unique specifications. At the same time, Government procurement laws and procedures have been streamlined to require agencies to buy commercial items. In addition, some advocates were pushing the use of metrics without consideration of costs and industry impact, as required by the 1988 amendments. This substitution amendment to H.R. 2779 clearly states that procurement laws favoring commercial off-the-shelf items will be applied and certainly will not be overridden or avoided by the application of the metric law and policy. Where there is conflict between the two, procurement laws favoring commercial off-the-shelf items customarily used by the private sector will take precedence. This allows an orderly transition to items built in hard-metric configuration, when those items meet the economic and quality specifications of the commercial marketplace.

FASA requires agencies to conduct preliminary market research to make sure they can obtain commercial items. This amendment to H.R. 2779 says the results of that market research must be used to determine which design method is suitable to ensure that the design will accommodate commercial items. It would make no sense whatsoever for an agency to design a building requiring hard-metric components after it has learned that hard-metric construction items that meet the definitional requirements in this amendment for commercial items are not available. Consistent with FASA, my legislation requires that agencies determine early in the process whether hard-metric or soft-metric building materials are available. Even in a metric building, the design must accommodate non-hard-metric items if hard-metric versions of those products are not available as commercial, off-the-shelf, items.

Hard-metrication for two classes of construction products has been particularly controversial: concrete masonry units [CMU] and lighting fixtures. The problems these industries are facing are well documented so I will not recount them here. The treatment for both classes is virtually identical, except that there is an extra criterion relating to voluntary industry consensus standards that would be inappropriate to apply with CMU. This legislation allows agencies to use the metric system of measurement but they may not incorporate specifications that can only be satisfied by hard-metric versions of these products

in solicitations for design and construction of Federal facilities unless certain criteria are met.

One of the chief problems we are remedying in this amendment is that agencies have been using hard-metric specifications for CMU and recessed lighting fixtures to greatly hinder or eliminate offerors of soft-metric versions of these products from the opportunity to win contracts by rendering them nonresponsive because solely hard-metric versions have been specified. To address the problem of these two industries, the amendment specifically requires a determination by an agency head if the agency requires a contractor to design or build to hard metric specifications for CMU and lighting fixtures. In the provisions directly addressing CMU and recessed lighting fixtures, an agency solicitation ''may not incorporate specifications that can only be satisfied by hard-metric versions''. Congress' intent is that an agency can solicit offers in hard-metric, soft-metric or English standards but if it limits offers to hard-metric, the agency head must make a determination using the procedures laid out in sections (b) and (c) of this amendment to H.R. 2779.

This language does not allow agencies to incorporate hard-metric specifications in a piecemeal manner to justify and specify hard-metric CMU and lighting fixtures in an entire project. In other words, a partial hard-metric specification may not be used to justify a hard-metric requirement for an entire project.

Even in those cases where agencies might be allowed to use a hard-metric design and hard-metric products after the full and appropriate application of this act, we would encourage the agencies to use value-engineering principles, which have the full support of Congress, to use soft-metric products where possible to reduce the costs to the taxpayers and incur all the benefits of the value-engineering concept.

Regarding the criterion that the application requires hard-metric CMU or lighting fixtures to coordinate dimensionally into 100-millimeter building modules, I would reiterate that the preliminary market research should decide the design method, and the design method would have a very large impact on whether a 100-millimeter module is necessary or even allowable to comport with soft-metric versions of either of these products. It is quite possible that it might be a rare event that such a module would be required. The term ''required'' in this criterion means that an agency must use the 100-millimeter module to avoid otherwise not resolvable technical problems, and that other reasonable, low-cost or low-effort minor adjustments or solutions are unavailable. In other words, a bona fide requirement for a 100-millimeter module based on technical necessity is implied as a requirement for this criterion to be satisfied.

I would call attention to the criterion that states the total installed price of hard-metric CMU and lighting fixtures must cost less than the non-hard-metric versions. Estimates shall be prepared using pricing data or price analyses with data from similar projects as defined in the Truth in Negotiations Act. Estimates should be prepared very carefully with a strong emphasis on using pricing data and price analysis on actual projects in being where actual costs to the taxpayers can be obtained and compared. The most recent data available to provide the most accurate estimate possible should be sought; the emphasis is on the actual pricing that the Government pays. Because the method and information used are the basis for determining what the Government will buy, Congress expects ombudsmen, the GAO, and others to scrutinize these factors carefully if complaints are received relating to price estimates. Agency personnel who conduct estimates for this subsection should retain a detailed record of factors affecting their decisions and be prepared to provide such documentation.

The designation of agency ombudsman is a reflection that either no appeals method to review actions of agency metrication decision exists, or if it does exist, it doesn't work. The CMU and lighting fixture industries have been working for years to persuade a change in Federal policy on metrication, to no avail. The key points to make about the ombudsman is that this person should be sufficiently highly placed in an agency so as to have agencywide authority, and sufficient resources to be able to quickly communicate the resolutions of complaints throughout the agency. A suitable ombudsman will be sufficiently insulated from the contracting process to remain objective. In order to effectively analyze complaints, the ombudsmen must maintain knowledge of both metrication and procurement laws, as the top-level business-related activities of the agency.

The ombudsmen should act aggressively, quickly and affirmatively to deal with complaints. They should thoroughly examine the documentary record, especially with regard to cost estimates. The CMU and lighting fixtures industries may avail themselves of the ombudsman if necessary at any time prior to the expiration of this act. It is expected that ombudsmen will genuinely review the actions of the contracting personnel which are the subject of complaints. Ombudsmen should endeavor to recommend agency-wide solutions in cases where it is readily apparent that the conditions giving rise to complaints are not localized or could be repeated.

Mr. President, that concludes my remarks as to specific provisions in this legislation. I urge agency contracting personnel to understand the spirit as well as the letter of legislation and I hope that they will adhere to both equally. Mr. President, without objection, I would like to submit newspaper articles that further chronicle the details of the problem that brings us to the Senate floor today to be printed in the RECORD.

Mr. President, let me take this opportunity to thank my very good friends for their help and very responsive assistance in developing improvements to the bill and moving it quickly for the benefit of many American businesses, workers and taxpayers. Senator RICHARD SHELBY was an original cosponsor of S.1386. Senator LARRY PRESSLER has always shown tireless leadership in standing up for the concerns of everyday people on this issue, and I thank him for his support. Many thanks go to my Senate colleagues on both the Governmental Affairs and the Commerce Committees, especially Senators TED STEVENS and JOHN GLENN for their indispensable expertise on procurement issues, and Senator ERNEST HOLLINGS for his contributions to the bill in time for final passage. Not only have my colleagues contributed their support, but their very fine staffs including Timothy Kyger, Patrick Windham, Mark Forman, John Pettit, Debbie Cohen Lehrich and Sebastian O'Kelley have worked hard in support of this effort and should be acknowledged. Mark Forman with the Governmental Affairs Committee staff proved to be an invaluable source of procurement law and technical knowledge of FASA.

Mr. President, I ask unanimous consent that relevant material be printed in the RECORD.

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

[From Investor's Business Daily, Jan. 4, 1996]

MOVING TO METRIC MAY HARM CONSTRUCTION CONTRACTORS

(By Carl Horowitz)

Conversion to the metric system may not fit the mold—literally. That could be costing contractors, and ultimately taxpayers, extra.

That's the view of Sens. Conard Burns. R-Mont., and Richard Shelby. R-Ala., in the Senate, and Rep. Chris Cox, R-Calif., in the House.

The lawmakers have sponsored similar bills that would clarify the intent of the National Metric Conversion Act of 1975. That law in part, requires bids on federal construction contracts to be in metric form.

The intent of the bills is to reduce the compliance burden on firms. Supporters say in the absence of such action, federal agencies will continue making the 1975 law into an unfunded mandate, despite lacking statutory authority. They add that these agencies are ignoring some basic economics of construction.

The issue comes down to definition.

Federal contractors until recently submitted bids by converting English-derived ''inch-pound'' measures into fractional metric equivalents. This process, known as ''soft metric conversion,'' requires only minor design and marketing changes.

But agencies in the past couple of years have made contractors express metric figures as whole numbers. This is ''hard metric conversion.''

The Senate and House bills would ban federal procurement of hard-metric modular

building materials, including flooring, ceilings, and wallboard. As long as English-measure product is available, and as long as hard-metric use would cost more than $25,000, a firm could not be forced to use hard-metric standards.

In 1991 President Bush issued an executive order requiring federal agencies to develop goals and timetables to complete a conversion to the whole metric system.

Agencies agreed to begin instituting hard-metric measures by January 1994, and did so ahead of schedule.

The ''soft vs. hard'' distinction seems minor. For one thing, federal contracts make up only about 5% of U.S. building construction. For another, it appears to be just a question of plugging in numbers.

But appearances are misleading, says Randall Pence, director of government relations for the National Concrete Masonry Association, a Herndon, VA.-based trade group.

Pence argues full conversion would inflate bids and inventory costs, making concrete masonry producers less competitive. Putting metric figures in round numbers would require redesigning concrete masonry products from scratch.

''Using whole metric numbers would force us to make a standard 8″ by 8″ by 16″ block an eighth of an inch smaller,'' he said.

That change would necessitate making new block molds at $10,000 to $300,000 per mold, hitting small firms the hardest.

''Producers tell me it would cost on average between $250,000 and $300,000 to buy a complete compliment of hard metric molds. If our entire industry had to shift to hard-metric conversion, it would cost $250 million to $500 million. And we'd get a product no more durable, fire-resistant or energy-efficient,'' remarked Pence.

He noted a few cases of how hard-metric use can inflate bids—or how soft-metric use can lower them.

At a House Science subcommittee hearing, Rep. Connie Morella, R-Md., revealed a General Accounting Office cost estimate of a new lab building for the National Institute of Standards and Technology. Hard-metric standards would add 20% to 25% to project costs, the GAO said.

A deletion of the hard-metric requirement lowered average bids on a courthouse project in Kansas City, Mo., by some $17 million, a more than 15% decrease.

Pence worries contractors might not find suppliers.

Among 32 potential suppliers for a Centers for Disease Control building, none made hard-metric block, he said. A recent NCMA member survey revealed only one respondent among nearly 400 made hard-metric block.

But the NCMA exaggerates, says architect Bill Brenner, executive director of the Construction Metrication Council.

''Only a handful of projects will ever have to use hard-metric measures. And the new bills before Congress, if anything, will raise contractor cots,'' he said.

Brenner added if the legislation became law, it would favor one industry type over others, block new technologies, and undermine America' position in a metric-oriented global economy.

Brenner admits hard-metric mandates might harm smaller firms. Thus, he urges federal agencies to continue their ''go-slow'' approach.

Pence says that the council's end goal is universal hard-metric use. A December draft report by the council lends support to his view.

''It is only a matter of time before the U.S. construction industry, which accounts for 6 million jobs and 8% of the gross national product, joins the nation's automobile, health care, and electronics industries (among others) in completely converting to the metric system,'' the report read.

THE REGULATORS: BUILDING A CASE FOR EXEMPTION

BLOCKMAKERS FIND NO CONCRETE REASON TO GO METRIC

(By Cindy Skrzycki)

The concrete block industry hates to be hard-headed about it, but it absolutely refuses to make its blocks fit the government's specifications for using metric measurements in federal construction projects.

Led by the National Concrete Masonry Association, a collection of smaller-sized companies that make concrete blocks, the industry is pushing legislation to exempt concrete block and recessed-lighting fixture makers from retooling to make the slight size modifications that go along with becoming ''hard metric.''

''We don't like to be the skunk at the picnic . . . but the idea of forcing the concrete block industry to go hard metric is just ludicrous,'' said Randall Pence, director of government relations for the National Concrete Masonry Association. ''There's no private market interest in this.''

Hard metric?

Most people I know couldn't convert a mile to a kilometer if you offered them a million dollars. And they sure wouldn't know there is a metric pecking order. But here it is:

The United States primarily uses the English standard of inches and pounds. The nation has been trying to convert to the metric system gradually since 1975. This conversion means specific things to people who carry around tape measures and calculators: ''Soft'' metric means simply relabeling measurements in metric units. ''Hard'' metric means physically changing the size of the product to rounded metric measurements.

Because concrete blocks and recessed light fixtures are coordinated with other products, they won't fit in the new metric world unless the molds used to make the blocks and the machines used to make the fixtures are changed. Concrete blocks now being produced are one-eighth of an inch higher than a hard-metric concrete block. What is now 7.58 inches (194 millimeters) would have to be refigured to 7.48 inches (or 190 millimeters) to become hard metric.

The industry said that if all its producers bought new molds, it could cost as much as $500 million. That's big money to the thousands of block producers. The profit margin on each block now is about 2 cents.

The industry group claims that producers would be forced to keep two inventories—one for government jobs and one for private builders. It predicted mix-ups in which the wrong-sized block would get shipped to a job because, to the untrained eye, the size difference is indistinguishable. But to the engineer on the job, mixing English with hard metric is like trying to build something with both Legos and their larger-sized Duplo cousins. It comes out looking like an East Bloc apartment building.

The association said it has been pleading its case for several years with the Construction Metrication Council, a collection of government construction experts who are the high priests metric conversion.

William Brenner, director of the council, said he and others are sympathetic to the block executives, but an outright exemption is not the way to go. ''Federal agencies should be able to use whatever is rational,'' Brenner said. He noted that in most cases, going metric has been smooth and relatively inexpensive.

Pence said changes that the General Services Administration and the council tried to make to accommodate the industry have been ignored by federal project managers. So the association went to Rep. Christopher Cox (R–Calif.), who sponsored a bill to get concrete and lighting off the metric hook.

The House Science Committee agreed on the bill June 26 and the association hopes to get similar support in the Senate.

The industry and Cox relied on a provision in the 1988 Omnibus Trade and Competitiveness Act, which said the United States should go metric ''except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. . . .''

In the end, the association predicts that if the government continues to take a hard line, it will have to pay a metric premium. Of course, the United States could buy from Mexico and Canada. They already use hard-metric molds for concrete blocks.

Mr. STEVENS. Mr. President, I want to congratulate Senator BURNS for his leadership on the Savings in Construction Act of 1996. Senator BURNS' original version of the bill, S. 1386, was referred to the Governmental Affairs Committee, which I chair. Senator BURNS substitute amendment to H.R. 2779, the version passed by the House, conforms the bill with important recent improvements in Federal purchasing laws.

Mr. President, recent procurement reforms have directed agencies to use commercial specifications and standards for all agency purchases, including construction of Federal facilities. However, GSA's new construction design guide contains Government-unique metric specifications for concrete blocks, ceiling tiles, lighting fixtures, and so forth. We received information last fall, indicating that the new GSA metric building design requirements would cost 20 percent or more than commercially available items. Also, the electric fixtures manufacturing and concrete masonry industries have registered concern with us about significant harm from the GSA guide reliance on noncommercial items. This is inconsistent with the recent laws streamlining Federal procurement and the 1988 amendments to the Metric Conversion Act of 1975.

The Burns substitute amendment makes three important improvements in acquisition of Federal buildings. First, it ensures agencies conduct market research and design buildings to use commercially available components, allowing use of hard metric specifications as industry converts. Second, it allows Government to require hard metric specifications for concrete masonry and electrical fixtures when an agency head determines it is required and cost-effective. In making this determination, the agencies can take advantage of price analyses prepared to comply with recent modifications in the Truth in Negotiations Act. Third, it establishes a check-and-balance within each agency, an ombudsman, to review complaints. The ombudsman will review metrics-related complaints from prospective bidders on construction contracts. The bill makes clear that the ombudsman authority

does not undercut the bid protest authority of the General Accounting Office.

Mr. President, Senator BURNS' legislation should result in savings to the taxpayers, while still allowing the Government to convert to metrics in building construction in a cost-effective manner. I am cosponsoring this amendment and encourage its adoption. I want to thank Senators PRESSLER and HOLLINGS, the chairman and ranking member of the Commerce Committee and Senator GLENN, for working with us in drafting the substitute amendment. I would also like to commend their staff and, especially Senator BURNS' staff, for their work on this legislation.

● Mr. KERRY. I am pleased to cosponsor with my colleague from Montana, Senator CONRAD BURNS, the Senate substitute to H.R. 2779, the Savings in Construction Act of 1996. This important legislation will amend the Metric Conversion Act of 1975 to enable lighting and masonry companies in Massachusetts and around the country to compete for Federal contracts.

Under present law, each Federal agency is required to use the metric system in its procurements, grants, and other business related activities. In certain instances, the act requires that specific products be produced in round metric dimensions. This requirement effectively mandates that such products, known as ''hard-metric'' products, be slightly altered from their current dimensions, thus forcing companies to undergo costly retooling and other production changes if they intend to compete for Federal contracts. Though the act contains an exception where metric conversion is likely to cause significant cost or market loss to U.S. firms, this exception has been implemented too narrowly, and, therefore, the act has caused substantial hardship to segments of the electrical and concrete masonry industries in Massachusetts and elsewhere. Indeed, several companies in my State, such as Lightolier, Inc., in Wilmington, MA, have had to turn down opportunities to compete for Federal contracts because they could not feasibly manufacture the necessary materials according to hard metric dimensions.

The implementation of the Metric Act in this manner has ultimately resulted in the U.S. Government paying a substantially inflated price for basic products such as bricks and lighting fixtures because companies that do undergo the cost of producing hard-metric products for Federal contracts often offer the products at a premium.

This bill will make commonsense changes to the procurement process. It will allow Federal agency officials to require that concrete masonry and lighting products subject to Federal procurement be expressed in metric terms. However, agency officials will not be permitted to demand that such products be produced according to hard-metric specifications without first making specific findings that such requirements will save Federal dollars. In addition, to ensure that this bill is implemented in a commonsense manner, it requires each agency that awards construction contracts to designate a senior official as a ''construction metrication ombudsman.'' Among other things, the ombudsman would be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, and suppliers relating to agency actions on the use of the metric system in construction contracts. The ombudsman also would be responsible for ensuring that the agency is not implementing the metric system in a manner that causes significant inefficiencies or market loss to U.S. firms.

I would like to thank the Commerce Committee ranking Democrat, Senator HOLLINGS, and his fine staff, Pat Windham, for their efforts in bringing this bill forward during this especially busy time as this 104th Congress is concluded. I wish to recognize the fine work of Senator PELL, whose continued dedication to metric conversion we all have come to admire. I also wish to thank Senator JOHN GLENN and Senator TED STEVENS and their staffs on the Governmental Affairs Committee. Finally, I wish to thank Senator BURNS for sponsoring the legislation in the Senate and for his continued persistence on this matter.●

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

Mr. FORD. Reserving the right to object, and I will not object, I am just very pleased we can pass one that I will not have to object to. So, therefore, I have no objection.

The PRESIDING OFFICER. I hear no objection. Without objection, it is so ordered.

The amendment (No. 5417) was agreed to.

The bill (H.R. 2779), as amended, was deemed read a third time and passed.

Mr. LOTT. Mr. President, I have no further requests at this time. Seeing no Senator seeking recognition at this moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RETIRING MEMBERS

Mr. KYL. Mr. President, I just wanted to take a moment to speak a few words about three of my colleagues in the House and Senate who are going to be retiring at the end of this year. I know many of us have spoken about our colleagues and there have been many fine words describing the attributes of those who have served here with such great distinction. It is very difficult to decide who you are going to talk about because there are so many fine people who have served here. I have chosen to talk about three people very briefly because, first of all, I know them quite well. I have worked with them. Second, because I think they exemplify the characteristics that American citizens would like to see in their public servants. Third, because in a way they are so different and yet they are all three so much alike in that the one word that describes each of the three of them is ''integrity.''

The reason I select these three people, one is from the House, one is a Democrat in the Senate, and one is a Republican in the Senate. My purpose for selecting these three people is, therefore, to illustrate that it does not matter which body you are in or which party you are in, you can serve the American people well if you have that characteristic of integrity and you can be respected by your peers as well.

The three people I want to say a word about are Senator HANK BROWN from Colorado, Senator PAUL SIMON from Illinois, and Representative BOB WALKER from Pennsylvania, all three of whom will be leaving at the end of this session. As I said, one could talk about many others. I heard some great statements about our colleague AL SIMPSON. I think we all get a smile on our face when we think of the many stories he has told us—and Judge HEFLIN and so many others. Again, let me focus on these three.

First, Senator HANK BROWN from Colorado is leaving after one term in the Senate. I find it interesting that he says he is leaving because the decisions that he is making now, he says, are just not as objective as they were when he first came. He feels that his decisions are now more influenced by having been in this body. Mr. President, I think all of us here would say that if HANK BROWN is concerned that he is not deciding things on an objective basis, it might say a great deal about the rest of us, because I am sure, Mr. President, you would agree there is not anybody in this body who tackles issues on a more objective basis than HANK BROWN.

He does not come with a great deal of bias. He certainly is not very partisan. He says what is right, what is wrong, what do I know about this and what should we do, and if he is the only one who takes that position, he takes the position because he thinks it is the right thing to do. When he thinks he has been, in effect, slightly corrupted by the institution in a political way, what does it say about all of the rest of us? I know we all hold ourselves up to his standard as being the standard for judging issues.

I just want to compliment Senator BROWN for being independent, for being

smart, for being honest, for being wise, for having integrity, and finally, Mr. President, for his unfailing courtesy. I have never known Senator BROWN not to be courteous to those around him regardless of party, regardless of circumstance. We will miss him in the U.S. Senate.

Another person with the same unfailing courtesy and integrity is Senator Paul SIMON from Illinois. Now, PAUL SIMON and I are of different political parties and certainly our philosophies differ a great deal, yet I think working with Senator SIMON is a good example of how significant philosophical differences do not mean that you cannot work with each other and respect each other. He has been as courteous to me as any Member of this body, notwithstanding the fact we are of different political parties.

In the tension-filled atmosphere we sometimes find ourselves in, I find that to be a comfortable refuge. I do not think anyone here is given more respect in either body than Senator SIMON because of his integrity and his unfailing courtesy. I hope I have reciprocated in my dealings with him.

He has also, I think, influenced us because when he speaks, we listen. He always has something important to say. That is especially so because we know that he approaches issues honestly. As I said, Mr. President, I will miss his company in this body.

Finally, my colleague in the House, BOB WALKER. I served with Representative WALKER when I was a Member of the House. I worked with him on mutual matters of interest since I have been in this body. Like HANK BROWN and PAUL SIMON, BOB WALKER is a man of unquestionable integrity. He knows what he believes. He knows why he believes it. He acts upon those beliefs without undue influence by the forces around him. His actions have always been characterized by courage and by adherence to principle, which is somewhat in short supply in Washington on occasion.

He, too, has had enormous influence on the legislation in this Congress, much of it behind the scenes, because people know him to be well-versed in the issues and to be very honest in his approach to them. I also want to say one last thing about Representative WALKER. As much as anyone I have known, he represents an attitude about the future that I think we can all emulate. He has great confidence in the future of this country because he has great confidence in our ability to advance based upon the technology that is there for us to discover, and he has supported a great many projects as chairman of the Space, Science, Technology Committee in the House, because of his confidence and optimism in our future.

Mostly, BOB WALKER has been my personal friend, and I will miss him a great deal, as well. So, Mr. President, much has been said about a lot of the people who will be leaving this body and the House. I mention these three because I have worked closely with all of them. I respect them very much. In some respects, they epitomize the qualities that we respect as colleagues, and I know the American people respect. We will miss them and all of the others who will be retiring at the end of this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FAREWELL TO SENATOR MARK HATFIELD

Mr. DASCHLE. Mr. President, in the time that we have, prior to the time the majority leader comes back to the floor, I have a couple of statements that I would like to make with regard to two very respected colleagues.

Mr. President, in the study of political courage, ''Profiles in Courage'', Senator John F. Kennedy observed that ''in the United States of America, where brother once fought against brother, we do not judge a man's bravery under fire by examining the banner under which he fought.''

With this in mind, I say farewell to a Senator who has been a study in political courage, the Senior Senator from Oregon, MARK HATFIELD.

His has, indeed, been a career of bold stands. From his early days in the Senate, when he cosponsored legislation to limit American's involvement in the war in Vietnam, to his votes on the Persian Gulf war, to his recent vote against the balance budget constitutional amendment, Senator HATFIELD has consistently taken independent, courageous stands.

I have not always with him. But that is not the issue.

The issue is the courage each Senator shows in taking a stand for a principle he or she holds dear. The willingness to place principle above politics. The country over one individual career.

Indeed, Mr. President, Senator HATFIELD's entire life has been one of courage, responsibility, devotion to country. As a young naval officer in World War II, he saw battle at Iwo Jima and Okinawa, and was one of the first Americans to enter the rubble of what was left of Hiroshima following the atomic bombing.

His deep aversion to weaponry and war following World War II led him to cast the lone dissenting vote on resolution at the 1965 and 1966 National Governor's Conferences supporting President Johnson's policies in Vietnam. And it lead him to sponsor legislation, like the Nuclear Freeze Resolution, to half the nuclear arms race.

He became the youngest Secretary of State in Oregon's history, the State's first two-term Governor in the 20th century, and the longest serving Senator in the history of his State.

While serving in the Senate for nearly three decades, Senator HATFIELD has never allowed himself to be confined to or consumed by institutional duties, as he has maintained a life outside this Chamber. As a former political science professor and dean of students, for example, he has retained his intellectual interests and pursuits. This includes authoring three books and authoring four others.

But I also point out that Senator HATFIELD's career in public service has been one of cooperation and reconciliation, as well as hard, tenacious work. As chairman of the Senate Appropriations Committee, he has earned the respect and admiration of Senate Democrats and Senate gains like Senator ROBERT BYRD.

He has struggled to maintain that delicate balance between protecting the precious, beautiful environment of his home State, while preserving the economic viability of Oregon's industries.

His efforts have obviously been recognized and appreciated by the people of his home State. In four decades in Oregon politics, he has never lost an election.

In announcing his retirement, Senator HATFIELD spoke of the one great sacrifice of having served five terms in the Senate—''30 years of voluntary separation from the State'' he loves. Now, as he says, it is ''time to come home to Oregon.'' I wish him and his wife, Antoinette, peace and prosperity in returning home. I can only say that the Senate's loss is Oregon's gain.

SENATOR WILLIAM S. COHEN

Mr. DASCHLE. Mr. President, I want to pay tribute today to a very distinguished Member who is retiring this year. I am referring to Senator WILLIAM S. COHEN, who, as we all know, has made the decision to leave the Senate at the end of this session of Congress.

I think it is fair to say that with unanimity we all agree that this man will be missed.

Since he was first elected to the House of Representatives in 1972 and later, in 1978, to the Senate, BILL COHEN has shown a genuine commitment to public service.

BILL COHEN has made unique contributions as a man with great knowledge of, and a deep respect for, the power of language. He has been a champion of the cause of making political discourse more civil and has promoted civility within this body through his daily interaction with each of us. The author or coauthor of eight books, he has graced the Senate with elegant speeches on some of the most important issues of our time. They have also, on more than one occasion, served as a stern warning of the cost of straying from principle.

I recall when Senator COHEN stood on this floor 5 years ago during the debate

over the Civil Rights Act of 1991. He quoted to us from Richard Wright's book, ''Native Son'' to remind us of the cost of this Nation's terrible legacy of discrimination. ''It's like living in a jail,'' said one of the characters, a young African-American boy. ''Half the time I feel I'm on the outside of the world peeping in through a knothole in the fence.''

That day BILL COHEN reminded us how racism eats away at the human spirit and turns hope to despair. His willingness to stand firm against a storm of partisan pressure ensured that all Americans would take one more step toward a world free of discrimination.

BILL COHEN has shown that willingness in other key situations, too. As a young Representative in 1974, he was one of few members who crossed party lines to hold the President accountable for his actions, and he was the sole Republican vote against last year's Republican budget reconciliation package.

He has also been a leader in terms of bipartisan initiatives, especially in the area of defense, where he has developed special expertise. Throughout his career, he has been a strong supporter of important arms control measures and has worked to build bipartisan coalitions to implement them.

As he leaves us after nearly 25 years, I think it is only fitting to say farewell to one of our most literary Senators with an appropriate quotation. It was John Steinbeck who wrote in his novel ''East of Eden'' that a successful person was one, ''whose effective life was devoted to making men brave and dignified and good in a time when they were poor and frightened and when ugly forces were loose in the world to utilize their fears.''

BILL COHEN is indeed a successful person.

We wish him great success in his future. We hope that he returns many times for he has many friends here on both sides of the aisle.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STERLING FOREST

Mr. MURKOWSKI. Mr. President, within the last hour or so I have had several calls in my office from various media, including the New York Times, asking for comments on why the Senator from Alaska would insist on killing the passage of the Sterling Forest—that is that issue that affects both New Jersey and New York, with a purchase of private lands with Federal funds—by insisting that my Tongass provision prevail? And how could I possibly take such an action and stop this process?

First of all, I think it is important for the Record to note the circumstances, as I understand them, that occurred in the House among the leadership at approximately 6:30 this morning, or thereabouts, because I think it reflects on the process around here. Some of it does need some airing. At that time, it was the intent of the leadership on the House side to include in the CR, to accommodate Senator HATFIELD and his contribution to this body, the so-called Mount Hood Parks package, and other incidental considerations.

Then, there was a communication from the White House that there should be an accommodation on another issue as well, and that was the San Francisco Bay cleanup proposal, a proposal that is worthy, a proposal that is in the omnibus parks bill, as well as the Sterling Forest, which is in that bill, which I support.

Now, there was no effort in that dialog to suggest that the San Francisco Bay was added anymore than to complement the accommodation on Mount Hood; and to suggest that we were in some way responsible for removing Sterling Forest from that legislative structure is absolutely incorrect and misleading, to say the least. Sterling Forest was subject to a point of order in the House under a blue line, for technical reasons, and that was of no concern to this body.

So, I would say to my colleagues, as some begin to point the finger of blame, that while it had been understood that the leadership was going to attempt to accommodate the Sterling Forest, initially, to complement the Mount Hood and Hatfield package, that the Tongass matter did not enter into that consideration under any terms or circumstances. And if the leadership and those attending that meeting saw fit to remove the Sterling Forest from that deliberation, that was entirely their own accord. They may have felt it may have been more politically expedient to add the San Francisco Bay cleanup to the CR, rather than the Sterling Forest. I guess it is fair to say that is beyond my pay grade.

But I want the RECORD to reflect that, as chairman of the Energy and Natural Resources Committee, we stand ready to continue a dialog on the 126 sections that are in the parks-Presidio package. We have indicated a willingness to work with the administration, by letter which was sent down there last night.

So that we can all understand the current posture, it is my understanding that in the CR, there will be two items now. There will be the Mount Hood and the San Francisco Bay cleanup as a consequence of the leadership action taken in the House. There will not be the Sterling Forest, there will not be the Tongass, there will not be the Utah Snow Basin, nor the other 123 very important items that we reported out of our committee.

So, if any of the House Members are suggesting that the chairman has stood in the way of trying to pass this omnibus legislation, the record should reflect otherwise and should reflect specifically that my initial interest was a 15-year extension for the Ketchikan sawmill, which I withdrew after the administration threatened to veto that. That was a pretty significant sacrifice, but nevertheless, it was made.

I think that should provide an adequate explanation for those who suggest that somehow we stood in the way of the leadership action, in moving on the CR accompanying the Mount Hood package, that we stood in the way of the Sterling Forest. We did not.

I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO SENATOR MARK HATFIELD

Mr. NICKLES. Mr. President, in the next day or two, we will be closing the 104th Congress. One of the things we will be doing is saying farewell to some of our colleagues who have served this institution and served our country so well.

One of the colleagues I would like to recognize today who I have the greatest respect for is Senator HATFIELD who served this body and our country so well for the last 30 years in the U.S. Senate.

Prior to that, he served the State of Oregon for 8 years as Governor. He also served in the Oregon House of Representatives, the Oregon Senate, and also served as Oregon Secretary of State, and had a distinguished career in the Navy, including the time during World War II.

MARK HATFIELD is a unique Senator, a courageous individual, independent, sometimes stubborn, a person with strong personal religious convictions, a person whom I know people on both sides of the aisle, Democrat and Republican, have really grown to know, to love, and respect. His years of service as the Appropriations chairman and also ranking member on the Appropriations Committee have been outstanding. He has an outstanding rapport with my colleague, Senator BYRD. To see the two of them work in tandem, and work so well, has certainly been a role model for all of us.

He also, as I think some of my colleagues know, is a historian, a lover and collector of items in relation to Abraham Lincoln. He is a person who has made invaluable contributions to this body and to our country. Certainly

his expertise, his guidance, his friendship will certainly be missed by all. My best wishes to MARK HATFIELD and his lovely wife Antoinette. And my thanks on behalf of all of our colleagues. We thank him, and both of them, for their service to our country.

TRIBUTE TO SENATOR SAM NUNN

Mr. NICKLES. Also, Mr. President, I would like to acknowledge another retiring colleague, the Senator from Georgia, Senator SAM NUNN. SAM NUNN was elected to the Senate 24 years ago. He is an outstanding Senator.

Many people know Senator NUNN as a leader of the Armed Services Committee. He has served as chairman and has served as ranking member. He has served in that capacity with distinction. He is a well-known expert in foreign policy and national defense matters.

What some people might not know about Senator NUNN is he also has a great deal of talent in other areas. He is one of the best golfers I have known, a very competitive individual.

But maybe my fondest memory of Senator NUNN will be when he made the speech at the national prayer breakfast just last year. I remember when he was talking about his accomplishments, he said, well, a lot of people would ask him about his accomplishments for his years of service, what bills did he pass, what legislative accomplishment was his real high water mark? He said the fact that he maintained a very strong relationship with his wife Colleen and maintained that relationship with his wife and his family. I thought that was a very inspirational comment.

I have really grown to know and respect Senator NUNN for his work, not only on Armed Services, but also for his work on the permanent Subcommittee on Investigations, for his work that he has done in small business. He has been a colleague that, again, people on both sides of the aisle in the U.S. Senate have really grown to know and respect. Certainly we will miss Senator NUNN. We thank him for his many years of service, 24 years of outstanding service, in the U.S. Senate.

TRIBUTE TO SENATOR BILL COHEN

Mr. NICKLES. Mr. President, also, I would like to comment on another retiring colleague from the State of Maine, Senator BILL COHEN. BILL COHEN served 6 years in the U.S. House of Representatives during a very turbulent time, a time many people called ''Watergate.'' He served, I believe, on the Judiciary Committee. I remember being an interested observer in Oklahoma and watching the House committee and Senator COHEN's involvement. That was back in 1973 and 1974. Senator COHEN was elected to the House in 1972.

In 1978, he was elected to the U.S. Senate. So he has served 18 years in the Senate. In addition to being an outstanding Senator on Armed Services and also on the Intelligence Committee, he is an author, he is a poet, he is a person who is respected on both sides of the aisle. He is a person who all in the Senate, Democrat and Republican, have certainly come to enjoy, to respect. He will certainly be missed in the Senate. We wish Senator BILL COHEN all the best and thank him for his years of service to our country, both in the House and in the Senate.

TRIBUTE TO SENATOR ALAN SIMPSON

Mr. NICKLES. Mr. President, also, I would like to make a couple comments about our colleague, Senator SIMPSON from Wyoming, Senator SIMPSON, from Cody, WY, and his lovely wife Ann. What a wonderful example of a loving couple, who have been a shining example for so many people. He is an outstanding representative for the State of Wyoming. He represents the State of Wyoming, is independent, kind of hard-nosed, funny, humorous, maybe the most humorous Senator that we have.

He is a colleague whom I have had the pleasure over the last few years to serve with on the Finance Committee. He is a courageous Senator, a Senator who is willing to take on issues that a lot of people would rather stay away from. He talks about problems in spending and Social Security. Not too many people want to talk about that. He talks about the problems and the need to try to rein in growing and exploding entitlement programs, a Senator who is willing to lead and stand up, a Senator who served Bob Dole and, frankly, the entire Senate so well, served as assistant majority leader for 10 years, a Senator who is willing to take on tough issues, like immigration. I am pleased that in the next day or two we will be passing immigration reform. It is largely because of the leadership of ALAN SIMPSON.

So he has a lasting legislative legacy in passing responsible legislation, like immigration reform, that most of us realize is very complicated, not a fun-type issue, yet Senator SIMPSON has shown the courage and the willingness, tenacity, and perseverance to make sure that we did the right thing.

So I compliment Senator SIMPSON for his 18 years of service in the U.S. Senate. He has been an outstanding Senator. We certainly wish Senator ALAN SIMPSON and his wife Ann all the best.

TRIBUTE TO SENATOR NANCY KASSEBAUM

Mr. NICKLES. Mr. President, also, I would like to make a couple comments about my friend and neighbor, Senator NANCY KASSEBAUM from Kansas. Senator KASSEBAUM will be leaving the Senate after 18 years of outstanding service. Senator KASSEBAUM is a Senator who is well respected by Democrats and Republicans and is the chairman of the Labor and Human Resources Committee—I might say, a very productive chairman.

She has passed a lot of legislation through her leadership. She has been able to work in a bipartisan fashion to get things done. She is a commonsense fiscal conservative who is willing to take on some of the tough issues, who is independent, who is willing to get things done for the good of our country, and certainly the good of her State.

Senator KASSEBAUM is certainly, in my opinion, one of the most decent Senators who has ever served in this body. She will certainly be missed. I thank her for her dedication to Kansas, and also to our country as well.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. NICKLES. Mr. President, likewise, I would like to say thank you to Senator HOWELL HEFLIN, commonly known as ''the judge.'' He has served 18 years in the Senate. He was a former chief justice of the Alabama Supreme Court, a Senator with a southern drawl, a Senator who served on the Agriculture Committee and the Judiciary Committee, a Senator who has always done his homework.

He knows the Constitution probably as well as anyone serving in this body. He is a Senator who served in World War II as a marine. He is a Senator who is well liked by, I think, all, who has made a significant sacrifice, in my opinion, by serving in this body, and certainly that has been to the benefit of the people of Alabama and the benefit of our entire country.

So I wish Senator HEFLIN all the best and his lovely wife Mike. We have enjoyed their service. We wish them all the best as they return to the State of Alabama.

TRIBUTE TO SENATOR HANK BROWN

Mr. NICKLES. Mr. President, likewise, I would like to acknowledge my friend and colleague, HANK BROWN, who will be leaving the Senate after one term. I truly say—all the other colleagues I have alluded to have served 18 years or more in the Senate—I hate to see HANK BROWN leave because he is leaving after 6 years in the Senate.

He has made such a valuable contribution to this body. I have had the pleasure of serving with HANK BROWN on the Budget Committee. He has just been a real asset, not only to the budgeteers, but he is a person who does his homework, he is a person who digs into the numbers, a person who is innovative, very intelligent—very bright—who finds a better way to do something, who is always working on trying to do something good for our country, to save some money, a fiscal conservative who is effective, who not only makes speeches—and in my opinion one of the best speakers we have in this

body—but one of the most effective persons because he is the type of person that has the intelligence and the wherewithal to put together a budget package, and the type of person who can come up with amendments that can be enacted into law.

He served in the House of Representatives for 10 years. Certainly, he also had private sector business experience, he served in Vietnam, a person that is very well respected, a Senator, frankly, that I hate to see leave the Senate after only one 6-year term in the Senate.

He will certainly be missed by this Senator and I think all Senators. I wish Senator Hank BROWN and his wife, Nan, all the best, as they return to the private sector.

I yield the floor.

Mr. SIMPSON. Mr. President, I thank my friend from Oklahoma for his remarks about my pending retirement. I want to commend him because I have done that line of work. I served for 10 years as the assistant leader, and the occupant of the chair served for 8 years as assistant leader, so the three of us in this Chamber have added quite a dimension to the efforts of the Senate. I commend the Senator. I think he is doing a fine job. I am very proud to have seen you do the job. You are going to succeed very well in the future and be of great assistance to our very fine leader, TRENT LOTT, who, I think, too, is truly a leader. I thank the Senator for that.

Let me indulge my absent colleagues for a few minutes as I speak of winding down 31 years of legislating. I did this for 13 years in the Wyoming house of representatives, serving in many capacities there—assistant leader and majority leader, and I enjoyed that very much. One of the great honors of my legislative life was to serve here as assistant majority leader and assistant minority leader. I have enjoyed that leadership role. I commend those who throw themselves into the fray to do that. It is a contact sport.

IMMIGRATION REFORM

Mr. SIMPSON. Mr. President, let me just relate a bit about the immigration legislation which is now on its way to us in the continuing resolution. After negotiations until about 2 a.m. two nights ago and then until this morning until 4:30 a.m., if I look bright and alert it is deceptive in every sense. One of my staff, John Knepper, a fine young man, spent all night here and all morning. We finally turned him back to his home in a zombie-like condition and thank him so much for his splendid work last night and this morning.

In the course of dealing with this huge bill, a very significant bill with regard to illegal immigration, we all were confronted with the reality that the purpose of leaders is to lead. Our leaders wanted to complete this session and do it this weekend. To do that, there were accommodations of varying degrees, obviously. Some disappointments, some victories, some defeats. We all know that feeling as we wind down a legislative year. It is the time when much can happen, and if one is not observing carefully, things are slid into a bill and things are slid out of a bill. We all, then, go home and say, ''Wait, what happened here?'' Or, ''Well, we got that in.'' That is the way legislating is, too.

I thought that the leadership, in pressing forward to meet the schedule that they set for themselves and the bipartisan way in which it was done, our majority leader, TRENT LOTT and minority leader, TOM DASCHLE, NEWT GINGRICH, the Speaker of the House, our assistant leader here, DON NICKLES, Senator FORD, all worked together to make it work. I saw that over the course of days.

The other evening when we went until 2 a.m. there was a group of four of us, including Congressman LAMAR SMITH. I must pay him tribute: A remarkable man, steady, and thoughtful. I have never seen him get too impatient, never seen him really rise up like your loyal correspondent does from time to time. He was steady on the course throughout.

The rest of that quartet were Senator KENNEDY and Congressman HOWARD BERMAN and myself. We worked up some changes to what is called title V. There are no changes in the conference report on immigration, on illegal immigration, except in that one section. Everything else is exactly the same, and it is sweeping. It is about new Border Patrol agents, 5,000. It is about new penalties for those who use or alter or make fraudulent documents. It extends the visa waiver pilot program, and it provides 900 new investigators over 3 years to enforce alien smuggling and employer sanctions. Alien smuggling can subject one to a life in prison. There are heavy penalties to those who misuse and abuse documents, and 300 INS investigators will be hired here to check on those who overstay their visas. Remember that half of the people who come to the United States illegally originally were here legally. In other words, half of the illegal population in the United States came here legally, and then, of course, visa overstayers, visa fraud, student overstayers—we have the ability now to begin to correct that.

There is a newly rewritten and streamlined removal process, combining exclusion and deportation into a single legal process. We also got rid of layers of people who love to bring class actions and disrupt the normal course of the INS's work. We make the sponsors' affidavit of support, finally, a legally enforceable document which should provide some relief to the U.S. taxpayer.

There is a minimum INS presence in every State. There is a system of expedited removal which should curb the abuse of our asylum system while still providing a hearing for an immigration judge to those who make an asylum claim.

I want to thank Senator LEAHY for his work. I did not thank him at the time the amendment passed properly, but, nevertheless, a good deal of his material is in here. He felt strongly about that and he presented it well and won the case here. We adjusted that measure somewhat but it is still a good measure—not exactly what he would have wanted and not exactly what I would have wanted, and therefore, justifiably good.

There is a streamlined system for deporting aliens convicted of crimes. There is a requirement that all criminal aliens be detained until they are deported. Domestic violence and stalking are made deportable offenses. There is a provision to eliminate what is called ''parachute kids,'' foreign students who come in and then attend public schools at taxpayer expense. I commend Senator FEINSTEIN for her work on that one. There is a pilot program for verification of eligibility to work, and there will be much more of that in the future because no matter how vigorous you want to be on illegal immigration and all the abuses of the system, nothing will work until we have a more counterfeit-resistant type of verification system—whatever that may be, whether it would eventually be a Social Security card, a slide-through card like you use with a VISA when you make a purchase, perhaps some type of driver's license photograph, retina examination like they have done in California. But at some point in time you are going to have to have a more secure identifier. It is going to have to be used only twice in a person's life. It is used at the time of new-hire employment, at the time of work, and at the time of drawing any benefits from any public assistance program. That is when it would be used. Of course, it would have to be presented by not just people who ''look foreign'', but by, as I have said a thousand times, by bald Anglos like me, too. That is what will come.

It is interesting to me that, still, you hear the cry of the editorial writers talking about the ''slippery slope'' and ID cards, national ID cards, or tattoos, or Nazi Germany. I heard all that in 18 years. But I haven't seen anybody write anything yet about the fact that when you go to get on an airplane, somebody at the curb, who is not connected with any agency, except the airline, is asking you for a picture ID I am waiting for the first editorial on that. I am sure it will be a magnificent thing, about the slippery slope.

What it is about is safety, and what it is about here in immigration is the abuse of the system. The sooner we get on with it and forget the blather about a national ID—which nobody ever proposed and never has been part of any bill I have been involved with—get on with it, unless, of course, somebody can tell me what we should do with the gentlemen at the curb who asks you for a picture ID.

So we also have in this bill a nationwide fingerprinting of apprehended illegals within the IDEN system. We have confidentiality provisions for battered women and children so that there cannot be someone holding someone in almost a hostage situation because of their status as illegals. People say, well, when these people come and they are illegal, we must care for them and be humane. I say, you bet. How do you do that when they are here illegally? When they are illegal, they are going to be exploited. There is protection for battered women and children in the welfare provisions. We have increased staffing at ports of entry. We have criminal penalties for high-speed flights and border checkpoints, which often lead to great safety difficulties for the enforcement officials. We have subpoena authority for employer sanctions investigations.

We have the AG's authority for use of State or local law enforcement officers—something that would never have been suggested years ago. There is also a provision for a fence, a 12 or 14-mile fence along the southern border of the United States. That is in here. There are a lot of things in here. I hope I get that in perspective. We have waived some of the serious environmental obstructions on the construction of that fence, and that is in the bill. That had leverage on that.

People say, ''How could you do this and waive the Endangered Species Act,'' and so on. The reason we did that is because we need to get the fence built. The last time we built a fence in that area, there was something called the ''California gnat catcher,'' or something, that held it up for many, many months until they found that the gnat catcher really would fly over a fence to mate. I thought that was good that they determined, since it had wings, it probably would fly over a fence to mate. And so that is the kind of thing we will have abrogated under this bill.

It doesn't mean that we are dissembling the environmental laws. In fact, it was the work of Senator FEINSTEIN and Senator KYL that gave rise to the need for the fence. If you have ever been to the border near Tijuana, from the sea to the Tijuana Airport, you really want to see that some day. I also commend the Border Patrol and the INS for their work. So those are some of the things that are in the bill, and many more. I could go on, but I shan't.

I want to thank LAMAR SMITH. I thank Senator KENNEDY. He never votes with me, but I want to thank him anyway. He and I have worked together on immigration for 18 years. He has been the chairman, or I have been the chairman. There have been some remarkable negotiations and discussions, but through it all has been his staff person, Michael Myers, and there has been Jerry Tinker, a marvelous man, who is gone from us now, but was a great help to my person. My friend Dick Day, who served me as chief counsel and staff director in all of my immigration activities, there could not be a truer friend, a more loyal man than Dick Day. He worked so closely with Jerry Tinker, another wonderfully loyal and delightful man, and with Michael Myers and Senator KENNEDY.

We have had a good run. It has been a great pleasure. Congressman BERMAN was with us the other evening until 2 in the morning, another spirited and remarkable man I have come to enjoy greatly. I thank ORRIN HATCH for his steady, powerful work with regard to things that create passion in him. He is a man of passion and such a bright and thoughtful legislator. He was steady at the helm through all of this, with regard to the negotiations in conference. And to JOHN KYL, who is a newer member of the subcommittee which I chaired, a wonderfully perceptive, thoughtful, precise individual, who, when he sees something, he knows what result he wants to obtain. He will get that.

Another member of the subcommittee is DIANNE FEINSTEIN. Senator FEINSTEIN is a remarkable woman. It has been a great pleasure to work with her on illegal and legal immigration matters, and to see her learn the issues. The issues of immigration are emotion, fear, guilt, and racism. The only way to do it is to wipe those people away who talk like that and move on into the issue as it really is. Brush away emotion, fear, guilt, and racism. She has done that, and she is good.

Next year, either she or Senator KYL will be the chairman of the subcommittee. If I may make a partisan statement, I hope it will be Senator KYL because he would be, of course, the Republican majority member. If not, then Senator FEINSTEIN will be the Chair. But either way, America will gain from these two people. They work together very well. They worked on the fence issue, on other issues in conference, and they have a duality of interest and regard and trust for each other. You can't do this work without an element of trust.

So as I then finish the remarks about what is still in this bill—and I have given you that—let me tell you what was taken from title V. Remember, there were no changes in any other title of this bill. But in title V, through the negotiations of these last long nights, and rosy-fingered dawn, here is what has been lost from title V.

Under the administration's threat of shutting down the Federal Government unless Congress make changes in the immigration bill—and that was, in essence, a threat—that it pass both Houses by huge majorities, we lost some very important parts of the conference report. Principally, we lost the provision that would have ensured that persons who bring their immigrant relatives would have sufficient resources or income to provide them support, if needed. This was called the 140- or 200-percent requirement of poverty; 140-percent of poverty level and 200-percent requirement of poverty level. That was to reduce the number of those immigrant relatives who themselves would qualify for welfare, where you have a situation where a person bringing in an immigrant member of their family may not have enough resources to escape the poverty level themselves.

So it seems absurd to lower it as it now has come down to 125 percent of poverty where a person near poverty gets to bring in another person near poverty, and then that person who comes in under the new law being a public charge and being responsible for that person, then you are going to have a serious problem. But that will come to pass, and that will be corrected within years to come.

But even under the 140-percent standard, many immigrants would immediately qualify for many welfare programs. But even this modest standard was too much for the President. And he can answer for that in the campaign and in the future.

We lost a provision that would have defined the term ''public charge.'' And without such a definition we really cannot deport even those recent immigrants who have become completely dependent upon taxpayer-funded welfare. The only bright spot there is that under the welfare bill you can't receive welfare for a 4- or 5-year period, and there are certain conditions there.

The White House also insisted on the removal of the provision prohibiting illegal aliens from earning Social Security credits while working illegally in the United States. That is a rather remarkable bit of information, and that is what the President insisted upon. We had it in there to prohibit illegal aliens from earning Social Security credits while working illegally in the United States.

The White House even rejected the provision which would have required a fair distribution of refugee assistance. This was one of the principal activities of Senator FEINSTEIN. This is what she had in mind, and she was very right. And I tried to stick with her through all of the negotiations, because under current law the distribution of refugee assistance is highly erratic and inequitable. California counties receive $37 per refugee while counties in certain other States receive almost $500 per refugee.

We shall let the President explain that to the people of California, which I am sure he will.

Finally, we lost provisions that would have prevented illegal aliens from receiving treatment for AIDS.

I hope you hear that. This is not about homophobia. It is not about anything. It is about a remarkable provision that means that, if an illegal alien is receiving treatment for AIDS, they will continue to receive that treatment which can amount to about $119,000 per year. We have provisions in the law that illegals receive assistance for certain illnesses and ailments—tuberculosis. Obviously, that is in our vital interest. But never have we done this,

which is an extraordinary departure. And we shall let the President explain that, how we provide taxpayers' money to illegal aliens for treatment—not testing—treatment for AIDS.

I worked diligently to remove that. It is not removed. And the President will explain that, and I know he will.

But what remains in title V is of interest, too, because here is what we salvaged from that section of that title. States may deny driver's licenses to illegal aliens under title programs; very good provision.

Social Security benefits may no longer be paid to illegal aliens in the United States, even though I read you the other portion. That is different. They may no longer be paid.

For the first time all applicants for Federal public assistance must provide proof of citizenship, or legal residence. That is in title V.

Illegal aliens will no longer be eligible for reduced in-State college tuition. It is in there. The GAO will study the use of Pell grants and federally funded student aid of college students who are illegal, or nonresident aliens. That is in there.

Every person seeking to bring their relatives here as immigrants must sign a legally enforceable affidavit promising to provide financial support, if required. That is in there; very important provision.

All persons who bring their relatives here as immigrants must have an income of at least 125 percent of the poverty level. I very much wish it could have been more. I think that is going to cause real problems in the future.

States will now be authorized to limit aliens' access to cash assistance programs.

Federal funds will be authorized for full reimbursement to States for the cost of emergency medical and ambulance services to illegal aliens. That is a very important provision; bipartisan in every way.

We restrict the availability of public housing to illegal aliens, finally. It is not what we wanted. But it is a start. Senator HARRY REID worked on that for years. Many of us have worked on that for many years. There were changes. But it is still in there. Then we require verification of eligibility of citizenship for lawful alien status in order to obtain public housing.

So those are things that still are retained in title V. And you will recall that the White House was insisting that title V be repealed. It was not repealed.

There were good things in it that were taken out. I reviewed those. Good things in it were left in. And I reviewed those.

I ask unanimous consent that a statement of legislative history on Division C be printed in the RECORD.

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

DIVISION C: STATEMENT OF LEGISLATIVE HISTORY

Division C shall be considered as the enactment of the Conference Report (Rept. 104–828) on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with certain modifications to Title V of the Conference Report.

The legislative history of Division C shall be considered to include the Joint Explanatory Statement of the Committee of Conference in Report 104–828, as well as the reports of the Committees on the Judiciary, Agricultue, and Economic and Educational Opportunities of the House of Representatives on H.R. 2202 (Rept. 104–469, Parts I, II, and III), and the report of the Committee on the Judiciary of the Senate on S. 1664 (Rept. 104–249).

The following records the disposition in Division C of the provisions in Title V of the Conference Report. (The remaining Titles of the Conference Report have not been modified.) Technical and conforming amendments are not noted.

Section 500: Strike.

Section 501: Modify to amend section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) to insert the provisions in section 501(c)(2) of the Conference Report relating to an exception to ineligibility for benefits for certain battered aliens. Strike all other provisions of section 501.

Section 502. Modify to authorize States to establish pilot programs, pursuant to regulations promulgated by the Attorney General. Under the pilot programs, States may deny drivers' licenses to illegal aliens and otherwise determine the viability, advisability, and cost effectiveness of denying driver's licenses to aliens unlawfully in the United States.

Section 503. Strike.

Section 504. Redesignate as section 503 and modify to include only amendments to section 202 of the Social Security Act, and new effective date. Strike all other provisions.

Section 505. Redesignate as section 504 and modify to amend section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide that the Attorney General shall establish a procedure for persons applying for public benefits to provide proof of citizenship. Strike all other provisions.

Section 506. Strike.

Section 507. Redesignate as section 505.

Section 508. Redesignate as section 506 and modify. Strike subsection (a) and modify requirements in subsection (b) regarding Report of the Comptroller General.

Section 509. Redesignate as section 507.

Section 510. Redesignate as section 508. Modify subsection (a) and redesignate as an amendment to section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (b).

Section 511. Redesignate as section 509. Modify to change references to ''eligible aliens'' to ''qualified aliens'' and make other changes in terminology.

Section 531. No change.

Section 532. Strike.

Section 551. Modify to reduce sponsor income requirement to 125 percent of poverty level. Strike subsection (e) of Immigration and Nationality Act (INA) section 213A as added by this section. Make other chanes to conform INA section 213A as added by this section to similar provision enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (c).

Section 552. Modify to amend section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to include the provisions in section 552(d)(1) and 552(f). Strike all other provisions.

Section 553. Strike.

Section 554. Redesignate as section 553.

Section 561. No change.

Section 562. Strike.

Section 563. Redesignate as section 562.

Section 564. Redesignate as section 563.

Section 565. Redesignate as section 564.

Section 566. Redesignate as section 565 and modify to strike (4).

Sections 571 through 576. Strike and insert sections 221 through 227 of the Senate amendment to H.R. 2202, as modified.

Section 591. No change.

Section 592. Strike.

Section 593. Redesignate as section 592.

Section 594. Redesignate as section 593.

Section 595. Redesignate as section 594.

A CAREER IN POLITICS

Mr. SIMPSON. Mr. President, I will speak a bit about the fact that this will be my last opportunity to be on this floor. Indeed, it has been a rich and wonderful experience.

There are several corollaries that I could share with those who come after me with regard to legislating. One is that legislating is very dry work, if done properly. It is not about sound bites. It is not about press conferences. It is called hard work—doing your homework, doing the hearings, sitting at the hearings, getting involved in the floor debate, the conference committee, and the all-night sessions. That is what it is. And there are many who do it well.

The occupant of the Chair is a classic example of a legislator—a true legislator; a right down-in-the-trench legislator, and he knows the rules of the game to help get the work done. And no one is more skilled than that.

There is another one as skilled—perhaps more. And I think the Senator in the chair would admit that it is Senator ROBERT BYRD of West Virginia who has become a very delightful friend. I wish that all here could get to know ROBERT BYRD as I have come to know him—a most extraordinary Renaissance type of legislator; a soaring and extraordinary person who knows his craft. And all of us would admit that without any possible exception.

So to ROBERT BYRD, my thanks because he ''trained me up.'' He taught me so much. And when I was a rambunctious, new assistant majority leader, he took me under his wing. One night I remember he was on the other side of a rather wrenching all-night session. And I was hunting for ways out. I said, ''ROBERT, how do I get out of this?'' He said, ''Now, sit down, ALAN.''

I shall relate to you some things that later will be discerned where they may have come from where you will be unable to identify the source.

Then he told me how to extricate myself. I did it in a way which, obviously, was deferential and pleasing to him, and certainly to me it ''saved my bacon,'' would be the phrase.

I have not forgotten that. I would never forget those things.

So it has been a great joy to serve with him.

Then, of course, my dear colleague, CRAIG THOMAS. We didn't come here together but we grew up together. We

were boyhood chums in Cody, WY. Imagine the pleasure of serving in a legislature with someone you knew from the fifth year of life; watch him come here, and serve with him. He is a wonderful man; a great, great friend; and his wife, Susan.

They will now take the role of senior Senator from Wyoming.

So that is a part of the swan song. Those other corollaries of legislating—I see there is stirring here. Whenever you are ready to proceed, why, just let me know, and I will, of course, defer to the process, having done that kind of work.

Several corollaries, the best of them. There was a great one. That is this: Everything here hangs by a thread. Do not forget that one. We all learn that one.

Another one is: Nothing ever dies. If it is not here this year, it will come back, like Lazarus from the dead, next year with a new shroud, a little tattered with more dirt clods on it but literally will rise from the dead. Legislation never dies. Staff assures that. Staff is eternal. Legislating and legislators move on.

Another one is: Get a crumb when you can't get a loaf. If you have not learned that—you either learn to compromise or learn to cry yourself to sleep at night. That is the way that works. And then remember something, too, at least for Republicans, and that is Democrats do good work, too. I know that is a sick idea to some, but nevertheless it is true. And to my colleagues on the other side of the aisle, I say Republicans do good work, too.

I think the occupant of the chair will agree; I have never seen in my entire 31 years of legislating what I think is a very bad precedent, and that is a conference committee conferencing without the other side present. That cannot be done. And the sooner that stops, the better off this place will be. You cannot have a conference committee when you just have one party in the room. I have had it done to me, and I did not like it at all. I will not name the chairman involved, but I will never forget it; we just met and the hammer went down and said, ''There is the report. You do not have to sign the conference committee report.''

I said, ''We haven't even talked about it. We don't know what it is.''

''Well, we are in the majority. School's out.''

So then we came back and we did that ourselves, and that is very unfortunate. I hope that does not happen again. It is not worthy of the legislative body. And maybe I was raised by the masters, but I have conferenced with people like Mo Udall, and JOHN DINGELL, and Peter Rodino, and Ron Mazzoli, who are wonderful people. You learn from them and you learn in a conference that the Democrats have ideas, too. They are often well worth hearing.

I note the presence of the assistant leader, and I believe there is some papers to move. I will defer if the Senator wishes to move those or take another 5 minutes and conclude.

Mr. NICKLES. Go ahead.

Mr. SIMPSON. Having, as I said, done that work also.

So I would say that it has been a great run for me to have served with Malcolm Wallop, a wonderful man, who was our defense expert in this body. Dick Cheney, how can you say any more about that man? A great old friend who served Wyoming with great distinction. CRAIG THOMAS, BARBARA CUBIN in the House. There have been some great honors, great friends, great adventures.

Ten years of serving with Bob Dole was a remarkable honor and privilege. What a great man he is. There isn't a person in this body who has ever worked with him who would not know that. And then, of course, the special class of 1978, many of them still here and soon to go. Ones who are still here: BILL BRADLEY, THAD COCHRAN, BILL COHEN, JIM EXON, HOWELL HEFLIN, NANCY KASSEBAUM, CARL LEVIN, LARRY PRESSLER, DAVE PRYOR, JOHN WARNER. We all came here together. Many of us will leave together. And they have been the dearest of friends, very special people.

I have been blessed with a wonderful staff: Don Hardy, my chief of staff, whom I have known since he was 14 years old. He was a spirited man then, spirited boy; a spirited colt makes the best horse. I saw great potential in him, and he met every bit of it; Joe Ratliff, my first campaign manager, my first AA; Chuck Blahous, who will go on now to serve with Senator CRAIG, who is just everything. There is not a thing he can't do—anything, marvelous; Tad Segal, my able press person; Tote Turner and Brad Westby, who sit at the front office and take all the abuse that some rugged old people can give like ''Where is that big, skinny rascal? I want to tack him up on the wall.''

''Yes, sir. How are you today? And I hear you.''

And Evora Williams and Carroll Wood and Margaret Carroll who were here with Cliff Hansen, Senator Cliff Hansen for nearly 12 years and with me for 18, so they have invested 30 years of their lives in representing Wyoming people; and Laurie Rosen, my scheduler who controls my life in a gentle, bright way; and Don Hardy, the Veterans' Affairs Committee, more than a chief counsel, a lovely friend; Dick Day. I related I brought him here to do immigration work: ''Come on out here; I need somebody who cares about me. I'm going into the tank where I will be called everything.''

Well, that was true. I was called everything. And Dick Day met every test—every test, every friendship demand; Scott Northrop, his patience in ferrying me around from place to place and also very able legislative assistant in his own right.

I could go on. And you are thinking, ''He is going to.'' Diane Rodekohr, my coordinator in Wyoming, there is nothing like her—absolutely splendid, efficient, tactical, and so precise, so good; Robin Bailey from the beginning almost, 14 years, handles all my Academy appoints, does the grunt work and tough stuff; Lyn Shanaghy in Jackson and her husband, Joe, very wonderful people; Karen McCreery in Cody. I hope I will see much more of her, and I will, because in my other life to come she will be right there at my side. And she has been at my side all these years.

I could go on. Cherie Burd, Olivia Haag. I ask unanimous consent to have printed in the RECORD the list of the people who served with me. I will enter that into the RECORD without any further information other than that because I cannot take much more time of the body.

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

Robin Bailey, David Balland, Chuck Blahous, Cherie Burd, Paul Burgess, Chad Calvert, Margaret Carroll, Dick Day, Dennis G. Doherty, Rosalie L. Ducosin, Demerie Edington, Kate Edmands, Tammy Farmer, Jodi Geis, Olivia Haag, Don Hardy, Tom Harvey, Ron Hindle, Becket Hinckley, Allison Johnston, and John Knepper.

Karin Leishman, Karin L. McCarthy, Karin McCreery, Scott Northrop, Ron Niesing, Jim Nyberg, Linda H. Reamy, Diane (Dee) Rodekohr, Laurie Rosen, Tad Segal, Trudy Settles, Lyn Shanaghy, Elizabeth Shaw, Chris Spear, Vivian Stokes, Sandra Green Swirski, Stephanie Sword, Dawn Taylor, Dat P. Tran, William F. Tuerk, Tote Turner, Mark VanKoevering, Brad Westby, Evora Williams, Carroll Wood, Chip Wood, and Charles ''Chris'' Yoder.

Mr. SIMPSON. And a supportive spouse. Anyone in this line of work that does not have a supportive spouse is in for anguish. I have had a most remarkable woman at my side for 42 years. And as she said to me one day in a spirit of the campaign, she said, ''Wait a minute. Don't give me that. I'm a volunteer in this outfit.'' I remember that very well.

But let me tell you, this is a consuming exercise and the sooner we learn that we are not partisans, we are not Democrat and Republican; we are colleagues in the U.S. Senate, the better. I learned it fast because I was the ranking junior Republican to TED KENNEDY, Al Cranston and Gary Hart when I came, and all three of them were running for President. I said, ''You run for President and I won't embarrass you, but let's not have any of this stuff,'' and never did. It was a tremendous experience.

So I will now be going on to Harvard to teach. Yes, I know that is shocking to some but quite stimulating to others. Some even fell out of the gallery on that. Going to Harvard to teach. I will be at the Kennedy School of Government, to be a visiting professor there, the Lombard chair, after preparing my syllabus, whatever that is. And I shall teach, and the teaching will be the course called ''Creative Legislation, Congress and the Press.'' So you might imagine I will have a delightful experience in that.

And then, of course, a book has been finished. That has a unique title. The title of that book is ''In the Old Gazoo: Observations From a Lifetime of Scrapping with the Press.'' And that book, of course, will be a remarkable document and certainly I will at least sell 50 copies because I shall assign it to my class. And so that will be at least—now, let us see, the royalty on that.

Well, there is no question about where we are headed here. So enough. The legacy that I have with Social Security is going to go on to JUDD GREGG, wonderful, picking it right up where I left off. The legacy of immigration will go on to JOHN KYL and DIANNE FEINSTEIN, and that is spirited and I am pleased. The legacy of the Veterans' Affairs Committee will go to ARLEN SPECTER and JAY ROCKEFELLER, and they are both dedicated, passionate people about veterans. In fact, almost too much so. That is why we will have some further discussions together on that.

But, I intend to work with young people. I intend to get involved with the Third Millennium. These are not antisenior people. These are young people. If people between 18 and 45 cannot figure out what is going to happen to them when they are 65, they will be picking grit with the chickens. We are going to work with them, we are going to talk about the entitlements and Social Security and Medicare.

I commend the leaders I have worked with, Senator NICKLES, TED STEVENS, Howard Baker, ROBERT BYRD, Al Cranston, WENDELL FORD, George Mitchell, TOM DASCHLE, TRENT LOTT—doing a tremendous job. I am very proud of him.

And particularly to the Wyoming people who allowed me to do this in my own way for 18 years—in my own unique way, however that is defined. But, to me it has been a true honor to represent this proud people of Wyoming, my native land, who are opinionated, thoughtful, articulate, and well read; who really let you know how they feel and don't mince words, and that is the way we do it out in the land of high altitude and low multitude.

Someone asked me, what would be the epitaph you would like at the end of public life? It did not take me long to think of the answer. The answer is, ''You would have wanted him on your side.'' It has been a great run.

God bless you all.

Mr. President, it is very important that I relate the great pride I have in the fact that my father served in this U.S. Senate and what a sheer privilege and honor it has been to come here after him. He served here from 1962 to 1966 and retired because of arthritis and Parkinson's disease, and he lived to be 95. So I want to say that to carry on his legacy has been a moving thing. And as the passing parade of life goes on, in 18 years here, I want to recognize Bill, Colin, Susan, who are wonderful, dear, splendid people, all Ann's friends and my friends—our children. Since I came here, Bill has married Debbie, and we could not have found one like that for him. They have given us two grandchildren in the passing years, Beth and Eric—just dazzlers, both of them. And then Susan is married to a wonderful man named John Gallagher. Again, if you could go shopping for those in-laws, sons-in-laws and daughters-in-law, those are two you would pick—Debbie and John. Colin is not linked up with anyone as yet. But he has had a great deal of hot pursuit over the years, in my time here. He is a wonderful, splendid man, the middle son.

So my parents are, too, joined now and gone since I came here. I close with three things my parents taught me that I leave with you.

No. 1, my mother said, ''Humor is the universal solvent against the abrasive elements of life.'' It is, and you need it here.

No. 2 is our line of work, and Edmund Burke said it best. Listen to it:

> Those who would carry the great public schemes must be proof against the most fatiguing delays, the most mortifying disappointments, the most shocking insults, and the worse of all—the presumptious judgment of the ignorant beyond their design.

That is our work. That is what we do. But in the combat of the day, the best one of all, if you are doing anything, you are making enemies. If you are doing nothing, or just want to be loved, get into another line of work, because here it is, all in this little couplet:

> You have no enemies, you say? My friend, your boast is poor. For anyone who has entered the fray of duty, where the brave endure, must have made foes. If he has none, small is the work that he has done; he has never cast a cup from perjured lips, he has never struck a trailer on the hip, never turned a wrong to right, or beat a coward in a fight.

I have lived that one. I commend it to you. Finally, on my wall in leather—appropriately, because leather is supple and tough—is this phrase:

> Press on. Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent.

I commend that to my colleagues. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to congratulate the very distinguished senior Senator from Wyoming. I will say, for one who has been in combat with my colleague from Wyoming, I would always say that I want him on my side. I look forward to reading his books.

You might note, you will have at least 51 copies I know you will be enriched by the royalties of. We have all been enriched by your humor and participation in this body, one of the most colorful Members, one of the most humorous Members, one of the most dedicated Members, I think, to serve in the Senate—and with courage too, taking on little issues, tough issues, like entitlements and Social Security and so on.

I just compliment my colleague from Wyoming, and I can speak on behalf of all my colleagues, we certainly value his contributions to this body and to our country. We wish you and your lovely bride, Ann, all the best in the future.

Mr. SIMPSON. That is very nice. Thank you.

Mr. NICKLES. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I want to join the tribute to AL SIMPSON, the Senator from Wyoming. I came here with him and there is almost nobody I admire more than AL SIMPSON. I enjoyed that speech very much. I wish I could be in your class at Harvard. I think that would be fun. But stay within the subject matter.

Mr. SIMPSON. Buy the book.

THE FEDERAL AVIATION AUTHORIZATION BILL

Mr. PRESSLER. Mr. President, as chairman of the conference on H.R. 3539, the Federal Aviation Authorization Act of l996, I rise to urge my colleagues to permit the Senate to immediately proceed to consideration of the conference report for this critically important legislation. H.R. 3539 is a bipartisan, omnibus aviation bill which reauthorizes the Airport Improvement Program [AIP], reforms the Federal Aviation Administration, improves aviation safety and security, and provides long overdue assistance to the families of victims of aviation disasters.

Mr. President, it is absolutely imperative that the Senate approves this conference report before we adjourn and that the President signs the report. Yesterday, the House met its responsibility to the American traveling public by passing this legislation. If the Senate fails to approve this excellent legislation which represents another significant legislative accomplishment for this body, we will have failed to meet our responsibility to the American traveling public. For example, if we do not approve this report, airports across the country will not receive Federal funding which is vital for safety-related repairs and other improvements.

If we fail to pass this report, the Senate will have neglected our responsibility to ensure the United States maintains the safest and most secure aviation system in the world. For example, the conference report implements many of the aviation security recommendations made by the White House Commission on Aviation Safety and Security earlier this month.

Mr. President, there are dozens of important provisions in this legislation,

but I would like to focus my remarks on four main areas.

First, aviation security. Air transportation in this country is safe. Indeed, it remains the safest form of travel. However, we can and we must do more. This legislation facilitates the replacement of outdated air traffic control equipment. It puts in place a mechanism to evaluate FAA's long-term funding which is critically important at a time in which enplanements continue to increase yet Federal budget constraints limit the ability of the FAA to respond to the increased needs of our aviation system. Additionally, this legislation eliminates the FAA's dual mandate. It ensures the FAA finally focuses solely on aviation safety.

A second area I want to highlight is aviation security. This conference report contains numerous provisions designed to improve security at our Nation's airlines and airports. The measure before us today incorporates many of the recommendations of the White House Commission on Aviation Safety and Security of which I am a member. In fact, this legislation provides statutory authority requested by the President to implement several of the Commission's recommendations. Passage of this bill will improve aviation security by: speeding deployment of the latest explosive detection devices; enhancing passenger screening processes; requiring criminal history record checks on screeners; requiring regular joint threat assessments; and encouraging other innovative procedures to improve overall aviation security such as automated passenger profiling.

The third area I wish to highlight is how this legislation will help small community air service and small airports. The legislation before us today reauthorizes the Essential Air Service Program at the level of $50 million. This program is vital to States such as South Dakota. By adjusting the formula for AIP funds, we would now ensure that all airports receive virtually all their entitlement funds in addition to being eligible for discretionary funds. This is great news for small airports which in recent years have received far less than their full and fair share of these funds. Also, the legislation directs the Secretary of Transportation to conduct a comprehensive study on rural air service and fares. For too long, small communities have been forced to endure higher fares as a result of inadequate competition. The Department of Transportation will now look into this issue as a result of this conference report. This follows on the important work that I instructed the General Accounting Office to initiate last year.

Mr. President, the final area I wish to highlight is the compassionate measures this legislation would put in place for the families of victims of aviation disasters. Last week, I chaired a hearing of the Commerce Committee in which the families of victims of five aviation tragedies courageously told the committee of their harrowing experiences. I promised those witnesses, as well as other families of victims in the room, that Congress finally would act this year to put in place measures to improve the treatment families receive, protect their privacy in a time of grief, ensure they receive timely and accurate information, and address a number of other concerns they eloquently voiced to the committee. The family advocacy and assistance provisions in this conference report are supported by these families and I hope the Senate will help me keep my promise to families who already have suffered enough. I hope we do not disappoint them.

Mr. President, despite all the vitally important aviation safety and security provisions in this legislation, I understand a very small group of Senators are concerned about one provision in the legislation which makes a technical correction affecting Federal Express. I refer to the amendment the ranking member of the Commerce Committee, Senator HOLLINGS, offered in conference to correct a technical error in the Interstate Commerce Commission Termination Act of 1995. It is time we reach an agreement on this issue.

The Hollings amendment, which I strongly support, is not the partisan provision these Senators believe it to be. All five Senate conferees—Senator MCCAIN, Senator STEVENS, Senator HOLLINGS, Senator FORD and I—voted in favor of that amendment because, despite all the rhetoric, it is simply a technical correction which fairness dictates the Congress make.

I would like to briefly discuss the rhetoric that has clouded the Hollings amendment issue and, regrettably, has transformed the Hollings amendment into an issue which some now feel is more important than enhancing aviation safety and security. When the House debated the conference report, I heard a number of Members make blanket statements that the Hollings amendment is not truly a technical correction. Those same Members claimed their statements were based on their purported knowledge of the Senate's intent when it considered and overwhelmingly passed the ICC Termination Act. With all due respect to those Members of the House, I authored the ICC Termination Act and can unequivocally say they are dead wrong. The Hollings amendment is nothing more than a technical correction.

Let me explain. Prior to the Interstate Commerce Commission Termination Act of 1995, the Railway Labor Act had jurisdiction over carriers including express companies. A conforming amendment in the ICC Termination Act inadvertently dropped express companies from the scope of the Railway Labor Act. As the author of the ICC Termination Act, I can say unequivocally that the Senate never intended to strip Federal Express or any person of rights without the benefit of a hearing, debate, or even discussion. Section 10501 of the ICC Termination Act makes that point crystal clear. Section 10501 states ''[t]he enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees or employers by the Railway Labor Act.''

Mr. President, fairness dictates we correct that inadvertent technical error. That is precisely what the Hollings amendment does. It is exactly why I supported it in conference. It is why I continue to strongly support it. Contrary to what some Senators have claimed, it is my understanding the Hollings amendment will not create any new labor protections which Federal Express did not have prior to enactment of the technical error in the ICC Termination Act. Nor will it broaden labor protections Federal Express previously had. The amendment is precisely what it purports to be, a technical correction.

The conference report should be on the floor for consideration and we should be debating a truly historic piece of aviation legislation which reflects the outstanding work Congress does when it proceeds on a bipartisan basis. Unfortunately, instead of discharging our duty to the American traveling public, the Senate is bogged down in procedural maneuvers by a small group of Senators to prevent the conference report accompanying H.R. 3539 from being considered by the Senate. Why? We cannot consider this vital legislation because a small group of Senators does not support the Hollings amendment which is contained in just 5 lines of a 189-page bill. All too often, Congress is criticized for losing sight of the big picture. Today, regrettably, the Senate is reinforcing that perception.

Some members of the American public watching these proceedings either from the gallery or on C-SPAN will understandably ask themselves ''has the Senate lost sight of the goal of ensuring the safety and security of air travel in the United States?'' Others will ask themselves ''has the Senate forgotten the importance of safety-related repairs and other improvements at our Nation's airports?'' And the family members of aviation disaster victims will correctly ask ''why has the Senate failed to listen to our pleas to put in place measures to improve the treatment of families of future aviation disaster victims?''

And, Mr. President, each and every one of these questions is perfectly valid. If we fail to pass this conference report before we adjourn, I would hate to be in the position of having to answer them.

We owe it to the American public to preempt these questions by resisting the invitation to lose sight of the bigger picture. Today, we are trying to pass an historic aviation safety and security bill. Let us get the job done for the American public. I urge that the

Senate immediately take up for consideration the conference report to accompany H.R. 3539.

Let me add that I pledge to join whatever efforts the Senator from Alaska, who is in the chair, or others take to ensure this conference report passes before we adjourn. This legislation is yet another example of the excellent bipartisan cooperation of the Commerce Committee. The Hollings amendment enjoys the bipartisan support of all of the Senate conferees. In that bipartisan spirit, I urge Senators from both sides of the aisle to join our effort to pass the FAA conference report.

CLEAN FUEL VEHICLE ACT OF 1996

Mrs. BOXER. Mr. President, in June of this year, along with my colleagues Senators INOUYE, FEINSTEIN, KENNEDY, KERRY, and JEFFORDS, I introduced legislation (S. 1848) to provide temporary tax incentives to spur the market for clean fuel vehicles, including natural gas and electric vehicles. While this Congress has no time remaining to consider this proposal, I intend to introduce the legislation in the 105th Congress, and I urge my colleagues to then consider the measure and join me and others in promoting the transformation of our transportation system to cleaner forms of energy.

This proposal calls for targeted tax incentives that would, first, remove clean fuel vehicles from the luxury automobile classification for luxury excise tax and depreciation purposes; second, remove the limitations on the availability of credits and deductions for use of electric vehicles by governmental units; third, provide deductions for large electric vans and buses; fourth, adopt a straight, rather than graduated, tax credit for electric vehicles; and fifth, exempt liquefied natural gas from certain taxes.

Recently, the Joint Committee on Taxation provided a revenue estimate of those provisions of the bill that provide tax incentives for clean fuel vehicles. The committee previously reported to me that my provision to levy the same rate of excise tax on liquified natural gas as already is levied on compressed natural gas would result in a revenue loss of only $4 million from 1997 to 2002. I urge my colleagues to note, significantly, the committee estimated that for the other provisions, items one through four above, for the 5-year period between 1997 and 2001 the total revenue impacts would equate to no more than $15 million. Even more important, for this modest cost, we can spur the development of vehicles that produce no tailpipe emissions.

Zero emission vehicles are not a pipeless dream so to speak. Many are in use today, and they are scheduled to be in Saturn dealer showrooms later this fall and soon on the lots of other automakers. Again, let me state that we are not describing some far out in time technology; the world's largest automobile manufacturer—General Motors—intends to market an electric vehicle in the showrooms of one of its most successful product lines.

General Motor's Saturn dealerships in southern California and Phoenix/Tucson, AZ will begin selling electric vehicles this fall. Next year, General Motors will offer, through Chevrolet dealers, an electric light duty truck; Toyota and Honda will begin selling EV's; and Chrysler has proposed to sell electric minivans to the U.S. Government. In 1998, Ford Motor Co. will introduce a vehicle for the U.S. market, as will Chrysler and Nissan. Many other companies in California and throughout the United States also are actively involved in clean fuel vehicle development.

Even with this degree of very promising activity, the market is uncertain because the number of first-time buyers is uncertain. The short-term tax incentives in my proposal will go far toward helping to encourage the initial market. All of the tax provisions will sunset at the end of the year 2004. Most important, we have an opportunity to assist in creating new forms of personal transportation—ones that produce little or no tailpipe emissions and that rely upon domestically produced fuels. And, ones that use advanced computer-based technologies that position U.S. industries to lead the transportation sector into the next century.

This legislaton has been endorsed by the Union of Concerned Scientists, the Electric Transportation Coalition, the Natural Gas Vehicle Coalition of the USA, the city of Los Angeles and Potomac Electric Power Co. I urge my colleagues to join me in this effort for a clean-fuel 21st century and support my legislation next year.

I ask unanimous consent that a copy of the letter from the Joint Taxation Committee be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, September 24, 1996.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: This completes our response to your request for a revenue estimate corresponding to a draft bill to provide certain tax incentives for electric vehicles and other clean-fuel vehicles (the ''Clean Fuel Vehicle Stimulus Act of 1996'').

In our letter of June 24, 1996, we provided you with a revenue estimate for section 6 of your draft bill, which would exempt liquified natural gas (''LNG'') from the Highway Trust Fund component of the special motor fuels excise tax.

This letter contains a revenue estimate for sections 2 through 5 of your draft bill. These sections of the bill would (a) remove clean-fuel vehicles from the luxury automobile classification for luxury excise tax purposes and exempt such vehicles from depreciation limitations, (b) remove current restrictions on the availability of credits and deductions for electric vehicles used by governmental units, (c) provide certain deductions for large electric trucks, vans, and buses in lieu of the credit for electric vehicles, and (d) modify the credit for electric vehicles and allow the credit to be applied against the alternative minimum tax. The modifications to the electric vehicle credit and the alternative minimum tax would be effective for taxable years beginning after December 31, 1996. In general, the remaining provisions would be effective for property placed in service after the date of enactment.

For the purpose of preparing a revenue estimate for sections 2 through 5 of your draft bill, we have assumed that the bill will be enacted on October 1, 1996. The following is a revenue estimate for sections 2 through 5 of the bill:

FISCAL YEARS
[In millions of dollars]

Item	1997	1998	1999	2000	2001	2002	1997–2001	1997–2006
Sections 2 through 5 of the Clean Fuel Vehicle Stimulus Act	−2	−3	−3	−4	−4	−3	−15	−22

Note: Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

KENNETH J. KIES.

RETIRING SENATORS

Mrs. BOXER. Mr. President, 13 dedicated people are leaving the U.S. Senate this year. Each of them will leave a mark on this institution. Each has contributed to its accomplishments. Each has been an able and honorable representative of his or her State.

I count them all as friends, and I hope that the friendship I have shared with them will continue after they leave public life. I wish them all godspeed, good health, and long happy lives after the Senate.

CLAIBORNE PELL

Around the Senate, we often hear the word ''distinguished'' used to describe our colleagues. But in the case of the senior senator from Rhode Island, the description truly fits the man. CLAIBORNE PELL has served in this body for 36 years. Only two other Senators have served longer.

In addition to his almost four decades of devoted service to the people of Rhode Island, Senator Pell has an unsurpassed record of legislative accomplishments—a legacy that will benefit Americans all over the Nation for generations to come.

CLAIBORNE PELL is the father of Pell grants, the Nation's premier assistance program for needy college students. For many years, he has also been one of the Senate's leading voices in support of the National Endowments for the Arts and the Humanities, which promote and sustain so much of the creative life of this country.

Throughout his career in the Senate, CLAIBORNE PELL has been deeply involved in foreign policy issues. He

served as chairman of the Foreign Relations Committee from 1987 through 1994. Through his vision and leadership, the Arms Control and Disarmament Agency. His steadfast commitment to reducing the threat of weapons of mass destruction led to major international arms control agreements, including the Environmental Modification Treaty and the Seabed Arms Control Treaty. Senator PELL has contributed immeasurably to the development of U.S. leadership in world affairs and to the establishment of better relations among the nations of the world.

Finally, I must pay special tribute to the very special character of CLAIBORNE PELL. We live in a time and a place where certain qualities of character—courtesy and gentility, decency and kindness, honesty and integrity—are are all too rare, in public life or private. But with CLAIBORNE PELL, these qualities are ingrained and innate. He is an honorable gentleman, and I have been proud to serve with him.

SAM NUNN

The senior Senator from Georgia is among the most respected Members of this body—admired for his knowledge, legislative acumen, and unparalleled dedication to the men and women who serve our Nation in the Armed Forces.

SAM NUNN is held in such high esteem by the citizens of Georgia that they have elected him as their Senator five times. Had he decided to face the voters again this year, political commentators unanimously agree that Georgians would have re-elected him by a wide margin.

Senator NUNN will be remembered in this body for his service to the State of Georgia and his diligent efforts to reform the Federal Government through his work on the Governmental Affairs Committee. However, there is no doubt that SAM NUNN will be remembered best as an international affairs and military policy expert, whose impact on U.S. national security policy will be felt forever. From the cold war to the Gulf war, Presidents have sought his counsel and relied on his advice.

Senator NUNN's retirement will leave the Senate without one its most respected voices, but we trust that he will remain active in public life and will continue to contribute to the vitality of our Nation. I will certainly call on him for his common sense counsel and his deep trough of knowledge on so many matters of great importance to our country.

MARK HATFIELD

Many words can be used to describe my colleague the senior Senator from Oregon, but the one word that most comes to mind in describing his service in the Senate is integrity. Early in his career, he said, ''I pray for the integrity, justice and courage to vote the correct vote, not the political vote.'' The American people witnessed his integrity earlier this year when he cast a vote of conscience on the balanced budget amendment.

Senator HATFIELD has been a champion for the environment. Throughout his career he sponsored legislation to protect the trees, rivers, and wildlife in his beautiful State of Oregon as well as throughout the Nation. He used his skill to protect the threatened northern spotted owl, while at the same time save jobs in the timber industry.

Senator HATFIELD has also been a strong advocate of peace. While he served in the military during World War II, he was one of the first U.S. servicemen to see the devastation that the atomic bomb inflicted on Hiroshima. This episode moved him greatly, and as a result, he has devoted himself to arms control and trying to get the United States to invest less money in weapons systems and more in our people.

We need more MARK HATFIELDs in both parties. The Senate will miss his quiet dignity and his quiet strength. Personally, I will miss his friendship, and I want to take this opportunity to thank him for all the help he gave me as chairman of the Appropriations Committee on issues of mutual concern, including the environment, transportation, and health research.

DAVID PRYOR

As everyone knows, Senator DAVID PRYOR from the great State of Arkansas is one of our most beloved colleagues. He is a man who always had a kind and generous word to say to everyone.

DAVID PRYOR has devoted much of his public life to improving the quality of life for our senior citizens. Last year, I was proud to join DAVID and others in the fight to retain Federal nursing home standards. He knows that we need minimum uniform standards in order to ensure that our seniors continue to receive the best care possible.

Senator PRYOR has also been a leader in the fight to make prescription drugs available to all at lower prices. He sponsored successful legislation to require pharmaceutical companies to give Medicare and Medicaid the same discounts that are available to other large purchasers. As a result, prescription drugs are more affordable for patients and the Government saves $1 billion a year. Most important, this policy saves lives.

I love DAVID PRYOR and I will miss him dearly. I wish for DAVID, Barbara and their children all the very best in the years to come.

JIM EXON

It is with a sad heart that I say goodbye to my dear friend and esteemed colleague, Senator EXON. Senator EXON came to the Senate after a successful 8 years as Governor, where he was highly popular with all Nebraskans. His ability to attract supporters from both parties brought him to Washington in a landslide Senate victory.

As a veteran of World War II and a senior member of the Armed Services Committee, Senator EXON has fought to ensure a strong defense for our country. A significant achievement which exemplifies this is the Exon–Florio bill which gives the President the power to stop hostile foreign takeovers which threaten national security.

At the same time, he has been an economizer and a watchdog of the deficit. As Governor, he cut the deficit in Nebraska and has continued to fight for the same outcome as the ranking Democrat of the Budget Committee. It has been my pleasure to work with him on the Budget Committee and he will be greatly missed by all of us.

ALAN SIMPSON

ALAN SIMPSON, the Senior senator from Wyoming, will go down in the history of the Senate as one of its foremost legislators, but also as a man with a unique sense of humor that has added a wonderful dimension to the life of this body.

Time and again, ALAN SIMPSON has demonstrated that he is a man of conviction and courage. I am very proud to have served with him and I will always especially remember and appreciate the strong support he has given over the years to the reproductive rights of women.

ALAN SIMPSON is a man of his word—straight forward and fair. He will be missed in this body.

NANCY KASSEBAUM

It has been my pleasure to be able to serve with now senior Senator from Kansas, NANCY KASSEBAUM, during her final term. As the sole Republican woman in the Senate when first elected and for a significant portion of the time she has served here, she has become a role model to women on both sides of the aisle. In addition, as the chair of the Senate Labor and Human Resources Committee, she is currently the only woman to head a Senate committee.

Senator KASSEBAUM's ability to moderate between different ideologies a great asset to this body and one which will be greatly missed. Most recently, her work with Senator KENNEDY brought the first substantive health care reform to the Senate. We all know this legislation passed unanimously and has become one of the great achievements of the 104th Congress.

Senator KASSEBAUM has also been a leader in issues concerning foreign affairs. She has been a key negotiator on important decisions such as determining sanctions against South Africa and eliminating credit guarantees for Iraq which were supposed to be used for food, but were in fact being used by Saddam Hussein to buy weapons. Whether Senator KASSEBAUM and I have been on opposite sides of the issue or the same, I have tremendous respect for the work she has done here and I know she will be missed.

HOWELL HEFLIN

Years from now, when historians review the history of the U.S. Senate, one name that will surely stand out as one of the Senate's most colorful and foresighted members will be HOWELL HELFLIN. Known for his cautious deliberation, Senator HEFLIN has definitely made his mark in the U.S. Senate.

The judge, as we all know him, has served the State of Alabama and this Nation with distinction, courage, and integrity. This Silver Star medal recipient will no doubt be remembered as one to the Senate's shining stars. His work and personable demeanor has served as a model for us all. As chief justice of the Alabama Supreme Court, he implemented nationally acclaimed state court reform. Upon retiring from the bench in 1977, not one trial or appellate court in the State of Alabama was backlogged or congested.

In the Senate, he has been a champion in every sense of the word. From protecting American farmers as the chief architect of the cotton, peanut, and soybean programs, to ensuring senior citizens security and expanding medical research. His work underscores his compassion and commitment to improving the quality of life for us all. It is no wonder that the first bill he ever introduced, and continues to fight for in each Congress, is for a balanced budget. Without a doubt, Senator HEFLIN has a clear understanding of ensuring that our Nation's priorities are in order; and securing a better standard of living for ourselves, our children, and for generations to come.

Those of us fortunate enough to have served with him in this body have been enriched by his intellect, fortitude, and personal charm. I wish for him and his family all the best in the years ahead, and I extend my appreciation for his friendship, and most importantly, his service to our nation.

PAUL SIMON

Since 1947, when PAUL SIMON became the youngest editor-publisher in the Nation, he has been one of the most thoughtful spokesmen for the public interest. As an editor he railed against the corruption that gripped Illinois politics; in his 14 years in the Illinois state legislature he was the annual winner of the best legislator award; as a Member of the U.S. Congress he has been a leading advocate for children and education.

Since being elected to the Senate, Senator SIMON has proven himself to be a capable, and at times masterful, legislator. Well-liked on both sides of the aisle, Senator SIMON's popularity has enabled him to forge coalitions and push through legislation. He has fought to help families with his legislation supporting children and education. His legislation, such as the Job Training Partnership Act, the School-to-Work Act, and the National Literacy Act has put him in the forefront as a leader in education, and helped to ensure a well-prepared workforce.

Senator SIMON is a caring and dedicated legislator. His record underscores his dedication to the public good and the future of our Nation. Senator PAUL SIMON's thoughtfulness, his generosity, his kindness, will be sorely missed in the halls of Congress.

BILL BRADLEY

One of the most respected thinkers in the Senate, BILL BRADLEY of New Jersey is most comfortable in the world of ideas and ideals. A former Rhodes scholar, Senator BRADLEY has never been content or satisfied with the cliches that can sometimes dominate an issue. He continually seeks to come up with new and original answers to the problems facing our Nation.

Senator BRADLEY has been instrumental in shaping America's economic and foreign policy. And although he has at times been concerned with the direction of Government, he has continued to push our Government toward dealing effectively with the needs of our Nation, and with the problems that affect people's everyday lives. His role in the 1986 Tax Reform Act, for example, was pivotal, and reshaped how we address tax issues.

I especially admire Senator BRADLEY for his concern about the toughest issue of time—race relations. He has shown great courage and leadership for all our people.

America undoubtedly has profited greatly from Senator BRADLEY's leadership in economic, social, and foreign policy. His departure from the Senate leaves a big hole which will be difficult to fill.

BENNETT JOHNSTON

The people of Louisiana could not have had a more outstanding representative of their interests than J. BENNETT JOHNSTON, who has been a member of the Senate since 1973. He is, in fact, a Louisiana Legend.

I want to pay tribute to BENNETT as one of the most effective and skilled legislators in Congress—and also one of the most formidable opponents I have ever faced.

HANK BROWN

As the chairman of the Foreign Relations Subcommittee on Near Eastern Affairs, Senator HANK BROWN has shown great leadership on matters concerning one of America's most important allies, Israel. I also want to thank him for and recognize the support he has always given to the reproductive rights of women.

WILLIAM COHEN

Senator COHEN, following in the tradition of many previous Senators from Maine, has become known as a thoughtful legislator and judicious thinker on a broad range of issues. His intellect will be missed by the Senate.

One of BILL COHEN's greatest contributions to the Senate has been his role as an honest broker in important foreign policy debates. He is always willing to work on a bipartisan basis for what he believes to be the best interests of the United States.

TRIBUTE TO JUDGE JAMES BATTIN

Mr. BAUCUS. Mr. President, I wish to pay tribute to the life of a great Montanan and a very good man, Judge James F. Battin.

Judge Battin lost his battle with cancer yesterday. But he leaves behind a legacy of public service and devotion to the law that has helped make Montana a better place.

Last August, I had the honor of attending the investiture of Montana's newest Federal judge, Judge Don Molloy. Years ago, Judge Molloy served as a clerk for Judge Battin. And, through the ensuing years, Judge Battin played the role of friend and mentor to his former clerk.

So it was a great honor to see Judge Battin administer the oath to our new judge. As Judge Molloy begins his service on the bench, he could look for no finer role model than Judge Battin.

One of President Nixon's first judicial appointments, Judge Battin came to the bench from Congress. He served for a number of years—with great effectiveness and distinction—as eastern Montana's Republican Congressman.

Yet, at the time, there were some Montana lawyers who questioned whether a good Congressman would also make a good judge. One attorney was later quoted as saying, ''everybody said he would be a terrible pain.''

But that same lawyer went on to say ''everybody was proven wrong . . . he's a superior judge.''

That is a sentiment shared by everyone in Montana who knew Judge Battin. Wanda and I offer our condolences to his wife Barbara and their family. Yet they should be deeply proud of the life Judge Battin lived. He made a difference.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, each without amendment:

S. 1931. An act to provide that the United States Post Office and Courthouse building located at 9 East Broad Street, Cookeville, Tennessee, shall be known and designated as the ''L. Clure Morton Post Office and Courthouse.''

S.J. Res. 64. Joint resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3576. An act to designate the United States courthouse located 401 South Michigan Street in South Bend, Indiana, as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse.''

H.R. 3841. An act to amend the civil service laws of the United States, and for other purposes.

H.R. 4042. An act to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the ''Ted Weiss United States Courthouse.''

H.R. 4119. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse.''

H.R. 4133. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the ''Carl B. Stokes United States Courthouse.''

H.J. Res. 70. Joint Resolution authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia or its environs.

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3219. An act to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

H.R. 4088. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 229. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1004.

The message further announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes.

At 2:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 543. An act to reauthorize the National Marine Sanctuaries Act, and for other purposes.

H.R. 3632. An act to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition.

H.R. 4165. An act to provide for certain changes with respect to requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act.

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H. J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 1996 he had presented to the President of the United States, the following enrolled bills:

S. 1675. An act to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1802. An act to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes.

S. 1970. An act to amend the National Museum of the American Indian Act to make improvements in the Act, and for other purposes.

S. 2085. An act to authorize the Capitol Guide Service to accept voluntary services.

S. 2101. An act to provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

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. COHEN:

S. 2153. A bill to designate the United States Post Office building located in Brewer, Maine, as the ''Joshua Lawrence Chamberlain Post Office Building'', and for other purposes; considered and passed.

By Mr. SPECTER (for himself, Mr. JOHNSTON, Mr. HEFLIN, and Mr. SANTORUM):

S. 2154. A bill to provide equitable treatment for pharmaceutical patents on certain pipeline drugs in order to encourage continued development of new drugs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. MCCONNELL, and Mr. HARKIN):

S. 2155. A bill to authorize the Secretary of Agriculture to transfer funds to the farmers' market nutrition program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENS:

S. 2156. A bill to protect the rights of the States and the people from abuse by the Federal Government; to stregthen the partnership and the intergovernmental relationship between State and Federal Governments; to restrain Federal agencies from exceeding their authority; to enforce the Tenth Amendment to the Constitution; and for other purposes; to the Committee on Governmental Affairs.

By Mr. SMITH:

S. 2157. A bill to amend the Solid Waste Disposal Act to provide for the efficient collection and recycling of spent lead-acid batteries and educate the public concerning the collection and recycling of such batteries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT:

S. 2158. A bill to set the time for counting electoral votes; considered and passed.

S. 2159. A bill to set the time for the convening of the 105th Congress; considered and passed.

By Mr. LIEBERMAN:

S. 2160. A bill to provide for alternative procedures for achieving superior environmental performance, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. SIMON):

S. Res. 303. A resolution commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness; considered and agreed to.

By Mr. LOTT (for himself and Mr. GRASSLEY):

S. Res. 304. A resolution approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to employing offices of the Senate and employees of the Senate, and for other purposes; considered and agreed to.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. JOHNSTON, Mr. BREAUX, and Mr. FORD):

S. Res. 305. A resolution to designate Saturday, November 30, 1996, as ''National Duck Calling Day''; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. JOHNSTON, Mr. HEFLIN and Mr. SANTORUM):

S. 2154. A bill to provide equitable treatment for pharmaceutical patents on certain pipeline drugs in order to encourage continued development of new drugs, and for other purposes; to the Committee on the Judiciary.

THE PHARMACEUTICAL EQUITY ACT OF 1996

Mr. SPECTER. Mr. President, Pennsylvania is proud to host some of the world's most innovative pharmaceutical, biotechnology, medical device and health care product companies. The United States, of course, is the world's leader. These companies are developing the new medicines and new products that are extending and improving life for people around the world.

Current law often unnecessarily slows the introduction of new technologies and new medicines and increases costs to producers, and therefore, ultimately, to consumers. I have consulted with consumer and other patient advocacy representatives, as well as pharmaceutical manufacturers and the biotechnology industry, in an effort to gather sufficiently diverse and constructive suggestions for meaningfully addressing this problem.

While this is certainly an issue critical to Pennsylvania's economic future, it is most of all a critical issue for our citizens who suffer from costly and debilitating conditions for which no adequate drug therapies exist today, including Alzheimer's, AIDS, heart disease, cancer, et cetera. We cannot, and should not, keep these patients waiting any longer than absolutely necessary.

We have a very basic problem in America about research expenditures for drugs that benefit sick people. These drugs benefit everybody, particularly the elderly and the young. We need medical research. We need these

wonder drugs to be produced. It is a matter of fairness as to how we are going to compensate those who produce them. If we are to have these drugs for consumers, we will have to be able to pay for them. If we are to have the kind of research, productivity, and the great miraculous advances in medical science, we are simply going to have to ensure a reasonable rate of return on the patent period.

The purpose of the legislation I am introducing today, the Pharmaceutical Equity Act of 1996, is to provide a one-time adjustment to the patent terms of certain drugs that received unfair treatment as a result of the Drug Price Competition and Patent Term Restoration Act of 1984 (the Hatch–Waxman Act). Where applicable, these drugs would receive a 2-year extension of their patent terms. My legislation is intended to provide regulatory relief on a principled basis, as opposed to a piecemeal effort to address these concerns.

Under the Hatch–Waxman Act, Congress provided patent term extensions to restore part of the patent lives of drugs that were lost due to approval time lags at the FDA. The Hatch–Waxman Act provides up to 5-year extensions for most drugs. However, the statute also limited the patent term extension to 2 years for any drugs that had already begun clinical trials before September 24, 1984, and for which a patent had already been issued. Drugs falling into this category are often referred to as the pipeline drugs because they were in the regulatory pipeline at the FDA upon enactment of the Hatch–Waxman Act.

In making the distinction between pipeline drugs and other drugs in 1984, Congress believed that pipeline drugs would receive FDA approval shortly after 1984 and would not require lengthy patent term extensions. Although FDA approval times improved generally, for several drugs the delays were inordinantly long, in some cases involving over 10 years of FDA review time. As a result, these drugs lost critical portions of their patent terms. Therefore, the limited 2-year Hatch–Waxman patent extension for these drugs simply does not adequately compensate these companies for the lengthy regulatory delays incurred, particularly when other similarly situated companies with non-pipeline drugs could receive patent extensions as long as 5 years for such delays.

The Pharmaceutical Equity Act covers any pipeline drug patent where the New Drug Application [NDA] for the drug was reviewed by the FDA for more than 5 years and where the total review time at the FDA, which includes the clinical trials for investigational new drugs [IND], exceeded 10 years. This limited extension period would thus only apply in those egregious cases where FDA approval times far exceeded average approval delays for other drugs. Even if granted, the additional patent extension would also still be less than the maximum 5-year extension allowable for post-pipeline drugs suffering FDA delays.

This legislation is not intended to grant an extension to scores of drug patents. Rather, it will only apply in limited circumstances where FDA delays were inordinate long.

One of the fundamental powers assigned to Congress under article I, section 8 of the Constitution, is the power to promote the progress of science by securing for limited times to inventors the exclusive right to their discoveries. This is a power which carries with it a tremendous obligation.

In the pharmaceutical arena, for example, this obligation includes the need to ensure that our laws encourage the development of life-saving and life-enhancing new drugs and technologies. My legislation fulfills this obligation by providing equitable treatment for pharmaceutical innovators, including the appropriate degree of market incentives for new innovation.

Unless we have an equitable system of patent protection, including a mechanism for remedying delays by the FDA which deprive patent holders of their full patent terms, we will undermine the very incentives the law intends to give to research and development companies that undertake the enormously expensive and risky process of searching for the wonder cures of tomorrow.

There should be no misunderstanding about the source of drug innovation. The vast majority of new drugs are discovered and developed by private for-profit research-based pharmaceutical companies. Incredibly, 90 percent of FDA-approved drugs that consumers use for every type of disease, from cholera to cancer, were first synthesized by private industry.

A recent survey by the Pharmaceutical Research & Manufacturer's Association [PhRMA] shows that research-based pharmaceutical companies are in the process of developing 215 drugs for over 20 different types of cancer. There is also an enormous research and development effort aimed at combating AIDS and AIDS-related conditions, with more than 110 products at various stages of development. Many more medicines for a wide range of diseases and human afflictions are also being developed, including 132 drugs for major diseases of aging, 118 for neurological disorders, 107 for heart disease and strokes, and 64 for mental illness. The list for other major medical ailments is virtually endless.

Such innovation does not come cheaply. A recent study by the Boston Consulting Group found that pharmaceutical companies expend approximately $500 million and 15 years bringing a new drug to market. These innovative drug research companies will spend nearly $16 billion in research and development costs this year. That is more than the entire government budget for biomedical research, and represents an increase of 9.6 percent over 1995 levels. These pharmaceutical companies spend an average of almost 20 percent of their income from sales on research.

Part of this research and development expense is due to the complexity of the diseases being fought—for every 6,000 new drugs that are researched and developed, only a single drug emerges as an approved new product. A large portion of the expense, however, is also due to the sheer volume and duration of FDA approval requirements for safety and efficacy. New drug applications by pharmaceutical innovators typically require hundreds of thousands of pages of information and years of clinical trials to complete. The time required to complete the clinical trials for new drugs has ballooned from an average of 2.5 years in the 1960's to nearly 6 years in the 1990's.

The high cost of drug development and the limited numbers of drugs that receive approval and actually are available to the public combine to create a system where the few successful drugs must pay for all the research and development expended on those drugs that did not succeed. More significant from a consumer standpoint, however, these successful drugs provide profits and incentives which support the research and development of the new cures for the diseases of tomorrow.

Apart from the immeasurable benefits people around the world enjoy from improved health and the new cures made possible by pharmaceutical innovation, we must also realize that the pharmaceutical producers themselves provide great economic benefits to communities across the United States. One of these benefits is through high-paying, quality jobs.

Recent data indicate that pharmaceutical companies employ over 33,000 people in my State of Pennsylvania. Nationally, these companies provide over 150,000 jobs. A large portion of these jobs are scientific jobs in research and development, exactly the types of jobs we are trying to create to maintain American competitiveness in a global marketplace.

Another economic benefit is through expanded exports. In 1994, the U.S. exported $7.565 billion in pharmaceutical products around the world.

Use of proper drug treatments can also save consumers and the government millions if not billions of dollars every year. Experts have calculated that pharmaceutical products are often far more cost-effective at treating disease than alternative treatments such as surgery or hospitalization. Several examples illustrate just how much money families can save through drug therapy in particular circumstances.

Cancer patients whose immune systems are weakened by chemotherapy have been helped by a drug containing a colony stimulating factor. The treatment saves $30,000 per patient in hospitalization costs for bone marrow transplants.

For heart disease, a New England Journal of Medicine study showed that

patients on ACE inhibitor drugs for heart failure avoided nearly $9,000 per patient in hospitalization costs over a 3-year period. Nationwide, the potential savings from these drug treatments are up to $2 billion per year. More importantly, however, the drug also reduced patient deaths by over 15 percent.

Drug therapy for schizophrenia, according to a 1990 study, has enabled many patients to receive treatment in nonhospital settings. Although annual drug costs for such treatment are approximately $4,500, the savings are tremendous when compared with annual costs of over $73,000 for treatment in state mental hospitals.

Post-surgical recuperation is another area where the use of immuno-suppressive drugs has improved the effectiveness of treatment and reduced costs. In organ transplants, for example, success rates were dramatically higher with the use of these drugs. One drug was found to reduce average hospital stays by as much as 10 days, and also reduced re-hospitalizations after surgery.

In the case of ulcers, the advent of antacids and other products have led to a decline in surgeries from 97,000 in 1977 to 19,000 in 1987. The annual cost of drug therapy for each patient amounted to $900, versus approximately $28,000 for surgery. In the aggregate, use of these antacids and other products reduced medical costs by approximately $224 million per year.

The evidence is irrefutable about the tremendous benefit our society enjoys, from the physiological to the financial, from pharmaceutical innovation. Without a strong and fair patent system which provides the necessary incentives to continue this innovation, we will lose these benefits. The Pharmaceutical Equity Act, with its narrowly-targeted fix of an unanticipated problem, will take an important step toward restoring the equity and incentives to ensure that we enjoy those benefits for many years to come.

Mr. President, to reiterate, this legislation would provide fairness to pharmaceutical companies which research and develop lifesaving and health-improving pharmaceutical products. I am offering this legislation, and I do so at the very end of the legislative session.

The point of this legislation is to deal with the problem which arises when the Food and Drug Administration [FDA] delays approval on patented pharmaceutical products for sometimes as long as 17 years, 11 years, very lengthy periods of time. As I said earlier, these delays affect not only the companies which produce these drugs, but they also affect the consumers—people suffering from heart ailments, schizophrenia, ulcers, AIDS, Alzheimer's disease—the whole panoply of ailments that are affected when these products are not brought to market.

It takes $500 million and 15 years to bring a new drug to market, and out of every 6,000 drugs subjected to research and development, only one new product is produced. In 1996 alone, some $16 billion will be spent in private investments by the pharmaceutical industry.

I speak as a U.S. Senator, because it is a national issue. I also speak as a Pennsylvania Senator, where we have so many companies in my State which are involved in developing and producing new pharmaceutical products.

Quite a number of Senators have expressed an interest in cosponsoring this legislation, but we have not had a chance to work through all the details. I wanted to put it in the RECORD at this time so it may be considered on all sides, by consumer groups, by the pharmaceutical industry and by my colleagues. I do so in the wake of a contentious issue which was raised on a product called Lodine, manufactured by my constituent, American Home Products, in a place I visited recently in the Philadelphia suburbs.

The extension was added for Lodine in a way that was not known to the managers of the recent health reform bill and was stricken on the floor of the Senate. Some had contended that it was done secretly. I said at that time that I was not a party to that and would not be a party to that and, in fact, had raised this issue in a public way in the Agriculture appropriations conference report. What should be done is this issue should be tackled in a principled way by considering, not simply one product, but by considering the industry as a whole. This legislation seeks to advance and extend the patent time for some 2 years, not 5 years, which is present under other circumstances by Hatch–Waxman, but for a more limited period of only 2 years.

This is a matter of enormous importance to consumers. My record of protecting consumer interests is second to none in the U.S. Congress. In looking out for the protection and encouragement of pharmaceutical advances, I have the consumers at the top of the list. That is what the advances are for—for people to extend lives and to save lives. If we are to have these products, we are going to have to have a return on the enormous capital investment. When market approval on a patented drug is delayed for as long as 17 years, 11 years, other protracted periods of time, these products simply cannot be produced.

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

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

S. 2154

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 ''Pharmaceutical Equity Act of 1996''.

SEC. 2. EXTENSION OF PATENTS RELATING TO CERTAIN PIPELINE DRUGS.

(a) IN GENERAL.—The term of any patent in force on September 24, 1984, and on the effective date of this Act, that claims a drug product, a method of using a drug product, or a method of manufacturing a drug product, shall be extended pursuant to subsection (b) from the expiration date determined pursuant to section 154 of title 35, United States Code, if:

(1) an exemption described in section 156(g)(1)(B)(i) or section 156(g)(4)(B)(i) of title 35, United States Code, became effective for the drug product before September 24, 1984;

(2) the regulatory review period set forth in section 156(g)(1)(B) or section 156(g)(4)(B) of title 35, United States Code, for the drug product, exceeded 120 months; and

(3) the regulatory review period described in section 156(g)(1)(B)(ii) or section 156(g)(4)(B)(ii) of title 35, United States Code, for the drug product, exceeded 60 months.

(b) TERM.—The term of any patent described in subsection (a) shall be extended by a period of two years.

(c) INFRINGEMENT.—During any extension granted pursuant to subsection (b), the rights in the patent so extended shall be determined in accordance with section 156(b) of title 35, United States Code.

(d) DEFINITION.—For the purpose of the Act, the term ''drug product'' shall be defined in accordance with section 156(f)(2) of title 35, United States Code.

(e) NOTIFICATION.—No later than 90 days after the date of enactment of this Act, the patentee of a patent extended pursuant to subsection (b) shall notify the Commissioner of Patents and Trademarks of the number of any patent extended pursuant to subsection (b). On receipt of this notice, the Commissioner shall confirm the patent extension by placing a notice thereof in the official file of the patent, and publishing an appropriate notice of this extension in the Official Gazette of the Patent and Trademark Office.

By Mr. LEAHY (for himself, Mr. MCCONNELL and Mr. HARKIN):

S. 2155. A bill to authorize the Secretary of Agriculture to transfer funds to the farmers' market nutrition program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FARMERS' MARKET NUTRITION PROGRAM ACT OF 1996

Mr. LEAHY. Mr. President, I am very happy to join with Senator MCCONNELL, who is chairman of the Nutrition Subcommittee of the Senate Agriculture Committee, in introducing this bill to permit the Secretary of Agriculture to transfer up to $2 million of additional funding to the WIC Farmers' Market Program upon consultation with the Appropriations Committees of the other body and of the Senate.

This program was funded up to $6.75 million in this year's appropriations bill. We greatly appreciate that the appropriations committees were able to provide that funding.

We are advised by the Department of Agriculture that because of the way the language is technically worded that USDA cannot reprogram additional funds into that WIC Farmers' Market Program. As it turns out some states need additional funding as my colleague Senator MCCONNELL points out in his floor statement and that a few States need funding to set up a WIC Farmers' Market Program.

We recognize that we will need the support of all Senators to pass this bill at this stage. This bill does not mandate the spending of additional funds,

it simply permits USDA to transfer up to $2 million to this program if the Secretary determines that such transfer is a good idea. We assume they will fully consult with the appropriate members of the Appropriations Committees to assure that this is done in a manner that is satisfactory to them.

It is important to us that this consultation take place.

The WIC Farmers' Market Program provides vouchers to low-income families who are on the WIC program. They can use the vouchers to buy fresh fruits and vegetables or other farm products at farmers' markets. The authorizing law, passed without objection in the Senate, mandates that States contribute a significant share of the cost of the program. It thus leverages Federal money with State and local funding to provide farm products to children and their parents on the WIC program.

This program has been an incentive in my home State of Vermont for farmers to work together and set up additional farmers' markets. This has been good for local communities, for the farmers selling their products and for families on the WIC program.

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. 2155

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

SECTION 1. AUTHORITY TO TRANSFER FUNDS TO FARMERS' MARKET NUTRITION PROGRAM.

For fiscal year 1997, the Secretary of Agriculture may transfer after consultation with the appropriations committees of the House of Representatives and the Senate, from any funds available to the Secretary, up to $2,000,000 to the farmers' market nutrition program under section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)). Amounts authorized to be transferred under the preceding sentence shall be in addition to any amounts authorized to be made available to the program under title IV of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997 (110 Stat. 1590).

Mr. MCCONNELL. Mr. President, today along with my colleague Senator LEAHY, we are introducing legislation that will permit the Secretary of Agriculture authority to transfer funds to the WIC Farmers' Market Nutrition Program.

The WIC Farmers' Market Nutrition Program [FMNP] has become a very successful program in assisting low-income families, farmers, and local economies.

A total of 28 States and three Indian tribal organizations now participate in the FMNP. Because of the limitation on funding, several States, including Kentucky, have been restricted in the size of the program that they can offer. Several States would like the opportunity to expand this program based on their experience and feedback from farmers that participate.

For a State to have a FMNP requires the filing of an application in the fall with USDA, a commitment that the State will match 30 percent of the total Federal funds with either cash or in-kind services and support.

The benefits of FMNP are significant. WIC participants enhance the nutrition in their diet from of fresh fruits and vegetables. In fiscal year 1995 the FMNP served nearly 1 million low-income mothers and children participating in the WIC program. As a result of the FMNP: 71 percent of the WIC participants ate more fresh fruits and vegetables; 40 percent tried fruits and vegetables they had never eaten before; 48 percent spent cash and/or food stamps in addition to their FNMP coupons; 66 percent plan to continue shopping at farmers markets and; 72 percent plan to eat more fresh fruits and vegetables year round.

Farmers' incomes will increase because of the new market for their products. A survey of participants in 1995 revealed that: 84 percent of farmers increased their sales; 23 percent increased their fruit and vegetable production; 36 percent grew additional types of fruits and vegetables and; 37 percent said they would increase their production in 1996.

The Kentucky Farm Bureau has initiated a new program to boost sales of Kentucky farm products involving 25 roadside farm markets. Studies confirm that consumers prefer to buy locally-grown produce.

This is another example of organizations and State agencies working together to provide a service to consumers, it introduces fresh fruit and vegetables that are locally grown, and it enhances farmer income.

Mr. President, this is a good bill that benefits everyone and I hope we are able to pass this important legislation before we adjourn.

Mr. HARKIN. Mr. President, this legislation providing transfer authority to the Secretary of Agriculture is designed to help address the wide gap that exists between the need within the WIC Farmers' Market Nutrition Program and the level of resources that we have been able to appropriate for it. I welcome this opportunity to join as an original cosponsor of this bill.

The WIC Farmers' Market Nutrition Program has been an immensely popular and successful initiative, benefiting both farmers and WIC recipients. In fiscal 1995, nearly 1 million low-income mothers and children received benefits allowing them to purchase fresh, nutritious unprepared foods at 1,143 qualifying farmers' markets that were supplied by over 8,000 farmers. Currently, 27 States, including my State of Iowa, along with the District of Columbia and three American Indian tribal organizations, participate in the WIC Farmers' Market Nutrition Program. To take part, States must agree to provide at least 30 percent of the total cost of the program through State, local, or private funds.

The nutritional benefits of the WIC Farmers' Market Nutrition Program are excellent. The 1995 survey showed that among WIC participants receiving farmers' market benefits, 71 percent ate more fresh fruits and vegetables, 40 percent tried fruits and vegetables they had never eaten before, 48 percent spent cash or food stamps in addition to their WIC farmers' Market coupons or checks, 66 percent planned to continue shopping at farmers' markets, and 72 percent planned to eat more fresh fruits and vegetables year round.

The benefits to farmers are also substantial. Over $9 million was earned in 1995 by the more than 8,000 participating farmers. The 1995 survey also showed that 84 percent of participating farmers increased their sales, 23 percent increased their fruit and vegetable production, 36 percent grew additional types of fruits and vegetables, and 37 percent planned to increase their production in 1996.

In my State of Iowa the WIC Farmers' Market Nutrition Program has been very popular and successful. There is a great deal of interest in expanding the number of WIC recipients and farmers' markets that may take part, but the limited available Federal funding has prevented expansion. This situation also exists in the other States now in the program. Of any additional Federal funding provided for the Farmers' Market Nutrition Program, 75 percent would go to States that currently participate in it, with 25 percent to be used for adding new States.

Unfortunately, the lack of needed Federal funding has prevented a number of States from joining the WIC Farmers' Market Nutrition Program. Thirteen other States, along with other American Indian tribal organizations, have expressed interest in offering the program.

This legislation would allow, but not require, the Secretary of Agriculture to transfer funds within the Department of Agriculture budget to provide up to $2 million in additional funding for the WIC Farmers' Market Nutrition Program, where it could be put to very good use in expanding the number of WIC recipients, farmers, and farmers' markets participating in this outstanding program.

I urge my colleagues to support this important bill.

By Mr. STEVENS:

S. 2156. A bill to protect the rights of the States and the people from abuse by the Federal Government; to strengthen the partnership and the intergovernmental relationship between State and Federal Governments; to restrain Federal agencies from exceeding their authority; to enforce the 10th amendment to the Constitution; and for other purposes; to the Committee on Governmental Affairs.

THE TENTH AMENDMENT ENFORCEMENT ACT OF 1996

Mr. STEVENS. Mr. President, the 10th amendment was a promise to the

States and to the American people that the Federal Government would be limited, and that the people of the States could, for the most part, govern themselves as they saw fit.

Unfortunately, in the last half century, that promise has been broken. The American people have asked us to start honoring that promise again: to return power to State and local governments which are closer to and more sensitive to the needs of the people.

The 104th Congress and in particular, the Unfunded Mandates Reform Act, started to shift power out of Washington by returning it to our States and to the American people. As chairman of the Governmental Affairs Committee, I wanted to continue its shift of power. More than a dozen colleagues and I introduced S. 1629 on March 20 of this year. Within 5 months of its introduction, the bill had 32 cosponsors. On May 8 of this year, a House companion bill was also introduced.

I want to introduce a bill today which is the product of work by the Governmental Affairs Committee over the past several months. Unfortunately, the session is ending before we can complete action. However, before adjourning I wanted to provide a summary of the committee's consideration of this issue, and put forward a bill that reflects revisions made as a result of our hearings and discussions with interested parties. The legislation that I offer today is a starting point for when we reconvene next year. This is an important issue and I intend to pursue it in the next Congress.

The purpose of out legislation is to return power to the States and to our people by placing safeguards in the legislative process, by restricting the power of Federal agencies and by instructing the Federal courts to enforce the 10th amendment.

This would be accomplished in five ways. The act includes a specific congressional finding that the 10th amendment means what it says: The Federal Government has no powers not delegated by the Constitution, and the States may exercise all powers not withheld by the Constitution.

The act states that Federal laws may not interfere with State or local powers unless Congress declares its intent to do so and Congress cites its specific Constitutional authority to do so.

The act gives Members of the House and Senate the ability to raise a point of order challenging a bill that lacks such a declaration or that cites insufficient constitutional authority.

The act requires that Federal agency rules and regulations not interfere with State or local powers without Constitutional authority cited by Congress. Agencies must allow States notice an opportunity to be heard in the rulemaking process.

The act, further, directs courts to strictly construe Federal laws and regulations that interfere with State powers, with a presumption in favor of State authority and against Federal preemption.

During the course of the past year, we received bipartisan expressions of support from many Governors and State attorneys general, State legislatures, groups including the National Conference of State Legislatures [NCSL] and the Council of State Governments [CSG].

As the Supreme Court stated in 1991 when Justice Sandra Day O'Connor delivered the majority opinion of the court in the case Gregory versus Aschroft:

> If Congress intends to alter the usual constitutional balance between the states and the Federal Government, it must make its intention to do so unmistakably clear in the language of the statute. Congress should make its intention clear and manifest if it intends to preempt the historic powers of the States. In traditionally sensitive areas such as legislation affecting the federal balance, the requirement of clear statement assures that the legislature has in fact faced, and intended to bring into issue, the critical matters involved in the judicial decision.

The Tenth Amendment Enforcement Act that I have introduced will prevent overstepping by all three branches of the Federal Government, and will focus attention on what State and local officials have been advocating for so long: the need to return the power of our democracy to the States and to our people.

The Governmental Affairs Committee held three hearings on the Tenth Amendment Enforcement Act:

March 21, 1996, featured Senators Dole, HATCH, and NICKLES. Attorneys general from Virginia and South Carolina, the solicitor general of Colorado, and elected representatives from Alaska, Ohio, and New York appeared, as well as Professors Nelson Lund and John Kincaid. Senator Dole said:

> I don't care what your party is. This isn't a Republican or a Democratic issue. Even the President has said ''The era of big government is over.'' . . . This is a bipartisan issue and this is a bipartisan bill.

June 3, 1996 in Nashville, TN, cochaired by Senator THOMPSON, included elected representatives for Tennessee State and local governments, as well as the director of the Tennessee Advisory Council on Intergovernmental Relations and the deputy director of the Tennessee Division of Water Supply. This hearing enlightened us to the wisdom that resides in Tennessee. State legislators, mayors, and administrators know how to solve most problems, but Federal overreaching often prevents them from doing that. One of our witnesses offered an update on a familiar saying in Washington. To this Tennessean, it's not just all politics that are local, ''All solutions are local.''

July 16, 1996, testimony was presented by NCSL President-Elect Michael Box and constitutional lawyer Roger Marzulla speaking in favor of the bill, while Professors Mary Brigid McManamon and Ed Rubin spoke in opposition. Mr. Marzulla pointed out that Congress is the only branch of the Federal Government that does not analyze the source of its power before it acts. Courts and Federal agencies both do. We in Congress can do our jobs better by looking at our constitutional jurisdiction and authority first, then exercising or power appropriately to solve the Nation's problems.

Let me conclude by saving, as a result of our work throughout this year and with input form the National Conference of State Legislatives, we have made the following changes to the Tenth Amendment Enforcement Act.

We have removed the supermajority requirement on the point of order. It would take a simple majority to remove the point of order, not just a supermajority.

It will require the Congressional Research Service to report on Federal preemption at the close of each Congress. It will exempt participation by State officials in agency rulemaking from the Federal Advisory Committee Act and allow State and Federal officials to work together on preemption issues without following the Federal Advisory Committee Act's detailed notice and reporting procedures. It would make funds received by States under Federal law subject to appropriation by the State legislatures.

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

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

S. 2156

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 referred to as the ''Tenth Amendment Enforcement Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) in most areas of governmental concern, State governments possess both the Constitutional authority and the competence to discern the needs and the desires of the People and to govern accordingly;

(2) Federal laws and agency regulations, which have interfered with State powers in areas of State jurisdiction, should be restricted to powers delegated to the Federal Government by the Constitution;

(3) the framers of the Constitution intended to bestow upon the Federal Government only limited authority over the States and the people;

(4) under the Tenth Amendment to the Constitution, the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; and

(5) the courts, which have in general construed the Tenth Amendment not to restrain the Federal Government's power to act in areas of State jurisdiction, should be directed to strictly construe Federal laws and regulations which interfere with State powers with a presumption in favor of State authority and against Federal preemption.

SEC. 3. CONGRESSIONAL DECLARATION.

(a) IN GENERAL.—On or after January 1, 1997, any statute enacted by Congress shall include a declaration—

(1) that authority to govern in the area addressed by the statute is delegated to Congress by the Constitution, including a citation to the specific Constitutional authority relied upon;

(2) if the statute interferes with State powers or preempts any State or local government law, regulation or ordinance, that Congress specifically finds that the Federal Government is the better level of government to govern in the area addressed by the statute; and

(3) if the statute interferes with State powers or preempts any State or local government law, regulation or ordinance, that Congress specifically intends to interfere with State powers or preempt State or local government law, regulation, or ordinance, and that such preemption is necessary.

(b) FACTUAL FINDINGS.—The Congress shall make specific factual findings in support of the declarations described in this section.

SEC. 4. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in either the Senate or House of Representatives to consider any bill, joint resolution, or amendment that does not include a declaration of Congressional intent as required under section 3.

(b) RULEMAKING.—This section is enacted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, and as such, it is deemed a part of the rules of the Senate and House of Representatives, but is applicable only with respect to the matters described in section 3 and supersedes other rules of the Senate or House of Representatives only to the extent that such sections are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate or House of Representatives to change such rules at any time, in the same manner as in the case of any rule of the Senate or House of Representatives.

SEC. 5. ANNUAL REPORT ON STATUTORY PREEMPTION.

(a) REPORT.—Within 90 days after each Congress adjourns sine die, the Congressional Research Service shall prepare and make available to the public a report on the extent of Federal statutory preemption of State and local government powers enacted into law during the preceding Congress or adopted through judicial interpretation of Federal statutes.

(b) CONTENTS.—The report shall contain—

(1) a cumulative list of the Federal statutes preempting, in whole or in part, State and local government powers;

(2) a summary of Federal legislation enacted during the previous Congress preempting, in whole or in part, State and local government powers;

(3) an overview of recent court cases addressing Federal preemption issues; and

(4) other information the Director of the Congressional Research Service determines appropriate.

(c) TRANSMITTAL.—Copies of the report shall be sent to the President and the chairman of the appropriate committees in the Senate and House of Representatives.

SEC. 6. EXECUTIVE PREEMPTION OF STATE LAW.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 559 the following new section:

"SEC. 560. PREEMPTION OF STATE LAW.

''(a) No executive department or agency or independent agency shall construe any statutory authorization to issue regulations as authorizing preemption of State law or local ordinance by rulemaking or other agency action unless—

''(1) the statute expressly authorizes issuance of preemptive regulations; and

''(2) the executive department, agency or independent agency concludes that the exercise of State power directly conflicts with the exercise of Federal power under the Federal statute, such that the State statutes and the Federal rule promulgated under the Federal statute cannot be reconciled or consistently stand together.

''(b) Any regulatory preemption of State law shall be narrowly tailored to achieve the objectives of the statute pursuant to which the regulations are promulgated and shall explicitly describe the scope of preemption.

''(c)(1) When an executive department or agency or independent agency proposes to act through rulemaking or other agency action to preempt State law, the department or agency shall provide all affected States notice and an opportunity for meaningful and timely input by duly elected or appointed State and local government officials or their designated representatives in the proceedings.

''(2) The notice of proposed rulemaking shall be forwarded to the Governor, the Attorney General and the presiding officer of each chamber of the legislature of each State setting forth the extent and purpose of the preemption.

''(3) In the table of contents of each Federal Register, there shall be a separate list of preemptive regulations contained within that Register.

''(4) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to participation in rulemaking or other agency action by duly elected or appointed State and local government officials or their designated representatives acting in their official capacities.

''(d) Unless a final executive department or agency or independent agency rule or regulation contains an explicit provision declaring the Federal Government's intent to preempt State or local government powers and an explicit description of the extent and purpose of that preemption, the rule or regulation shall not be construed to preempt any State or local government law, ordinance or regulation.

''(e)(1) Each executive department or agency or independent agency shall review the rules and regulations issued by the department or agency that preempt, in whole or in part, State or local government powers. Each executive department or agency or independent agency shall publish in the Federal Register a plan for such review. Such plan may be amended by the department or agency at any time by publishing a revision in the Federal Register.

''(2) The purpose of the review under paragraph (1) shall be to determine whether and to what extent such rules are to continue without change, consistent with the stated objectives of the applicable statutes, or are to be altered or repealed to minimize the effect of the rules on State or local government powers.

''(3) The plan under paragraph (1) shall provide for the review of all such department or agency rules and regulations within 10 years after the date of publication of such rules and regulations as final rules. For rules and regulations in effect more than 10 years on the effective date of this section, the plan shall provide for review within 3 years after such effective date.

''(f) Any Federal rule or regulation promulgated after January 1, 1997, that is promulgated in a manner inconsistent with this section shall not be binding on any State or local government, and shall not preempt any State or local government law, ordinance, or regulation.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by adding after the item for section 559 the following:

''560. Preemption of State law.''.

SEC. 7. CONSTRUCTION.

(a) IN GENERAL.—No statute, or rule promulgated under such statute, enacted after the date of enactment of this Act, shall be construed by courts or other adjudicative entities to preempt, in whole or in part, any State or local government law, ordinance or regulation unless the statute, or rule promulgated under such statute, contains an explicit declaration of intent to preempt, or unless there is a direct conflict between such statute and a State or local government law, ordinance, or regulation, such that the two cannot be reconciled or consistently stand together.

(b) CONSTRUCTION IN FAVOR OF STATES AND PEOPLE.—Notwithstanding any other provisions of law, any ambiguities in this Act, or in any other law of the United States, shall be construed in favor of preserving the authority of the States and the people.

(c) SEVERABILITY.—If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 8. APPROPRIATION BY STATE LEGISLATURES.

Any funds received by a State under Federal law shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under such applicable provisions of law.

By Mr. SMITH:

S. 2157. A bill to amend the Solid Waste Disposal Act to provide for the efficient collection and recycling of spent lead-acid batteries and educate the public concerning the collection and recycling of such batteries, and for other purposes; to the Committee on Environment and Public Works.

THE LEAD ACID BATTERY RECYCLING ACT

Mr. SMITH. Mr. President, I introduce lead-acid battery recycling legislation. This legislation, entitled the ''Lead-Acid Battery Recycling Act,'' is intended to strengthen and make uniform the existing lead-acid battery recycling infrastructure by establishing a mandatory recycling program for lead-acid batteries.

This legislation would prohibit the incineration and landfill disposal of used lead-acid batteries and require that these batteries be managed through a reverse distribution system. Under this legislation, used lead-acid batteries would have to be delivered in reverse order to battery retailers, wholesalers, manufacturers, recycling facilities or automotive dismantlers and ultimately to secondary smelters for recycling.

There is little doubt that lead-acid batteries are an extremely useful product. They are used in a variety of applications ranging from lighting and ignition systems for automobiles, power sources for electric vehicles, emergency lighting, and standby telecommunication systems. The lead contained in these batteries is, however, a cause for concern. Furthermore, given the fact that lead-acid batteries account for approximately 80 percent of all the lead consumed in the United States, they merit special attention.

This special attention has resulted in implementation of aggressive lead-acid battery recycling programs by many State and local governments as well as

the battery industry. Lead-acid batteries have now become the Nation's most successfully recycled commodity. According to the most recent statistics, over the last 5 years the lead-acid battery recycling rate in the United States has been at least 95 percent. This rate is unparalleled among any other recyclable commodity.

Forty-two States have adopted lead battery recycling legislation similar to this legislation. These 42 States account for over 85 percent of the Nation's population. However, there are variations among the State programs that create problems for the free flow of batteries in interstate commerce. My bill would reenforce the existing lead-acid battery recycling infrastructure now in place throughout the United States while making it more uniform nationwide.

This legislation is self-implementing, and does not require further development through regulation. Rather, this legislation builds upon the existing lead-acid battery collection and recycling system now in place in many States.

Upon enactment, the incineration and landfill disposal of used lead-acid batteries will be expressly prohibited. However, owners and operators of a municipal solid waste landfills, incinerators or collection programs that inadvertently receive used lead-acid batteries that are not readily removable from municipal solid waste would not be liable for violating the recycling provisions of this bill.

In general, this legislation would require used lead-acid batteries to be delivered to battery retailers, wholesalers, manufacturers, automotive dismantlers, secondary lead smelters, or recycling facilities regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.). Used lead-acid batteries could continue to be lawfully collected through community collection and recycling programs set up by States and localities.

Although recycling is becoming an every day fact of life in the minds of the public, to ensure further consumer participation in the program, retailers are required to accept used lead acid batteries from consumers without requiring the purchase of a new lead-acid battery. In addition, battery manufacturers or their authorized representatives—such as shippers delivering new batteries—will be required to accept used lead-acid batteries from their customers.

I have included provisions for labeling and notification that are intended to ensure that consumers are aware of the recycling requirements under law. These provisions are not intended to affect or limit in any way the battery industry's efforts to display recycling symbols intended to encourage recycling.

Mr. President, as I discussed above, my legislation is substantially similar to battery recycling legislation adopted in 42 States. The bill is strongly supported by the Battery Council International. I believe this legislation provides a substantial improvement in our ability to remove these batteries from our Nation's solid waste stream and I would encourage all of my colleagues to cosponsor this legislation.

Mr. President, I realize that, in the twilight of this legislative session, there is virtually no chance of this bill will become law before this Congress adjourns. Yet, I am introducing it today with the desire that the States, the Environmental Protection Agency, environmental groups, and the regulated entities will have a chance to review it, judge its merits, and provide me with comments on how this legislation could be improved. It is my desire, that upon our return in January, to hold hearings on this legislation and to move it to the full Senate for passage early in 1997.

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. 2157

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 ''Lead-Acid Battery Recycling Act''.

SEC. 2. RECYCLING OF LEAD-ACID BATTERIES.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. RECYCLING OF LEAD-ACID BATTERIES.

''(a) DEFINITIONS.—In this section:

''(1) LEAD-ACID BATTERY.—The term 'lead-acid battery' means a battery that—

''(A) contains lead and sulfuric acid;

''(B) is used as a power source; and

''(C) is not a rechargeable battery.

''(2) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means—

''(A) solid waste generated by the general public or from a residential, commercial, institutional, or industrial source, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible material and noncombustible material such as metal and glass, including residue remaining after recyclable material has been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); but

''(B) does not include—

''(i) waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

''(ii) waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606) or any corrective action taken under this Act;

''(iii) medical waste listed in section 11002;

''(iv) industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling;

''(v) recyclable material; or

''(vi) sludge.

''(3) RECHARGEABLE BATTERY.—The term 'rechargeable battery'—

''(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

''(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack; but

''(C) does not include—

''(i) a battery that is used to start an internal combustion engine or is used as the principal electrical power source for a vehicle, such as an automobile, truck, construction equipment, motorcycle, garden tractor, golf cart, wheelchair, or boat;

''(ii) a battery that is used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

''(iii) a battery that is used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

''(iv) a rechargeable alkaline battery.

''(b) PROHIBITION.—

''(1) IN GENERAL.—A person shall not—

''(A) place a lead-acid battery in a landfill;

''(B) incinerate a lead-acid battery; or

''(C) otherwise dispose of a lead-acid battery in a manner other than in accordance with subsection (c).

''(2) COMMINGLED WASTE.—A person that is an owner or operator of a municipal solid waste landfill, incinerator, or collection program that receives a lead-acid battery that—

''(A) is commingled with municipal solid waste (other than lead-acid batteries); and

''(B) is not readily removable from the waste stream,

shall not be considered to violate paragraph (1) if the owner or operator has established contractual requirements or other appropriate notification or inspection procedures that are reasonably designed to ensure that no lead-acid battery is received at, or burned in, the landfill or incinerator facility or accepted through the collection program.

''(c) LAWFUL DISPOSAL.—

''(1) BY PERSONS IN GENERAL.—

''(A) IN GENERAL.—A person (other than a person described in paragraph (2), (3), or (4)) shall return a spent lead-acid battery by delivering the battery to 1 of the authorized recipients described in subparagraph (B).

''(B) AUTHORIZED RECIPIENTS.—The authorized recipients described in this subparagraph are—

''(i) a person that sells lead-acid batteries at retail or wholesale;

''(ii) a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.);

''(iii) an automotive dismantler or scrap dealer (as defined by the Administrator);

''(iv) a collection entity, program, or facility designated by a State to accept spent lead-acid batteries; and

''(v) a manufacturer of lead-acid batteries of the same general type as the type delivered.

''(2) BY RETAILERS.—

''(A) IN GENERAL.—A person that sells lead-acid batteries at retail shall return a spent lead-acid battery by delivering the battery to 1 of the authorized recipients described in subparagraph (B).

''(B) AUTHORIZED RECIPIENTS.—The authorized recipients described in this subparagraph are—

''(i) a person that sells lead-acid batteries at wholesale;

''(ii) a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.);

''(iii) an automotive dismantler or scrap dealer (as defined by the Administrator);

''(iv) a manufacturer of lead-acid batteries of the same general type as the type delivered; and

''(v) a collection entity, program, or facility designated by a State to accept spent lead-acid batteries.

''(3) BY WHOLESALERS, AUTOMOTIVE DISMANTLERS, AND COLLECTION PROGRAMS, ENTITIES AND FACILITIES.—

''(A) IN GENERAL.—A person that sells lead-acid batteries at wholesale, an automotive dismantler, and a collection entity, program, or facility designated by a State to accept spent lead-acid batteries shall return a spent lead-acid battery by delivering the battery to 1 of the authorized recipients described in subparagraph (B).

''(B) AUTHORIZED RECIPIENTS.—The authorized recipients described in this subparagraph are—

''(i) a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.); and

''(ii) a manufacturer of lead-acid batteries of the same general type as the type delivered.

''(4) BY MANUFACTURERS.—

''(A) IN GENERAL.—A person that manufactures lead-acid batteries shall return a spent lead-acid battery by delivering the battery to the authorized recipient described in subparagraph (B).

''(B) AUTHORIZED RECIPIENT.—The authorized recipient described in this subparagraph is a lead smelter regulated by a State or the Administrator under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.).

''(d) COLLECTION REQUIREMENTS.—

''(1) RETAILERS.—

''(A) IN GENERAL.—A person that sells or offers for sale lead-acid batteries at retail shall accept spent lead-acid batteries of the same general type as the batteries sold in a quantity that is approximately equal to the number of batteries sold.

''(B) EXEMPTION.—Subparagraph (A) shall not apply to a retailer that sells not more than 5 lead-acid batteries per month on average over a calendar year, if a collection entity, program, or facility is in operation for the collection of spent lead-acid batteries in the locality of the retailer.

''(2) WHOLESALERS.—

''(A) IN GENERAL.—A person that sells or offers for sale lead-acid batteries at wholesale shall accept spent lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

''(B) ACCEPTANCE FROM RETAILERS.—A wholesaler that sells or offers for sale lead-acid batteries to a retailer shall provide for the removal of spent lead-acid batteries at the place of business of the retailer—

''(i) not later than 90 days after the retailer notifies the wholesaler of the existence of the spent lead-acid batteries for removal; or

''(ii) if the quantity of batteries to be removed is less than 5, not later than 180 days after notification.

''(3) MANUFACTURERS.—A person that manufactures lead-acid batteries shall accept spent lead-acid batteries of the same general type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

''(e) NOTICE REQUIREMENTS.—

''(1) POSTED NOTICE BY RETAILERS.—A person that sells or offers for sale lead-acid batteries at retail shall post a written notice that—

''(A) is clearly visible in a public area of the establishment in which the lead-acid batteries are sold or offered for sale;

''(B) is at least 8½ inches by 11 inches in size; and

''(C) contains the following text:

''(i) It is illegal to throw away a motor vehicle battery or other lead-acid battery.

''(ii) Recycle your used lead-acid batteries.

''(iii) Federal (or State) law requires battery retailers to accept used lead-acid batteries for recycling when a lead-acid battery is purchased.

''(2) STATE REQUIREMENTS.—Nothing in paragraph (1) shall be construed to prohibit a State from requiring the posting of substantially similar notice in lieu of that required under paragraph (1).

''(3) LABELING.—

''(A) IN GENERAL.—Each lead-acid battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall bear a label comprised of—

''(i) the 3 chasing arrow recycling symbol; and

''(ii) immediately adjacent to the recycling symbol, the words 'LEAD', 'RETURN', 'RECYCLE'.

''(B) INTERNATIONAL SYMBOLS.—

''(i) APPLICATION.—On application by a person subject to the labeling requirements of this paragraph, the Administrator shall certify that a different label meets the requirements of this paragraph if the label conforms with a recognized international standard that is consistent with the overall purposes of this section.

''(ii) FAILURE TO ACT.—If the Administrator fails to act on an application under clause (i) within 120 days after the date on which the application is filed, the Administrator shall be considered to have certified that the label proposed in the application meets the requirements of this paragraph.

''(4) UNIFORMITY.—No State or political subdivision of a State may enforce any labeling requirement intended to communicate information about the recyclability of lead-acid batteries that is not identical to the requirements contained in paragraph (3).

''(5) RECYCLING INFORMATION.—Nothing in this subsection shall be construed to prohibit the display on a label of a lead-acid battery of any other information intended by the manufacturer to encourage recycling or warn consumers of the potential hazards associated with lead-acid batteries.

''(f) PUBLICATION OF NOTICE.—Not later than 180 days after the date of enactment of this section, the Administrator shall publish in the Federal Register a notice of the requirements of this section and such other related information as the Administrator determines to be appropriate.

''(g) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, a person may export a spent lead-acid battery for the purposes of recycling.

''(h) ENFORCEMENT.—The Administrator may issue a warning or citation to any person that fails to comply with the requirements of this section.

''(i) CIVIL PENALTY.—

''(1) IN GENERAL.—When on the basis of any information the Administrator determines that a person is in violation of this section, the Administrator—

''(A) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $1,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

''(B) in the case of any violation, may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

''(2) CONTENTS OF ORDER.—An order under paragraph (1) shall State with reasonable specificity the nature of the violation.

''(3) CONSIDERATIONS.—In assessing a civil penalty under paragraph (1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

''(4) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under paragraph (1) shall become final unless, not later than 30 days after the date on which the order is served, a person named in the order requests a hearing on the record.

''(5) HEARING.—On receiving a request under paragraph (4), the Administrator shall promptly conduct a hearing on the record.

''(6) SUBPOENA POWER.—In connection with any hearing on the record under this subsection, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

''(7) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under paragraph (1), the Administrator may assess a civil penalty of not more than $1,000 for the continued noncompliance with the order.''.●

By Mr. LIEBERMAN:

S. 2160. A billto provide for alternative procedures for achieving superior environmental performance, and for other purposes; to the Committee on Environment and Public Works.

THE INNOVATIVE COMPLIANCE ACT

● Mr. LIEBERMAN. Mr. President, I am pleased to introduce today the Innovative Compliance Act of 1996. Title I of this legislation authorizes the Environmental Protection Agency to approve a demonstration program allowing companies who show superior environmental performance to use flexible methods of achieving environmental goals. Title II of the legislation requires the EPA, when developing a new program to control a pollutant to consider, where appropriate, basing the regulatory scheme on market-based trading programs. The legislation builds on President Clinton's project XL which stands for excellence and leadership, and on the successful market-based program for controlling acid rain established under the Clean Air Act Amendments of 1990.

Mr. President, I am introducing this bill at the end of this session in the hope that it will lead to a continued dialog among interested parties on the best way to implement these two programs. I view this bill as an initial draft, discussion draft and welcome all proposals and suggestions on how to alter and improve it. I hope to resubmit the bill reflecting suggestions made over the next few months early next session.

This Congress has been marked by debate about the future of Government's role in environmental protection. At times, it appeared that the bipartisan support of environmental laws and regulation that has evolved over the past three decades was at serious risk. Efforts to undermine our environmental laws initially had support from some in this Congress, despite the absence of any public demand for retrenchment on the environmental

front. Those efforts have been stemmed.

In fact, our laws and regulations have performed remarkably well in improving the quality of America's environment. As Gregg Easterbrook has pointed out, environmental protection is probably the single greatest success story of American Government in the period since World War II.

In many cases, however, we need to do more to provide the level of environmental protection most Americans expect from Government. For example, 62 million Americans still live in neighborhoods where the air does not meet Federal health-based standards. Forty percent of our rivers and lakes still do not fully meet water quality standards. The number of people suffering from asthma has increased 40 percent in the past decade. In some communities, it has reached epidemic proportions, especially among children. Health advisories for eating fish increased by 14 percent between 1994 and 1995. In light of these serious problems, there is clearly a need to improve protection of our environment. But there is just as clearly a need to review our methods of environmental protection in order to find better, more efficient, more innovative and fairer ways to achieve greater progress toward meeting our environmental goals. In some cases, the traditional approaches to environmental protection have hindered companies from developing more innovative approaches, such as pollution prevention, that can result in larger benefits for the environment.

While combining these two goals may appear illusive, a significant consensus has emerged that alternative compliance and market-based trading programs can form the basis for a new approach to environmental protection that will achieve superior results at less cost while encouraging innovation. This consensus can be seen, for example, in the work of the President's Council on Sustainable Development which brought together leaders from government, business, environmental, civil rights, labor and Native American organizations in an effort to achieve consensus national environmental, economic and social goals. The Council's report supports both these approaches. The Aspen Institute also undertook a 3-year effort to reach consensus among a wide group of divergent interests on an alternative path to achieving a cleaner, cheaper way to protect and enhance the environment. This legislation seeks to adopt many of the principles agreed to by the participants in the Aspen process.

Title I of this bill establishes an alternative compliance program at EPA. The Administrator of EPA is authorized to consider up to 50 petitions from companies seeking modifications or waivers from environmental rules and to grant petitions if certain criteria are met. The basic premise of this title is that superior environmental performance can be achieved by allowing environmental managers at companies, in partnership with an active group of community stakeholders, to devise their own means of reaching environmental goals. This approach recognizes that the regulated industry is now in an excellent position to experiment and decide what approaches will yield better environmental results than can be achieved under existing or reasonably foreseeable regulation. Allowing flexibility can substantially reduce compliance costs and make industries more competitive, provide for much greater community involvement in the decisions of their neighboring industrial plants, foster more cooperative partnerships, and encourage greater innovation in meeting environmental goals.

Let me discuss a few important provisions of the bill.

First, the Administrator may only grant flexibility if a company demonstrates that it will achieve better overall environmental results under the alternative compliance strategy than would be achieved under existing or reasonably anticipated rules. The bill establishes benchmarks from which to determine whether better environmental results will be achieved under the alternative compliance strategies. For example, for existing facilities, the benchmark generally will be either the level of releases into the environment actually being achieved by the facility or the level of releases allowed under the applicable regulatory requirements and reasonably foreseeable future requirements, whichever is lower. The bill also sets forth benchmarks for existing facilities being modified to significantly expand production and for new facilities, section 105(b). In addition to determining if the benchmark is met, the Administrator must find, based on a well-accepted, documented methodology, that the alternative compliance strategy will not result in a significant increase in the risk of adverse effects or shift any significant risks of adverse effects, to the health of an individual, population, or natural resource affected by the strategy.

There are a number of different types of alternative compliance strategies. For example, in some cases, a facility may demonstrate better overall environmental results by showing a reduction in releases of all pollutants and, in exchange, seek a modification of reporting or other paperwork requirements. In other cases, a facility may demonstrate better overall environmental results by showing a reduction in releases of all pollutants, but seek modification of a rule to allow for flexibility with respect to emission levels at different sources within the facility. There may be some cases where the alternative compliance strategy would result in very large decreases in one pollutant while resulting in a very small increase in another pollutant. But it is particularly important that the Administrator only approve such a strategy upon a finding, based on a well-accepted, documented methodology, that there will be no significant increase in the risk of adverse effects resulting from the strategy.

As I've described, before granting a petition, the Administrator must find that certain quantitative requirements for measuring better environmental performance have been met by the petitioner. After making this determination, the Administrator may also consider other significant environmental, economic and social benefits that the petitioner offers in the petition, section 105(b)(2).

Under the bill, the alternative compliance strategy must provide accountability, monitoring, enforceability and public access to information at least equal to that provided by the rule that is being modified or waived. A related and very important requirement is that adequate information must be made accessible so that any member of the public can determine if a company is complying with an alternative compliance agreement, sections 105(b) (4), (5). Other requirements that must be met by the petitioner are set forth in section 105.

Another critical provision of the bill, section 104 establishes that any company submitting a petition must undertake a stakeholder participation process and work to ensure that adequate resources exist to make the process effective. Involving citizens, particularly members of the local community, in the development of an alternative compliance strategy is absolutely critical. Companies that have formulated successful alternative compliance strategies have told me that without the support of the local community these strategies simply will not work. Empowerment of the local community through stakeholder processes will help build trust and make implementation of the agreement easier. It is also important that State and local regulators be part of the stakeholder process.

Under the bill, a more structured stakeholder process is set out for more complex agreements—those involving more than one pollutant or one medium. The stakeholders have a greater decisional role in more complex agreements. Nevertheless, in all cases, stakeholder acceptance will be critical to success of the alternative compliance strategy.

Title II of the legislation seeks to build on the successful acid rain program established under the Clean Air Act Amendments of 1990. It requires that prior to promulgating a new program for controlling emissions or discharges of a pollutant, EPA consider, where appropriate, the adoption of a market-based trading program. The program would include a cap on total emissions or discharges of the pollutant. Each source of a pollutant would be required to meet an emission or discharge limit based on a share of the total limit on emissions or discharges

allowed from all sources. Sources could meet their performance objective though a variety of methods, including by acquiring excess emission or discharge reductions from other sources that have achieved levels of performance beyond that required to meet their discharge or emission limits.

The bill recognizes that trading programs are not appropriate in every case. Trading programs should only be implemented where they would result in levels of emissions or discharges greater than those that would be achieved under alternative programs. Additionally, there are circumstances where a trading program is not appropriate because the environmental or human health reasons for which the pollutant is regulated can only be addressed through source-specific emission controls.

As I have mentioned, this title is intended to build on the success of the acid rain program of the Clean Air Act. That program set a cap on the total amount of emissions of sulfur dioxide that electric utilities can emit and allows flexibility for individual units to select their own method of compliance. The mechanism for allocating reductions is a comprehensive permit and emission allowance system. An allowance is a limited authorization to emit a ton of sulfur dioxide. Facilities receive allowance based on a specific formula contained in the law. Allowances may be traded or banked for future use or sale. Thirty days after the end of the year, each utility must have a number of allowances equal to the tonnage actually emitted during the previous year. Allowances may be purchased to cover each unit's emissions for the year. The system rewards utilities that go beyond the law's requirement by enabling them to earn profits from the sale of their extra allowances.

The program is being implemented in two phases: Phase I began in 1995 and will last until 1999. It covers 445 utility units.

In July, EPA issued a report on the compliance results of phase I. The results are extremely impressive and far exceed the expectations of those of us involved in the drafting of the legislation—both in terms of emission reductions achieved and cost of those reductions.

First, EPA reports that the compliance level for all the units under Phase I was 100 percent. Second, EPA reports that the emissions for these units was 39 percent below what the law allowed for 1995. Third, EPA and the U.S. Geological Survey report environmental success—reductions in sulfur dioxide emissions have resulted in rainfall being less acidic in 1995 as a result of the first year of the acid rain program. The U.S. Geological Survey study reports a 10–25 percent drop in rainfall acidity, particularly at some sites located in the mid-west, northeast and mid-Atlantic regions. Fourth, the cost of reducing a ton of sulfur dioxide continues to decline. In just two years, allowance prices have dropped from $150 a ton to less than $80 a ton. At the time of enactment of the Clean Air Act Amendments, it was estimated that the cost of an allowance would be $500 to $600 a ton. The General Accounting Office has estimated that $2 to $3 billion will be saved with the implementation of the acid rain program through its allowance trading program.

In other words, the acid rain program has achieved greater reductions than anticipated at far lower costs than anticipated. This is a win-win—for the environment and the regulated community. The legislation I am introducing today would require EPA, where appropriate, to consider basing future environmental programs on the same type of successful program established for acid rain.

Mr. President, I ask unanimous consent that the full text of the legislation be included in the RECORD.

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

S. 2160

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 ''Innovative Compliance Act of 1996''.

SEC. 2. FINDINGS.

Congress finds that—

(1) superior environmental performance can be achieved in some cases by granting regulated industries the flexibility to develop alternative strategies for achieving environmental results;

(2) alternative strategies also have the potential to—

(A) substantially reduce compliance costs;

(B) foster cooperative partnerships among industry, government, and local communities;

(C) encourage greater innovation and greater pollution prevention in meeting environmental goals; and

(D) increase the involvement of members of the local community and citizens in decisions relating to the approach taken by a facility for achieving environmental goals; and

(3) the acid deposition control program established under title IV of the Clean Air Act (42 U.S.C. 7651 et seq.), the stratospheric ozone protection program established under title VI of the Act (42 U.S.C. 7671 et seq.), and other initiatives demonstrate that properly designed market-based approaches can achieve greater environmental performance and encourage innovation while saving money for regulated industries and government when compared with more traditional control approaches.

TITLE I—ALTERNATIVE STRATEGIES FOR ACHIEVING SUPERIOR ENVIRONMENTAL PERFORMANCE

SEC. 101. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AGENCY.—The term ''Agency'' means the Environmental Protection Agency.

(3) AGENCY RULE.—The term ''Agency rule''—

(A) means a rule (as defined in section 551 of title 5, United States Code) issued by the Agency; but

(B) does not include any emissions reduction requirement of any rule under title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) or any other requirement pursuant to any other enforceable trading program.

SEC. 102. PETITION.

A person that owns or operates a facility that is subject to an Agency rule may petition the Administrator to modify or waive the Agency rule with respect to the facility and to enter into an enforceable compliance agreement with the person establishing an alternative compliance strategy with respect to the facility in accordance with this title.

SEC. 103. CONTENTS OF PETITION.

A petition under section 102 shall—

(1) identify the Agency rule for which the modification or waiver is sought and the alternative compliance strategy that is proposed;

(2) identify the facility to which the modification or waiver would pertain; and

(3) demonstrate that the alternative compliance strategy meets the requirements of section 105.

SEC. 104. STAKEHOLDER PARTICIPATION PROCESS.

(a) IN GENERAL.—A person that submits a petition under section 102 shall—

(1) undertake a stakeholder participation process in accordance with this section; and

(2) work to ensure that there is adequate technical support for an effective process.

(b) REQUIREMENTS.—The stakeholder participation process shall—

(1) be balanced and representative of interests likely to be affected by the proposed alternative compliance strategy;

(2) ensure options for public access to the process and make publicly available the proceedings of the stakeholder participation process, except with respect to confidential information of the petitioner;

(3) establish procedures for conducting the stakeholder participation process, including open meetings as appropriate; and

(4) if necessary, provide for appropriate agreements to protect confidential information of the petitioner proposing the alternative compliance strategy.

(c) PUBLIC NOTICE OF PETITION.—A person that submits a petition under section 102 shall provide effective public notice of the intent of the petitioner to pursue the alternative compliance strategy to—

(1) community groups;

(2) environmental groups;

(3) potentially affected employees;

(4) persons living near the facility; and

(5) Federal, State, and local government agencies in areas that may be affected by the alternative compliance strategy, including areas that may be affected by transport of a pollutant.

(d) PARTICIPATION.—

(1) IN GENERAL.—Any person may participate in the stakeholder participation process, except that a person that has a business interest in competition with that of the petitioner may be excluded.

(2) GOVERNMENT OFFICIALS.—Federal, State, and local government officials in areas that may be affected by the proposed alternative compliance strategy may participate in the stakeholder participation process.

(3) LIMITATION ON NUMBER OF PARTICIPANTS.—In order to provide for a manageable stakeholder process, a petitioner may propose a limit on the number of stakeholder participants if the petitioner demonstrates to the satisfaction of the Administrator that the stakeholder participants adequately represent, in a balanced manner, the full range of interests (excluding competitive business interests) that may be affected by the alternative compliance strategy.

(e) MODIFICATION OR WAIVER OF PROCESS.—

(1) REQUEST.—A petitioner may request that the Administrator modify or waive 1 or more of the requirements of this section.

(2) CRITERIA.—The Administrator may grant a request under paragraph (1) if, after notice and opportunity for public comment, the Administrator determines that—

(A) there is insufficient interest in convening stakeholder participants; and

(B) the stakeholder participation process would not be useful in view of the routine or noncontroversial nature of the proposal.

SEC. 105. REQUIREMENTS FOR APPROVAL.

(a) IN GENERAL.—The Administrator may approve a petition under section 107 if the Administrator determines that—

(1) the facility is in compliance with all applicable environmental and public health regulations and other requirements;

(2) the alternative compliance strategy will achieve better overall environmental results than would be achieved under the current regulatory requirements and any reasonably anticipated future regulatory requirements;

(3) the alternative compliance strategy will not result in adverse cross-media impacts;

(4) the alternative compliance strategy provides accountability, monitoring, enforceability, and public and Agency access to information at least equal to that provided under the Agency rule that is modified or waived;

(5) the alternative compliance strategy provides for access to information adequate to enable verification of environmental performance by any interested person;

(6) the alternative compliance strategy ensures worker health and safety;

(7) no person or population would be subjected to unjust or disproportionate environmental impacts as a result of implementation of the alternative compliance strategy;

(8) the alternative compliance strategy will not result in transport of a pollutant to another area;

(9) the alternative compliance strategy will not result in a violation of a national environmental or health standard;

(10) all State and local environmental agencies in areas that may be affected by the alternative compliance strategy support the petition;

(11) the stakeholder participation process met the requirements of section 104;

(12) as determined on the basis of a well accepted, documented methodology, the alternative compliance strategy will not result in any significant increase in the risks of adverse effects, or shift any significant risks of adverse effects, to the health of an individual, population, or natural resource affected by the alternative compliance strategy;

(13) the agreement is for a specified term not to exceed 10 years; and

(14) in the case of a petition involving more than 1 pollutant or more than 1 medium, a broad consensus of the stakeholder participants has approved the alternative compliance strategy.

(b) BETTER OVERALL RESULTS.—

(1) CRITERIA.—For the purposes of subsection (a)(2), the achievement of better overall environmental results shall be measured as follows:

(A) For existing facilities, the benchmark shall be the lesser of—

(i) the level of releases of pollutants into the environment being achieved prior to the date of submission of the petition; or

(ii) the level of releases of pollutants into the environment allowed under the current regulatory requirements and any reasonably anticipated future regulatory requirements;

except that the Administrator may modify the benchmark on a case-by-case basis for a facility that has reduced releases significantly below applicable regulatory requirements prior to the date of submission of the petition.

(B) For existing facilities being modified to significantly expand production, the benchmark shall be the lesser of—

(i) the level of releases of pollutants into the environment being achieved (on a per unit of production basis) prior to the date of submission of the petition; or

(ii) the level of releases of pollutants into the environment allowed under the current regulatory requirements and any reasonably anticipated future regulatory requirements on a per unit of production basis.

(C) For new facilities, the benchmark shall be based on the lesser of—

(i) the level of releases of pollutants into the environment allowed under the current regulatory requirements and any reasonably anticipated future regulatory requirements; or

(ii) the level of releases of pollutants into the environment being achieved by the best performance practices of similarly situated facilities.

(2) OTHER CONSIDERATIONS.—In addition to determining that the criteria of paragraph (1) are met, the Administrator may consider other factors supporting superior environmental, social, and economic benefits set forth in the petition.

(c) OBJECTION BY STAKEHOLDER.—Notwithstanding subsection (a)(14), the Administrator shall deny a petition involving more than 1 pollutant or more than 1 medium if—

(1) 1 or more stakeholders object to the alternative compliance strategy; and

(2) the Administrator determines, based on the objection, any response to the objection, and all other relevant facts, that—

(A) the objection relates to any of the criteria stated in paragraphs (1) through (13) of subsection (a); and

(B) the objection has a clear and reasonable foundation.

SEC. 106. PRIORITY.

The Administrator shall give priority to petitions with alternative compliance strategies using pollution prevention approaches and to petitions submitted by persons with a strong record of outstanding environmental performance and worker health and safety protection.

SEC. 107. DETERMINATION OF PETITION.

Not later than 180 days after receiving a petition under section 102, the Administrator, subject to section 112, shall—

(1) propose to approve the petition and enter into an enforceable compliance agreement; or

(2) submit a written explanation to the petitioner of the basis for determining that the requirements of section 105 are not met.

SEC. 108. PUBLIC NOTICE OF INTENT TO APPROVE PETITION.

The Administrator shall publish notice of the intent to approve a petition in the Federal Register at least 60 days prior to approving the petition.

SEC. 109. ENFORCEABILITY.

(a) IN GENERAL.—If the Administrator and a person enter into an enforceable compliance agreement under this title, the person shall comply with the agreement in lieu of any Agency rule modified or waived by the agreement, and compliance with the agreement shall be considered to be compliance with the Agency rule for all purposes.

(b) SPECIFICATION OF AGENCY RULES TO WHICH AGREEMENT APPLIES.—An agreement under subsection (a) shall specify each Agency rule that is modified or waived.

SEC. 110. PRELIMINARY COMMENT PROCESS.

The Administrator shall establish a process for providing preliminary comments by the Administrator on a petition.

SEC. 111. JUDICIAL REVIEW.

A decision by the Administrator to approve or disapprove a petition under this title shall constitute final agency action and shall be subject to judicial review.

SEC. 112. LIMITATION ON PETITIONS CONSIDERED.

The Administrator shall not consider more than 50 petitions for alternative compliance strategies unless—

(1) a petitioner demonstrates that, because the petitioner is situated in a position that is virtually identical to that of another person that has been granted approval of a petition, the petitioner may be at a substantial competitive disadvantage if the petition is not considered; or

(2) at the sole discretion of the Administrator and taking into account the full range of the Agency's obligations, the Administrator determines that adequate resources exist to evaluate a greater number of petitions and to oversee implementation of a greater number of enforceable compliance agreements.

SEC. 113. SMALL BUSINESS PROPOSALS.

The Administrator shall establish a program to facilitate development of proposals for alternative means of compliance from groups of small businesses and to provide expedited review of proposals for alternative means of compliance from groups of small businesses.

SEC. 114. REPORT AND EVALUATION.

Not later than 3 years after the date of enactment of this Act, the Administrator shall submit a report to Congress on the aggregate effect of the enforceable compliance agreements entered into under this title, including—

(1) the number and characteristics of the agreements;

(2) estimates of the environmental and public health benefits, including any reduction in quantities or types of emissions and wastes generated;

(3) estimates of the effect on compliance costs and jobs creation;

(4) the degree and nature of public participation and accountability;

(5) the incidence of noncompliance with the agreements entered into under this title compared to the incidence of noncompliance with relevant Agency rules by similarly situated facilities;

(6) conclusions on the functioning of stakeholder participation processes; and

(7) recommendations for legislative action.

SEC. 115. SAVINGS CLAUSE.

A decision by the Administrator to enter into an enforceable compliance agreement under this title shall not create any obligation of the Agency to modify any Agency rule insofar as the rule applies to any facility other than the facility subject to the enforceable compliance agreement. Nothing in this title shall affect the ability of the Administrator to enter into or carry out enforceable alternative compliance agreements under other law.

SEC. 116. COMPUTER ACCESS.

The Administrator shall establish, and provide on-line computer access to, a national repository of enforceable compliance agreements entered into under this title.

SEC. 117. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Agency to carry out this title such sums as are necessary for fiscal years 1997 through 2000.

(b) AUTHORIZATION OF FEES.—

(1) IN GENERAL.—The Administrator may assess reasonable fees for consideration of petitions.

(2) OFFSET.—Fees assessed under paragraph (1) shall offset the expenses incurred by the

Administrator and may be used only for processing, administering, implementing, and enforcing enforceable compliance agreements.

(3) OTHER FEES.—Fees assessed under this subsection shall be collected in lieu of fees associated with otherwise applicable rules or requirements modified by an enforceable compliance agreement.

(4) WAIVER.—The Administrator may waive any fees under this subsection for any proposal for an alternative means of compliance from a small entity (as defined under section 601 of title 5, United States Code) or group of small entities.

TITLE II—ENVIRONMENTAL MARKET-BASED STRATEGIES

SEC. 201. CONSIDERATION OF MARKET-BASED MECHANISMS.

Before issuing a rule establishing a new program intended to limit the discharge or emission of a pollutant into the environment, the Administrator of the Environmental Protection Agency shall, in appropriate circumstances, consider including market-based mechanisms in the design and implementation of the program.

SEC. 202. MARKET-BASED MECHANISMS.

(a) IN GENERAL.—Subject to subsection (b), a market-based mechanism shall include—

(1) the imposition, on each regulated person, of express legal accountability for an explicit performance objective expressed as a quantity of actual discharges or emissions (and each such person's emissions or discharge limit shall represent a share of a total limit on emissions or discharges from all sources affected by the rule); and

(2) the authorization of the regulated person to comply with the requirements described in paragraph (1) by transferring or acquiring increments of emissions or discharge reductions, which shall represent reductions in emissions or discharges in excess of those required to be made by a regulated entity to meet its emissions or discharge limits.

(b) OTHER APPROPRIATE FACTORS.—

(1) IN GENERAL.—If the Administrator of the Environmental Protection Agency determines that a program with the elements specified in subsection (a) is not appropriate, the Administrator may include in a market-based mechanism a method by which a regulated person subject to emissions or discharge limits that are not expressed as a quantity of total emissions or discharges may—

(A) elect to meet the applicable emissions or discharge limits by limiting the person's total emissions or discharges to a specified quantity that corresponds to the regulated person's initial emissions or discharge limits; and

(B) achieve compliance with the emissions or discharge limits established under subparagraph (A) by acquiring or transferring increments of emissions or discharge reductions.

(2) INCREMENTAL REDUCTIONS.—Subject to paragraph (3), increments described in paragraph (1)(B) shall—

(A) represent reductions in emissions or discharges in excess of reductions required to be made by a regulated entity to meet its emissions or discharge limits; and

(B) be permanent, enforceable, and nondiscrete.

(3) EXCLUSION AS PART OF MECHANISM.—A rule permitting sources to acquire increments of emissions or discharge reductions when increments represent reductions that are discrete, nonpermanent, or discontinuous and are generated by sources the total emissions or discharges of which are not subject to a quantified emissions or discharge limitation requirement shall not be part of a market-based mechanism.

(c) LIMITATION.—Notwithstanding any other provision of this title, the Administrator of the Environmental Protection Agency may not consider market-based mechanisms for a program if—

(1) the program would result in levels of emissions or discharges of the pollutant regulated by the rule in excess of those that would be achieved under an alternative program, taking into account any incentives for generating and retaining excess reductions created by the opportunity to acquire and transfer increments of emissions or discharge reductions as a means of meeting the emissions or discharge limitation requirement applicable to the source; or

(2) the program pertains to a pollutant the properties of which are such that the environmental or human health purposes for which the pollutant is subject to regulation, taking into account any disproportionate or unjust environmental impacts to an individual, population, or natural resource, and any transport of the pollutant that may result, may be achieved only through the imposition of nontransferable source-specific emissions or discharge limitation requirements.●

ADDITIONAL COSPONSORS

S. 1911

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Washington [Mrs. MURRAY] was added as a consponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites.

S. 2123

At the request of Mr. BAUCUS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from New Hampshire [Mr. SMITH] were added as a consponsor of S. 2123, a bill to require the calculation of Federal-aid highway apportionments and allocations for fiscal year 1997 to be determined so that States experience no net effect from a credit to the Highway Trust Fund made in correction of an accounting error made in fiscal year 1994, and for other purposes.

S. 2150

At the request of Mr. MURKOWSKI, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a consponsor of S. 2150, a bill to prohibit extension or establishment of any national monument on public land without full compliance with the National Environmental Policy Act and the Endangered Species act, and an express act of Congress, and for other purposes.

SENATE RESOLUTION 303—COMMENDING THE GOVERNMENTS OF HUNGARY AND ROMANIA

Mr. BROWN (for himself and Mr. SIMON) submitted the following resolution; which was considered and agreed to:

S. RES. 303

Whereas on September 16, 1996, ''Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary'' was signed by Gyula Horn, Prime Minister of Hungary, and by Nicolae Vacaroiu, Prime Minister of Romania, in Timisoara/Temesvar, Romania;

Whereas this agreement between the two governments is an important step in contributing to the stability of that region and to reconciliation and cooperation among the nations of Central and Eastern Europe;

Whereas this agreement will enhance the participation of both countries in the Partnership for Peace program and will contribute to and facilitate their closer cooperation with the members of the North Atlantic Treaty Organization and the eventual entry of these countries into full NATO participation; and

Whereas this agreement is a further significant step in the process of reconciliation between Hungary and Romania reflects the desire and effort of both countries to improve their economic cooperation, to foster the free movement of people between their countries, to expand military relationships, and to increase cultural and educational cooperation.

It is resolved by the Senate, The Senate—

(1) commends the farsighted leadership shown by both the government of Hungary and the government of Romania in reaching agreement on the Treaty of Understanding, Cooperation and Good Neighborliness signed on September 16, 1996;

(2) commends the frank, open, and reasoned political dialogue between officials of Hungary and Romania which led to the treaty;

(3) commends the two countries for their efforts to foster improved relations in all fields; and

(4) calls upon the President to utilize all available and appropriate means on behalf of the United States to support the implementation of the provisions of the ''Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary'' and to promote their efforts for regional cooperation as the best means of bringing these two countries into NATO and to ensure lasting security in the region.

SENATE RESOLUTION 304—APPROVING PROVISIONS OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. LOTT (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Resolved,

SECTION 1. APPROVAL OF REGULATIONS.

(a) IN GENERAL.—The regulations described in subsection (b) are hereby approved, insofar as such regulations apply to employing offices of the Senate and employees of the Senate under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and to the extent such regulations are consistent with the provisions of such Act.

SENATE RESOLUTION 305—RELATIVE TO NATIONAL DUCK CALLING DAY

Mr. PRYOR (for himself, Mr. BUMPERS, Mr. JOHNSTON, Mr. BREAUX, and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 305

Whereas Stuttgart, Arkansas, with its flooded rice and soybean fields, is located in the heart of the Mississippi River flyway for migratory birds;

Whereas for the past 60 years, the World's Championship Duck Calling Contest and the Wings Over the Prairie Festival have attracted waterfowl enthusiasts from around the world to come to Stuttgart, Arkansas, on Thanksgiving Day weekend;

Whereas the first national duck calling contest was held on November 24, 1936, as part of the traditional Rice Carnival in downtown Stuttgart;

Whereas Thomas E. Walsh of Greenville, Mississippi, was the first national duck calling contest champion, and was awarded a hunting coat valued at $6.60 for his achievement;

Whereas today, the World's Championship Duck Calling Contest draws contestants from throughout the United States and Canada, with a first place prize package valued at over $15,000;

Whereas in order to enter the World's Championship Duck Calling Contest a contestant must qualify by winning a World's Championship Duck Calling Contest sanctioned calling contest, which are held in 29 states;

Whereas over the history of the World's Championship Duck Calling Contest attendance at the event has steadily grown; the number of participants has jumped from 10,000 in 1954, to 50,000 in 1992, to 65,000 in 1995: Now, therefore, be it

Resolved, That the Senate designates Saturday, November 30, 1996, as ''National Duck Calling Day''. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

THE AMOS F. LONGORIA POST OFFICE BUILDING DESIGNATION ACT OF 1996

PRYOR AMENDMENT NO. 5413

Mr. GREGG (for Mr. PRYOR) proposed an amendment to the bill (H.R. 2700) to designate the United States Post Office building located at 7980 FM 327, Elmendorf, Texas, as the ''Amos F. Longoria Post Office Building''; as follows:

On page 2, insert after line 9 the following new section:

SEC. 2. INSTITUTION OF HIGHER EDUCATION

Paragraph (3) of section 3626(b) of title 39, United States Code, is amended by striking the period and inserting '', and includes a nonprofit organization that coordinates a network of college-level courses that is sponsored primarily by nonprofit educational institutions for an older adult constituency.''.

THE VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

SIMPSON (AND OTHERS) AMENDMENT NO. 5414

Mr. NICKLES (for Mr. SIMPSON, for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. AKAKA, Mr. MURKOWSKI, and Mr. WELLSTONE) proposed an amendment to the bill (H.R. 3118) to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Health Care Eligibility Reform Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ELIGIBILITY REFORM

Sec. 101. Eligibility for hospital care and medical services.
Sec. 102. Revision in authorities for provision of priority health care for certain veterans exposed to specified toxic substances.
Sec. 103. Prosthetics and preventive care.
Sec. 104. Management of health care.
Sec. 105. Authorization of appropriations.
Sec. 106. Assessment of implementation and operation.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects.
Sec. 202. Authorization of major medical facility leases.
Sec. 203. Authorization of appropriations.
Sec. 204. Strategic planning.
Sec. 205. Revision to prospectus requirements.
Sec. 206. Construction authorization requirements.
Sec. 207. Terminology changes.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

Sec. 301. Revision of authority to share medical facilities, equipment, and information.
Sec. 302. Improved efficiency in health care resource management.
Sec. 303. Personnel furnishing shared resources.
Sec. 304. Waiting period for administrative reorganizations.
Sec. 305. Repeal of limitations on contracts for conversion of performance of activities of Department health-care facilities and revised annual reporting requirement.

Subtitle B—Care of Women Veterans

Sec. 321. Mammography quality standards.
Sec. 322. Patient privacy for women patients.
Sec. 323. Assessment of use by women veterans of Department health services.
Sec. 324. Reporting requirements.

Subtitle C—Readjustment Counseling and Mental Health Care

Sec. 331. Expansion of eligibility for readjustment counseling and certain related counseling services.
Sec. 332. Reports relating to Vet Centers.
Sec. 333. Advisory Committee on the Readjustment of Veterans.
Sec. 334. Centers for mental illness research, education, and clinical activities.
Sec. 335. Committee on Care of Severely Chronically Mentally Ill Veterans.

Subtitle D—Other Provisions

Sec. 341. Hospice care study.
Sec. 342. Payment to States of per diem for veterans receiving adult day health care.
Sec. 343. Research corporations.
Sec. 344. Veterans Health Administration headquarters.
Sec. 345. Disbursement agreements relating to medical residents and interns.
Sec. 346. Authority to suspend special pay agreements for physicians and dentists who enter residency training programs.
Sec. 347. Remunerated outside professional activities by Veterans Health Administration personnel.
Sec. 348. Modification of restrictions on real property, Milwaukee County, Wisconsin.
Sec. 349. Modification of restrictions on real property, Cheyenne, Wyoming.
Sec. 350. Name of Department of Veterans Affairs Medical Center, Johnson City, Tennessee.
Sec. 351. Report on health care needs of veterans in east central Florida.
Sec. 352. Evaluation of health status of spouses and children of Persian Gulf War veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of 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.

TITLE I—ELIGIBILITY REFORM

SEC. 101. ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.

(a) NEW CRITERIA FOR ELIGIBILITY FOR CARE.—Section 1710(a) is amended to read as follows:

''(a)(1) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed—

''(A) to any veteran for a service-connected disability; and

''(B) to any veteran who has a service-connected disability rated at 50 percent or more.

''(2) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed to any veteran—

''(A) who has a compensable service-connected disability rated less than 50 percent;

''(B) whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty;

''(C) who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section;

''(D) who is a former prisoner of war;

''(E) who is a veteran of the Mexican border period or of World War I;

''(F) who was exposed to a toxic substance, radiation, or environmental hazard, as provided in subsection (e); or

''(G) who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

''(3) In the case of a veteran who is not described in paragraphs (1) and (2), the Secretary may, to the extent resources and facilities are available and subject to the provisions of subsections (f) and (g), furnish hospital care, medical services, and nursing

home care which the Secretary determines to be needed.

''(4) The requirement in paragraphs (1) and (2) that the Secretary furnish hospital care and medical services shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts for such purposes.''.

(b) TRANSFER OF PROVISION.—Chapter 17 is amended—

(1) by redesignating subsection (g) of section 1710 as subsection (h); and

(2) by transferring subsection (f) of section 1712 to section 1710 and inserting such subsection so as to appear after subsection (f), redesignating such subsection as subsection (g), and amending such subsection by striking out ''section 1710(a)(2) of this title'' in paragraph (1) and inserting in lieu thereof ''subsection (a)(3) of this section''.

(c) REPEAL OF SEPARATE OUTPATIENT CARE PRIORITIES.—(1) Section 1712 is amended—

(A) by striking out subsections (a) and (i);

(B) by redesignating subsections (b), (c), (d), (h) and (j), as subsections (a), (b), (c), (d), and (e), respectively; and

(C) in subsection (b), as so redesignated, by striking out ''subsection (b) of this section'' and inserting in lieu thereof ''subsection (a)''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1712. Dental care; drugs and medicines for certain disabled veterans; vaccines''.

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

''1712. Dental care; drugs and medicines for certain disabled veterans; vaccines.''.

(d) CONFORMING AMENDMENTS TO CHAPTER 17.—Chapter 17 is further amended as follows:

(1) Section 1701(6)(B)(i) is amended—

(A) in subclause (I), by striking out ''section 1712(a)'' and inserting in lieu thereof ''paragraph (1) or (2) of section 1710(a)''; and

(B) in subclause (II), by striking out ''section 1712(a)(5)(B)'' and inserting in lieu thereof ''paragraph (1), (2) or (3) of section 1710(a)''.

(2) Section 1710(c)(1) is amended by striking out ''section 1712(b)'' and inserting in lieu thereof ''section 1712(a)''.

(3) Section 1710(e)(1)(C) is amended by striking out ''hospital care and nursing home care under subsection (a)(1)(G) of this section'' and inserting in lieu thereof ''hospital care, medical services, and nursing home care under subsection (a)(2)(F)''.

(4) Section 1710(f) is amended—

(A) in paragraph (1), by striking out ''subsection (a)(2)'' and inserting in lieu thereof ''subsection (a)(3)''; and

(B) in paragraph (3)(E)—

(i) by striking out ''section 1712(a) of this title'' and inserting in lieu thereof ''paragraph (3) of subsection (a)''; and

(ii) by striking out ''section 1712(f) of this title'' and inserting in lieu thereof ''subsection (g)''; and

(C) in paragraph (3)(F), by striking out ''section 1712(f) of this title'' and inserting in lieu thereof ''subsection (g)''.

(5) Section 1712A is amended—

(A) in subsection (b)(1), by striking out ''under the conditions specified in section 1712(a)(5)(B) of this title''; and

(B) in subsection (e)(1), by striking out ''sections 1712(a)(1)(B) and 1703(a)(2)'' and inserting in lieu thereof ''sections 1703(a)(2) and 1710(a)(1)(B)''.

(6) Section 1717(a) is amended—

(A) in paragraph (1), by striking out ''section 1712(a)'' and inserting in lieu thereof ''section 1710(a)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking out ''paragraph (1) of section 1712(a) of this title'' and inserting in lieu thereof ''section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title''; and

(ii) in subparagraph (B), by striking out ''section 1712'' and inserting in lieu thereof ''section 1710(a)(2)''.

(7) Section 1718(e) is amended by striking out ''section 1712(i)'' and inserting in lieu thereof ''section 1705''.

(8) Section 1720(f) is amended—

(A) in paragraph (1)(A)(ii), by striking out ''section 1712(a)(1)(B)'' and inserting in lieu thereof ''paragraph (1), (2), or (3) of section 1710(a)''; and

(B) by striking out paragraph (3).

(9) Section 1722 is amended—

(A) in subsection (a), by striking out ''section 1710(a)(1)(I)'' and inserting in lieu thereof ''section 1710(a)(2)(G)''; and

(B) in subsection (f)(3), by striking out ''or 1712(f)''.

(10) Section 1729(g)(3)(A) is amended by striking out ''under section 1710(f) of this title for hospital care or nursing home care, under section 1712(f) of this title for medical services,'' and inserting in lieu thereof ''under subsection (f) or (g) of section 1710 of this title for hospital care, medical services, or nursing home care''.

(e) OTHER CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 1525 is amended—

(A) in subsection (a), by striking out ''section 1712(h) of this title'' and all that follows through the period at the end and inserting in lieu thereof ''section 1712(d) of this title.''; and

(B) in subsection (b), by striking out ''renumeration'' and inserting in lieu thereof ''remuneration''.

(2) Section 2104(b) is amended—

(A) in the first sentence, by striking out ''section 1712(a)'' and inserting in lieu thereof ''section 1717(a)(2)''; and

(B) in the second sentence, by striking out ''section 1712(a)'' and inserting in lieu thereof ''section 1717(a)(2)''.

(3) Section 5317(c)(3) is amended by striking out ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting in lieu thereof ''subsections (a)(2)(G), (a)(3), and (b) of section 1710''.

(4) Section 8110(a)(2) is amended by striking out ''section 1712'' and inserting in lieu thereof ''section 1710(a)''.

(5) Section 8111A(b)(2)(A) is amended by striking out ''subsection (f) of section 1712'' and inserting in lieu thereof ''subsection (a) of section 1710''.

SEC. 102. REVISION IN AUTHORITIES FOR PROVISION OF PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO SPECIFIED TOXIC SUBSTANCES.

(a) AUTHORIZED INPATIENT CARE.—Section 1710(e) is amended—

(1) in paragraph (1), by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

''(A) A Vietnam-era herbicide-exposed veteran is eligible (subject to paragraph (2)) for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

''(B) A radiation-exposed veteran is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disease suffered by the veteran that is—

''(i) a disease listed in section 1112(c)(2) of this title; or

''(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation.''; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

''(2)(A) In the case of a veteran described in paragraph (1)(A), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to—

''(i) a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in paragraph (4)(A)(ii); or

''(ii) a disease for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined that there is limited or suggestive evidence of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent.

''(B) In the case of a veteran described in paragraph (1)(C), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.

''(3) Hospital care, medical services, and nursing home care may not be provided under or by virtue of subsection (a)(2)(F)—

''(A) in the case of care for a veteran described in paragraph (1)(A), after December 31, 2002; and

''(B) in the case of care for a veteran described in paragraph (1)(C), after December 31, 1998.

''(4) For purposes of this subsection—

''(A) The term 'Vietnam-era herbicide-exposed veteran' means a veteran (i) who served on active duty in the Republic of Vietnam during the Vietnam era, and (ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such era.

''(B) The term 'radiation-exposed veteran' has the meaning given that term in section 1112(c)(3) of this title.''.

(b) SAVINGS PROVISIONS.—The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date.

SEC. 103. PROSTHETICS AND PREVENTIVE CARE.

(a) ELIGIBILITY.—Section 1701(6)(A)(i) is amended—

(1) by striking out ''(in the case of a person otherwise receiving care or services under this chapter)'' and ''(except under the conditions described in section 1712(a)(5)(A) of this title),'';

(2) by inserting ''(in the case of a person otherwise receiving care or services under this chapter)'' before ''wheelchairs,''; and

(3) by inserting ''except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe,'' after ''reasonable and necessary,''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act,

the Secretary of Veterans Affairs shall prescribe the guidelines required by the amendments made by subsection (a) and shall furnish a copy of those guidelines to the Committees on Veterans' Affairs of the Senate and House of Representatives.

SEC. 104. MANAGEMENT OF HEALTH CARE.

(a) IN GENERAL.—(1) Chapter 17 is amended by inserting after section 1704 the following new sections:

"§ 1705. Management of health care: patient enrollment system

''(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary, in accordance with regulations the Secretary shall prescribe, shall establish and operate a system of annual patient enrollment. The Secretary shall manage the enrollment of veterans in accordance with the following priorities, in the order listed:

''(1) Veterans with service-connected disabilities rated 50 percent or greater.

''(2) Veterans with service-connected disabilities rated 30 percent or 40 percent.

''(3) Veterans who are former prisoners of war, veterans with service-connected disabilities rated 10 percent or 20 percent, and veterans described in subparagraphs (B) and (C) of section 1710(a)(2) of this title.

''(4) Veterans who are in receipt of increased pension based on a need of regular aid and attendance or by reason of being permanently housebound and other veterans who are catastrophically disabled.

''(5) Veterans not covered by paragraphs (1) through (4) who are unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

''(6) All other veterans eligible for hospital care, medical services, and nursing home care under section 1710(a)(2) of this title.

(7) Veterans described in section 1710(a)(3) of this title.

''(b) In the design of an enrollment system under subsection (a), the Secretary—

''(1) shall ensure that the system will be managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality;

''(2) may establish additional priorities within each priority group specified in subsection (a), as the Secretary determines necessary; and

''(3) may provide for exceptions to the specified priorities where dictated by compelling medical reasons.

''(c)(1) Effective on October 1, 1998, the Secretary may not provide hospital care or medical services to a veteran under paragraph (2) or (3) of section 1710(a) of this title unless the veteran enrolls in the system of patient enrollment established by the Secretary under subsection (a).

''(2) The Secretary shall provide hospital care and medical services under section 1710(a)(1) of this title, and under subparagraph (B) of section 1710(a)(2) of this title, for the 12-month period following such veteran's discharge or release from service, to any veteran referred to in such sections for a disability specified in the applicable subparagraph of such section, notwithstanding the failure of the veteran to enroll in the system of patient enrollment referred to in subsection (a) of this section.

"§ 1706. Management of health care: other requirements

''(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary shall, to the extent feasible, design, establish and manage health care programs in such a manner as to promote cost-effective delivery of health care services in the most clinically appropriate setting.

''(b)(1) In managing the provision of hospital care and medical services under such section, the Secretary shall ensure that the Department maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) within distinct programs or facilities of the Department that are dedicated to the specialized needs of those veterans in a manner that (A) affords those veterans reasonable access to care and services for those specialized needs, and (B) ensures that overall capacity of the Department to provide such services is not reduced below the capacity of the Department, nationwide, to provide those services, as of the date of the enactment of this section. The Secretary shall carry out this paragraph in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

''(2) Not later than April 1, 1997, April 1, 1998, and April 1, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's compliance, by facility and by service-network, with the requirements of this subsection.''.

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1704 the following new items:

''1705. Management of health care: patient enrollment system.

''1706. Management of health care: other requirements.''.

(b) CONFORMING AMENDMENTS TO SECTION 1703.—Section 1703(a) is amended—

(1) in the matter preceding paragraph (1), by striking out ''or 1712'';

(2) in paragraph (2)—

(A) by striking out ''1712(a)(1)(B)'' in subparagraph (A) and inserting in lieu thereof ''1710(a)(1)(B)'';

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) a veteran who (i) has been furnished hospital care, nursing home care, domiciliary care, or medical services, and (ii) requires medical services to complete treatment incident to such care or services; or''; and

(C) by striking ''section 1712(a)(3) (other than a veteran who is a former prisoner of war) of this title'' in subparagraph (C) and inserting in lieu thereof ''section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance),''; and

(3) in paragraph (7), by striking out ''1712(b)(1)(F)'' and inserting in lieu thereof ''1712(a)(1)(F)''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Department of Veterans Affairs for the Medical Care account, for the purposes specified for that account in Public Law 103–327 (108 Stat. 2300), including the cost of providing hospital care and medical services under the amendments made by section this title, not to exceed $17,250,000,000 for fiscal year 1997 and not to exceed $17,900,000,000 for fiscal year 1998.

SEC. 106. ASSESSMENT OF IMPLEMENTATION AND OPERATION.

(a) ASSESSMENT SYSTEMS.—The Secretary of Veterans Affairs shall establish information systems to assess the experience of the Department of Veterans Affairs in implementing sections 101, 103, and 104, including the amendments made by those sections, during fiscal year 1997. The Secretary shall establish those information systems in time to include assessments under such systems in the report required under subsection (b).

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report reflecting the experience of the Department during fiscal year 1997 on—

(1) the effect of implementation of, and provision and management of care under, sections 101, 103, and 104 (including the amendments made by those sections) on demand for health care services from the Department of Veterans Affairs by veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101;

(2) any differing patterns of demand on the part of such veterans relating to such factors as relative distance from Department facilities and prior experience, or lack of experience, as recipients of care from the Department;

(3) the extent to which the Department has met such demand for care; and

(4) changes in health-care delivery patterns in Department facilities and the fiscal impact of such changes.

(c) MATTERS TO BE INCLUDED.—The report under subsection (b) shall include detailed information with respect to fiscal year 1997 regarding the following:

(1) The number of veterans enrolled for care at each Department medical facility and, of such veterans, the number enrolled at each such facility who had not received care from the Department during the preceding three fiscal years.

(2) With respect to the veterans who had not received care from the Department during the three preceding fiscal years, the total cost of providing care to such veterans, shown in total and separately (A) by level of care, and (B) by reference to whether care was furnished in Department facilities or under contract arrangements.

(3) With respect to the number of veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101, who applied for health care from the Department during fiscal year 1997—

(A) the number who applied for care (shown in total and separately by facility);

(B) the number who were denied enrollment (shown in total and separately by facility); and

(C) the number who were denied care which was considered to be medically necessary but not of an emergency nature (shown in total and separately by facility).

(4) The numbers and characteristics of, and the type and extent of health care furnished to, veterans enrolled for care (shown in total and separately by facility).

(5) The numbers and characteristics of, and the type and extent of health care furnished to, veterans not enrolled for care (shown separately by reference to each class of eligibility, both in total and separately by facility).

(6) The specific fiscal impact (shown in total and by geographic health-care delivery areas) of changes in delivery patterns instituted under the amendments made by this title.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) AMBULATORY CARE ADDITION PROJECTS.—The Secretary of Veterans Affairs may carry out the following ambulatory care addition major medical facility

projects, with each project to be carried out in the amount specified for that project:

(1) Construction of an ambulatory care facility and renovation of ''E'' wing, Tripler Army Hospital, Honolulu, Hawaii, $43,000,000.

(2) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Brockton, Massachusetts, $13,500,000.

(3) Addition of ambulatory care facilities for outpatient improvements at the Department of Veterans Affairs medical center in Shreveport, Louisiana, $25,000,000.

(4) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Lyons, New Jersey, $21,100,000.

(5) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tomah, Wisconsin, $12,700,000.

(6) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Asheville, North Carolina, $26,300,000.

(7) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Temple, Texas, $9,800,000.

(8) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tucson, Arizona, $35,500,000.

(9) Construction of an ambulatory care facility at the Department of Veterans Affairs medical center in Leavenworth, Kansas, $27,750,000.

(b) ENVIRONMENTAL IMPROVEMENT PROJECTS.—The Secretary may carry out the following environmental improvement major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Environmental improvements for the renovation of nursing home facilities at the Department of Veterans Affairs medical center in Lebanon, Pennsylvania, $9,500,000.

(2) Environmental improvements at the Department of Veterans Affairs medical center in Marion, Illinois, $11,500,000.

(3) Environmental improvements for ward renovation for patient privacy at the Department of Veterans Affairs medical center in Omaha, Nebraska, $7,700,000.

(4) Environmental improvements at the Department of Veterans Affairs medical center in Pittsburgh, Pennsylvania, $17,400,000.

(5) Environmental improvements for the renovation of various buildings at the Department of Veterans Affairs medical center in Waco, Texas, $26,000,000.

(6) Environmental improvements for the replacement of psychiatric beds at the Department of Veterans Affairs medical center in Marion, Indiana, $17,300,000.

(7) Environmental improvements for the renovation of psychiatric wards at the Department of Veterans Affairs medical center in Perry Point, Maryland, $15,100,000.

(8) Environmental enhancement at the Department of Veterans Affairs medical center in Salisbury, North Carolina, $18,200,000.

(c) SEISMIC CORRECTION PROJECT.—The Secretary may carry out seismic corrections to Building Number 324 at the Department of Veterans Affairs medical center in Palo Alto, California, in the amount of $20,800,000.

(d) PROJECT AUTHORIZATION WHEN PARTIAL FUNDING PROVIDED.—If the amount of funds appropriated for fiscal year 1997 or 1998 for design and partial construction of a major medical facility project that is authorized in this section is less than the amount required to complete the construction of that project as authorized and if the Secretary obligates funds for such construction, such project shall be deemed to be fully authorized. Any such authorization shall cease to have effect at the close of fiscal year 2001.

SEC. 202. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Allentown, Pennsylvania, in an amount not to exceed $2,159,000.

(2) Lease of a satellite outpatient clinic in Beaumont, Texas, in an amount not to exceed $1,940,000.

(3) Lease of a satellite outpatient clinic in Boston, Massachusetts, in an amount not to exceed $2,358,000.

(4) Lease of a parking facility in Cleveland, Ohio, in an amount not to exceed $1,300,000.

(5) Lease of a satellite outpatient clinic and Veterans Benefits Administration field office in San Antonio, Texas, in an amount not to exceed $2,256,000.

(6) Lease of a satellite outpatient clinic in Toledo, Ohio, in an amount not to exceed $2,223,000.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 and fiscal year 1998—

(1) for the Construction, Major Projects, account, a total of $358,150,000 for the projects authorized in section 201; and

(2) for the Medical Care account, a total of $12,236,000 for the leases authorized in section 202.

(b) LIMITATION.—The projects authorized in section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1997 or fiscal year 1998 consistent with the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1997 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1997 or fiscal year 1998 for a category of activity not specific to a project.

SEC. 204. STRATEGIC PLANNING.

Section 8107 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsections:

''(a) In order to promote effective planning for the efficient provision of care to eligible veterans, the Secretary, based on the analysis and recommendations of the Under Secretary for Health, shall submit to each committee an annual report regarding long-range health planning of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

''(b) Each report under subsection (a) shall include the following:

''(1) A five-year strategic plan for the provision of care under chapter 17 of this title to eligible veterans through coordinated networks of medical facilities operating within prescribed geographic service-delivery areas, such plan to include provision of services for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) through distinct programs or facilities of the Department dedicated to the specialized needs of those veterans.

''(2) A description of how planning for the networks will be coordinated.

''(3) A profile regarding each such network of medical facilities which identifies—

''(A) the mission of each existing or proposed medical facility in the network;

''(B) any planned change in the mission for any such facility and the rationale for such planned change;

''(C) the population of veterans to be served by the network and anticipated changes over a five-year period and a ten-year period, respectively, in that population and in the health-care needs of that population;

''(D) information relevant to assessing progress toward the goal of achieving relative equivalency in the level of resources per patient distributed to each network, such information to include the plans for and progress toward lowering the cost of care-delivery in the network (by means such as changes in the mix in the network of physicians, nurses, physician assistants, and advance practice nurses);

''(E) the capacity of non-Federal facilities in the network to provide acute, long-term, and specialized treatment and rehabilitative services (described in section 7305 of this title), and determinations regarding the extent to which services to be provided in each service-delivery area and each facility in such area should be provided directly through facilities of the Department or through contract or other arrangements, including arrangements authorized under sections 8111 and 8153 of this title; and

''(F) a five-year plan for construction, replacement, or alteration projects in support of the approved mission of each facility in the network and a description of how those projects will improve access to care, or quality of care, for patients served in the network.

''(4) A status report for each facility on progress toward—

''(A) instituting planned mission changes identified under paragraph (3)(B);

''(B) implementing principles of managed care of eligible veterans; and

''(C) developing and instituting cost-effective alternatives to provision of institutional care.''; and

(3) by adding at the end the following new subsection:

''(d)(1) The Secretary shall submit to each committee, not later than January 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project and the projected cost of such project (including the projected operating costs, including both recurring and nonrecurring costs). The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

''(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

''(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.''.

SEC. 205. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

''(b) Whenever the President or the Secretary submit to the Congress a request for the funding of a major medical facility project (as defined in subsection (a)(3)(A)) or a major medical facility lease (as defined in subsection (a)(3)(B)), the Secretary shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Any such prospectus shall include the following:'';

(2) in paragraph (1)—

(A) by striking out ''a detailed'' and inserting in lieu thereof ''A detailed''; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out ''an estimate'' and inserting in lieu thereof ''An estimate''; and

(B) by striking out ''; and'' and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out ''an estimate'' and inserting in lieu thereof ''An estimate''; and

(5) by adding at the end the following new paragraphs:

''(4) Demographic data applicable to such facility, including information on projected changes in the population of veterans to be served by the facility over a five-year period and a ten-year period.

''(5) Current and projected workload and utilization data regarding the facility.

''(6) Current and projected operating costs of the facility, including both recurring and non-recurring costs.

''(7) The priority score assigned to the project or lease under the Department's prioritization methodology and, if the project or lease is being proposed for funding before a project or lease with a higher score, a specific explanation of the factors other than the priority score that were considered and the basis on which the project or lease is proposed for funding ahead of projects or leases with higher priority scores.

''(8) In the case of a prospectus proposing the construction of a new or replacement medical facility, a description of each alternative to construction of the facility that was considered.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 206. CONSTRUCTION AUTHORIZATION REQUIREMENTS.

(a) DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.—Paragraph (3)(A) of section 8104(a) is amended by striking out ''$3,000,000'' and inserting in lieu thereof ''$4,000,000''.

(b) APPLICABILITY OF CONSTRUCTION AUTHORIZATION REQUIREMENT.—(1) Subsection (b) of section 301 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102–405; 106 Stat. 1984) is repealed.

(2) The amendments made by subsection (a) of such section shall apply with respect to any major medical facility project or any major medical facility lease of the Department of Veterans Affairs, regardless of when funds are first appropriated for that project or lease, except that in the case of a project for which funds were first appropriated before October 9, 1992, such amendments shall not apply with respect to amounts appropriated for that project for a fiscal year before fiscal year 1998.

(c) LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.—Section 8104 is amended by adding at the end the following new subsection:

''(f) The Secretary may not obligate funds in an amount in excess of $500,000 from the Advance Planning Fund of the Department toward design or development of a major medical facility project (as defined in subsection (a)(3)(A)) until—

''(1) the Secretary submits to the committees a report on the proposed obligation; and

''(2) a period of 30 days has passed after the date on which the report is received by the committees.''.

SEC. 207. TERMINOLOGY CHANGES.

(a) DEFINITION OF ''CONSTRUCT''.—Section 8101(2) is amended—

(1) by striking out ''working drawings'' and inserting in lieu thereof ''construction documents''; and

(2) by striking out ''preliminary plans'' and inserting in lieu thereof ''design development''.

(b) PARKING FACILITIES.—Section 8109(h)(3)(B) is amended by striking out ''working drawings'' and inserting in lieu thereof ''construction documents''.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

SEC. 301. REVISION OF AUTHORITY TO SHARE MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION.

(a) STATEMENT OF PURPOSE.—The text of section 8151 is amended to read as follows:

''It is the purpose of this subchapter to strengthen the medical programs at Department facilities and improve the quality of health care provided veterans under this title by authorizing the Secretary to enter into agreements with health-care providers in order to share health-care resources with, and receive health-care resources from, such providers while ensuring no diminution of services to veterans.''.

(b) DEFINITIONS.—Section 8152 is amended—

(1) by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following new paragraphs (1) and (2):

''(1) The term 'health-care resource' includes hospital care and medical services (as those terms are defined in section 1701 of this title), any other health-care service, and any health-care support or administrative resource.

''(2) The term 'health-care providers' includes health-care plans and insurers and any organizations, institutions, or other entities or individuals who furnish health-care resources.''; and

(2) by redesignating paragraph (4) as paragraph (3).

(c) AUTHORITY TO SECURE HEALTH-CARE RESOURCES.—Section 8153 is amended as follows:

(1) Subsection (a) is amended—

(A) in paragraph (1)—

(i) by striking out ''certain specialized medical resources'' and inserting in lieu thereof ''health-care resources'';

(ii) by striking out ''other medical resources'' and inserting in lieu thereof ''other health-care resources''; and

(iii) by striking out ''of—'' and all that follows through ''section 1742(a) of this title'' and inserting in lieu thereof ''of health-care resources between Department health-care facilities and any health-care provider, or other entity or individual'';

(B) in paragraph (2), by striking out ''only'' and all that follows through ''are not'' and inserting in lieu thereof ''if such resources are not, or would not be,''; and

(C) by adding at the end the following:

''(3)(A) If the health-care resource required is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the Department in accordance with section 7302 of this title, including medical practice groups and other entities associated with affiliated institutions, blood banks, organ banks, or research centers, the Secretary may make arrangements for acquisition of the resource without regard to any law or regulation that would otherwise require the use of competitive procedures for acquiring the resource.

''(B)(i) If the health-care resource required is a commercial service or the use of medical equipment or space, and is not to be acquired from an entity described in subparagraph (A), any procurement of the resource may be conducted without regard to any law or regulation that would otherwise require the use of competitive procedures for procuring the resource, but only if the procurement is conducted in accordance with the simplified procedures prescribed pursuant to clause (ii).

''(ii) The Secretary, in consultation with the Administrator for Federal Procurement Policy, may prescribe simplified procedures for the procurement of health-care resources under this subparagraph. The Secretary shall publish such procedures for public comment in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). Such procedures shall permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) for the resources to be procured and provide for the consideration by the Department of bids, proposals, or quotations so submitted.

''(iii) Pending publication of the procedures under clause (ii), the Secretary shall (except as provided under subparagraph (A)) procure health-care resources referred to in clause (i) in accordance with all procurement laws and regulations.

''(C) Any procurement of health-care resources other than those covered by subparagraph (A) or (B) shall be conducted in accordance with all procurement laws and regulations.

''(D) For any procurement to be conducted on a sole source basis other than a procurement covered by subparagraph (A), a written justification shall be prepared that includes the information and is approved at the levels prescribed in section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)).

''(E) As used in this paragraph, the term 'commercial service' means a service that is offered and sold competitively in the commercial marketplace, is performed under standard commercial terms and conditions, and is procured using firm-fixed price contracts.''.

(2) Subsection (b) is amended by striking out ''reciprocal reimbursement'' in the first sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof ''payment to the Department in accordance with procedures that provide appropriate flexibility to negotiate payment which is in the best interest of the Government.''.

(3) Subsection (d) is amended by striking out ''preclude such payment, in accordance with—'' and all that follows through ''to such facility therefor'' and inserting in lieu thereof ''preclude such payment to such facility for such care or services''.

(4) Such section is further amended—

(A) by redesignating subsection (e) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

''(e) The Secretary may make an arrangement that authorizes the furnishing of services by the Secretary under this section to individuals who are not veterans only if the Secretary determines—

''(1) that veterans will receive priority under such an arrangement; and

''(2) that such an arrangement—

''(A) is necessary to maintain an acceptable level and quality of service to veterans at that facility; or

''(B) will result in the improvement of services to eligible veterans at that facility.

''(f) Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.''.

(d) CLERICAL AMENDMENTS.—(1) The heading of section 8153 is amended to read as follows:

''§ 8153. Sharing of health-care resources''.

(2) The item relating to section 8153 in the table of sections at the beginning of chapter 81 is amended to read as follows:

''8153. Sharing of health-care resources.''.

SEC. 302. IMPROVED EFFICIENCY IN HEALTH CARE RESOURCE MANAGEMENT.

(a) TEMPORARY EXPANSION OF AUTHORITY FOR SHARING AGREEMENTS.—Section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 8111 note) is amended—

(1) by inserting ''(a) AUTHORITY.—'' before ''The Secretary of Veterans Affairs''; and

(2) by adding at the end thereof the following new subsection:

''(b) USE OF FUNDS.—Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.''.

(b) REPEAL OF SUNSET PROVISION.—(1) Section 204 of such Act (38 U.S.C. 8111 note) is repealed.

(2) Any services provided pursuant to agreements entered into under section 201 of such Act (38 U.S.C. 8111 note) during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act are hereby ratified.

(c) COST RECOVERY.—Title II of such Act is further amended by adding at the end the following new section:

''SEC. 207. AUTHORITY TO BILL HEALTH-PLAN CONTRACTS.

''(a) RIGHT TO RECOVER.—In the case of a primary beneficiary (as described in section 201(a)(2)(B)) who has coverage under a health-plan contract, as defined in section 1729(i)(1)(A) of title 38, United States Code, and who is furnished care or services by a Department medical facility pursuant to this title, the United States shall have the right to recover or collect charges for such care or services from such health-plan contract to the extent that the beneficiary (or the provider of the care or services) would be eligible to receive payment for such care or services from such health-plan contract if the care or services had not been furnished by a department or agency of the United States. Any funds received from such health-plan contract shall be credited to funds that have been allotted to the facility that furnished the care or services.

''(b) ENFORCEMENT.—The right of the United States to recover under such a beneficiary's health-plan contract shall be enforceable in the same manner as that provided by subsections (a)(3), (b), (c)(1), (d), (f), (h), and (i) of section 1729 of title 38, United States Code.''.

SEC. 303. PERSONNEL FURNISHING SHARED RESOURCES.

Section 712(b)(2) is amended—

(1) by striking out ''the sum of—'' and inserting in lieu thereof ''the sum of the following:'';

(2) by capitalizing the first letter of the first word of each of subparagraphs (A) and (B);

(3) by striking out ''; and'' at the end of subparagraph (A) and inserting in lieu thereof a period; and

(4) by adding at the end the following new subparagraph:

''(C) The number of such positions in the Department during that fiscal year held by persons involved in providing health-care resources under section 8111 or 8153 of this title or under section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4949; 38 U.S.C. 8111 note).''.

SEC. 304. WAITING PERIOD FOR ADMINISTRATIVE REORGANIZATIONS.

Section 510(b) is amended—

(1) in the second sentence, by striking out ''a 90-day period of continuous session of Congress following the date of the submission of the report'' and inserting in lieu thereof ''a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session''; and

(2) in the third sentence, by striking out ''such 90–day period'' and inserting in lieu thereof ''any period of continuity of session''.

SEC. 305. REPEAL OF LIMITATIONS ON CONTRACTS FOR CONVERSION OF PERFORMANCE OF ACTIVITIES OF DEPARTMENT HEALTH-CARE FACILITIES AND REVISED ANNUAL REPORTING REQUIREMENT.

Subsection (c) of section 8110 is amended to read as follows:

''(c) The Secretary shall include in the materials submitted to Congress each year in support of the budget of the Department for the next fiscal year a report on activities and proposals involving contracting for performance by contractor personnel of work previously performed by Department employees. The report shall—

''(1) identify those specific activities that are currently performed at a Department facility by more than 10 Department employees which the Secretary proposes to study for possible contracting involving conversion from performance by Department employees to performance by employees of a contractor; and

''(2) identify those specific activities that have been contracted for performance by contractor employees during the prior fiscal year (shown by location, subject, scope of contracts, and savings) and shall describe the effect of such contracts on the quality of delivery of health services during such year.''.

Subtitle B—Care of Women Veterans

SEC. 321. MAMMOGRAPHY QUALITY STANDARDS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7318 the following new section:

''§ 7319. Mammography quality standards

''(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under subsection (e) of section 354 of the Public Health Service Act (42 U.S.C. 263b).

''(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

''(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Service Act.

''(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

''(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

''(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in paragraph (5) of section 354(a) of the Public Health Service Act.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following new item:

''7319. Mammography quality standards.''.

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary of Veterans Affairs shall prescribe standards under subsection (b) of section 7319 of title 38, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

(c) IMPLEMENTATION REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of section 7319 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 322. PATIENT PRIVACY FOR WOMEN PATIENTS.

(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and, in cases in which it is cost-effective to do so, are given a high priority.

(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1997, and not later than October 1 each year thereafter through 1999 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.

SEC. 323. ASSESSMENT OF USE BY WOMEN VETERANS OF DEPARTMENT HEALTH SERVICES.

(a) REPORTS TO UNDER SECRETARY FOR HEALTH.—The Center for Women Veterans of the Department of Veterans Affairs (established under section 509 of Public Law 103–446), in consultation with the Advisory Committee on Women Veterans, shall assess the

use by women veterans of health services through the Department of Veterans Affairs, including counseling for sexual trauma and mental health services. The Center shall submit to the Under Secretary for Health of the Department of Veterans Affairs a report not later than April 1, 1997, and April 1 of each of the two following years, on—

(1) the extent to which women veterans described in paragraphs (1) and (2) of section 1710(a) of title 38, United States Code, fail to seek, or face barriers in seeking, health services through the Department, and the reasons therefor; and

(2) recommendations, if indicated, for encouraging greater use of such services, including (if appropriate) public service announcements and other outreach efforts.

(b) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than July 1, 1997, and July 1 of each of the two following years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the most recent report of the Center for Women Veterans under subsection (a);

(2) the views of the Under Secretary for Health on such report's findings and recommendations; and

(3) a description of the steps being taken by the Secretary to remedy any problems described in the report.

SEC. 324. REPORTING REQUIREMENTS.

(a) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Section 107(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4947) is amended by striking out ''Not later than January 1, 1993, January 1, 1994, and January 1, 1995'' and inserting in lieu thereof ''Not later than January 1 of 1993 and each year thereafter through 1998''.

(b) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act is amended—

(1) in paragraph (2)(A), by inserting ''(including information on the number of inpatient stays and the number of outpatient visits through which such services were provided)'' after ''facility''; and

(2) by adding at the end the following new paragraph:

''(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.''.

Subtitle C—Readjustment Counseling and Mental Health Care

SEC. 331. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) EXPANSION OF ELIGIBILITY.—Subsection (a) of section 1712A is amended to read as follows:

''(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B), the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life. Such counseling may include a general mental and psychological assessment of the veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

''(B) Subparagraph (A) applies to the following veterans:

''(i) Any veteran who served on active duty—

''(I) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during the Vietnam era; or

''(II) after May 7, 1975, in an area at a time during which hostilities occurred in that area.

''(ii) Any veteran (other than a veteran covered by clause (i)) who served on active duty during the Vietnam era who seeks or is furnished such counseling before January 1, 2000.

''(2)(A) Upon the request of any veteran (other than a veteran covered by paragraph (1)) who served in the active military, naval, or air service in a theater of combat operations (as so determined) during a period of war, or in any other area during a period in which hostilities (as defined in subparagraph (B)) occurred in such area, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

''(B) For the purposes of subparagraph (A), the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.''.

(b) REPEAL OF REFERRAL PROVISIONS.—Subsection (c) of such section is repealed.

SEC. 332. REPORTS RELATING TO VET CENTERS.

(a) REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OUTPATIENT CLINICS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing for the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The report shall include an assessment of the following:

(A) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(B) The effect of such collocation on the capacity of such centers and clinics to carry out their primary mission.

(C) The extent to which such collocation will impair the operational independence or administrative integrity of such centers and clinics.

(D) The feasibility of combining the services provided by such centers and clinics in the course of such collocation.

(E) The advisability of the collocation of centers and clinics of significantly different size.

(F) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(G) The amount of any costs savings to be achieved by Department as a result of such collocation.

(H) Any other matter that the Secretary considers appropriate.

(b) REPORT ON PROVISION OF LIMITED HEALTH CARE SERVICES AT READJUSTMENT COUNSELING CENTERS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing a limited battery of health care services (including ambulatory services and health care screening services) to veterans at Department of Veterans Affairs readjustment counseling centers.

(2) The report shall include a discussion of the following:

(A) The effect on the advisability of providing health care services at readjustment counseling centers of the geographic location of such centers, including the urban location and rural location of such centers and the proximity of such centers to Department of Veterans Affairs medical facilities.

(B) The effect on the advisability of providing such services at such centers of the type and level of services to be provided, and the demographic characteristics (including age, socio-economic status, ethnicity, and sex) of veterans likely to be provided the services.

(C) The effect of providing such services at such centers on the readjustment counseling center program in general and on the efficiency and autonomy of the clinical and administrative operations of the readjustment counseling centers in particular.

(D) Any other matter that the Secretary considers appropriate.

(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to preclude the Secretary, during the period before the submission of the reports under this section, from providing limited health care services at Vet Centers.

SEC. 333. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter III of chapter 5 is amended by inserting after section 544 the following new section:

''§ 545. Advisory Committee on the Readjustment of Veterans

''(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereinafter in this section referred to as the 'Committee').

''(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

''(A) have demonstrated significant civic or professional achievement; and

''(B) have experience with the provision of veterans benefits and services by the Department.

''(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

''(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

''(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

''(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

''(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

''(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

''(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

''(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

''(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

''(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

''(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

''(B) a review of the programs and activities of the Department designed to meet such needs; and

''(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

''(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

''(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

''(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

''(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

''(2) Section 14 of such Act shall not apply to the Committee.''.

(2) The table of sections at the beginning of chapter 5 is amended by inserting after the item relating to section 544 the following new item:

''545. Advisory Committee on the Readjustment of Veterans.''.

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 545 of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary of Veterans Affairs shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

SEC. 334. CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7319, as added by section 321(a)(1), the following new section:

''§ 7320. Centers for mental illness research, education, and clinical activities

''(a) The purpose of this section is to provide for the improvement of the provision of health-care services and related counseling services to eligible veterans suffering from mental illness (especially mental illness related to service-related conditions) through—

''(1) the conduct of research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department);

''(2) the education and training of health care personnel of the Department; and

''(3) the development of improved models and systems for the furnishing of mental health services by the Department.

''(b)(1) The Secretary shall establish and operate centers for mental illness research, education, and clinical activities. Such centers shall be established and operated by collaborating Department facilities as provided in subsection (c)(1). Each such center shall function as a center for—

''(A) research on mental health services;

''(B) the use by the Department of specific models for furnishing services to treat serious mental illness;

''(C) education and training of health-care professionals of the Department; and

''(D) the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department.

''(2) The Secretary shall, upon the recommendation of the Under Secretary for Health, designate the centers under this section. In making such designations, the Secretary shall ensure that the centers designated are located in various geographic regions of the United States. The Secretary may designate a center under this section only if—

''(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

''(B) the Secretary makes the finding described in subsection (d); and

''(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

''(3) Not more than five centers may be designated under this section.

''(4) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

''(c) A proposal submitted for the designation of a center under this section shall—

''(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities in the same geographic area which have a mission centered on care of the mentally ill and a Department facility in that area which has a mission of providing tertiary medical care;

''(2) provide that no less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facility or facilities that have a mission centered on care of the mentally ill; and

''(3) provide for a governance arrangement between the collaborating Department facilities which ensures that the center will be established and operated in a manner aimed at improving the quality of mental health care at the collaborating facility or facilities which have a mission centered on care of the mentally ill.

''(d) The finding referred to in subsection (b)(2)(B) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

''(1) An arrangement with an accredited medical school that provides education and training in psychiatry and with which one or more of the participating Department facilities is affiliated under which medical residents receive education and training in psychiatry through regular rotation through the participating Department facilities so as to provide such residents with training in the diagnosis and treatment of mental illness.

''(2) An arrangement with an accredited graduate program of psychology under which students receive education and training in clinical, counseling, or professional psychology through regular rotation through the participating Department facilities so as to provide such students with training in the diagnosis and treatment of mental illness.

''(3) An arrangement under which nursing, social work, counseling, or allied health personnel receive training and education in mental health care through regular rotation through the participating Department facilities.

''(4) The ability to attract scientists who have demonstrated achievement in research—

''(A) into the evaluation of innovative approaches to the design of mental health services; or

''(B) into the causes, prevention, and treatment of mental illness.

''(5) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

''(e)(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

''(2) The panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department.

''(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

''(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(f) Clinical and scientific investigation activities at each center established under this section—

''(1) may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account; and

''(2) shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

''(g) The Under Secretary for Health shall ensure that at least three centers designated under this section emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

''(h) The Under Secretary for Health shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration. Such dissemination shall be made through publications, through programs of continuing medical and related education provided through regional medical

education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

''(i) The official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

''(j)(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section amounts as follows:

''(A) $3,125,000 for fiscal year 1998.

''(B) $6,250,000 for each of fiscal years 1999 through 2001.

''(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.''.

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7319, as added by section 321(a)(2), the following new item:

''7320. Centers for mental illness research, education, and clinical activities.''.

(b) ANNUAL REPORTS.—Not later than February 1 of each of 1999, 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the centers for mental illness research, education, and clinical activities established pursuant to section 7320 of title 38, United States Code (as added by subsection (a)). Each such report shall include the following:

(1) A description of the activities carried out at each center and the funding provided for such activities.

(2) A description of the advances made at each of the participating facilities of the center in research, education and training, and clinical activities relating to mental illness in veterans.

(3) A description of the actions taken by the Under Secretary for Health pursuant to subsection (h) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(4) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall designate at least one center under section 7320 of title 38, United States Code, not later than January 1, 1998.

SEC. 335. COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

(a) ESTABLISHMENT.—Subchapter II of chapter 73 is amended by adding after section 7320, as added by section 334(a)(1), the following new section:

''§ 7321. Committee on Care of Severely Chronically Mentally Ill Veterans

''(a) The Secretary, acting through the Under Secretary for Health, shall establish in the Veterans Health Administration a Committee on Care of Severely Chronically Mentally Ill Veterans. The Under Secretary shall appoint employees of the Department with expertise in the care of the chronically mentally ill to serve on the committee.

''(b) The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of mentally ill veterans whose mental illness is severe and chronic and who are eligible for health care furnished by the Department, including the needs of such veterans who are women. In carrying out that responsibility, the committee shall—

''(1) evaluate the care provided to such veterans through the Veterans Health Administration;

''(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

''(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

''(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

''(c) The committee shall—

''(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of severely chronically mentally ill veterans; and

''(2) make recommendations to the Under Secretary—

''(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

''(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

''(C) regarding research needs and priorities relevant to the care of such veterans; and

''(D) regarding the appropriate allocation of resources for all such activities.

''(d)(1) Not later than April 1, 1997, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

''(A) A list of the members of the committee.

''(B) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a systemwide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

''(C) The plans of the committee for further assessments.

''(D) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

''(E) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

''(2) Not later than February 1, 1998, and February 1 of each of the three following years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7320, as added by section 334(a)(2) the following new item:

''7321. Committee on Care of Severely Chronically Mentally Ill Veterans.''.

Subtitle D—Other Provisions

SEC. 341. HOSPICE CARE STUDY.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a research study to determine the desirability of the Secretary furnishing hospice care to terminally ill veterans and to evaluate the most cost effective and efficient way to do so. The Secretary shall carry out the study using resources and personnel of the Department.

(b) CONDUCT OF STUDY.—In carrying out the study required by subsection (a), the Secretary shall—

(1) evaluate the programs, and the program models, through which the Secretary furnishes hospice care services within or through facilities of the Department of Veterans Affairs and the programs and program models through which non-Department facilities provide such services;

(2) assess the satisfaction of patients, and family members of patients, in each of the program models covered by paragraph (1);

(3) compare the costs (or range of costs) of providing care through each of the program models covered by paragraph (1); and

(4) identify any barriers to providing, procuring, or coordinating hospice services through any of the program models covered by paragraph (1).

(c) PROGRAM MODELS.—For purposes of subsection (b)(1), the Secretary shall evaluate a variety of types of models for delivery of hospice care, including the following:

(1) Direct furnishing of full hospice care by the Secretary.

(2) Direct furnishing of some hospice services by the Secretary.

(3) Contracting by the Secretary for the furnishing of hospice care, with a commitment that the Secretary will provide any further required hospital care for the patient.

(4) Contracting for all required care to be furnished outside the Department.

(5) Referral of the patient for hospice care without a contract.

(d) REPORT.—Not later than April 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the research study. The report shall set forth the Secretary's findings and recommendations. The Secretary shall include in the report information on the extent to which the Secretary advises veterans concerning their eligibility for hospice care and information on the number of veterans (as of the time of the report) who are in each model of hospice care described in subsection (c) and the average cost per patient of hospice care for each such model.

SEC. 342. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

''(2) The Secretary may pay each State per diem at a rate determined by the Secretary

for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.''.

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) is amended by inserting ''adult day health,'' before ''or hospital care''.

(2) Section 8132 is amended by inserting ''adult day health,'' before ''or hospital care''.

(3) Section 8135(b) is amended—

(A) in paragraph (2)(C), by inserting ''or adult day health care facilities'' after ''domiciliary beds''; and

(B) in paragraph (3)(A), by inserting ''or construction (other than new construction) of adult day health care buildings'' before the semicolon.

SEC. 343. RESEARCH CORPORATIONS.

(a) RENEWAL OF AUTHORITY.—Section 7368 is amended by striking out ''December 31, 1992'' and inserting in lieu thereof ''December 31, 2000''.

(b) CLARIFICATION OF TAX-EXEMPT STATUS.—Sections 7361(b) and 7363(c) are amended by striking out ''section 501(c)(3) of''.

(c) PERIODIC AUDITS.—Subsection (b) of section 7366 is amended by striking out ''The corporation'' in the second sentence and all that follows through ''shall include that report'' and inserting in lieu thereof the following: ''A corporation with revenues in excess of $300,000 for any year shall obtain an audit of the corporation for that year. A corporation with annual revenues between $10,000 and $300,000 shall obtain an independent audit of the corporation at least once every three years. Any audit under the preceding sentences shall be performed by an independent auditor. The corporation shall include the most recent such audit''.

(d) COMPLIANCE WITH CONFLICT OF INTEREST LAWS AND REGULATIONS.—Subsection (c)(2) of section 7366 is amended by striking out ''an annual statement signed by the director or employee certifying that the director or'' and inserting in lieu thereof ''a statement signed by the executive director of the corporation certifying that each director and''.

(e) REVISED REPORTING REQUIREMENT.—Subsection (d) of section 7366 is amended to read as follows:

''(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the corporations established under this subchapter. The report shall set forth the following information:

''(1) The location of each corporation.

''(2) The amount received by each corporation during the previous year, including—

''(A) the total amount received;

''(B) the amount received from governmental entities;

''(C) the amount received from all other sources; and

''(D) if the amount received from a source referred to in subparagraph (C) exceeded $25,000, information that identifies the source.

''(3) The amount expended by each corporation during the year, including—

''(A) the amount expended for salary for research staff and for salary for support staff;

''(B) the amount expended for direct support of research; and

''(C) if the amount expended with respect to any payee exceeded $35,000, information that identifies the payee.''.

SEC. 344. VETERANS HEALTH ADMINISTRATION HEADQUARTERS.

Section 7306 is amended by adding at the end the following new subsection:

''(f) In organizing the Office and appointing persons to positions in the Office, the Under Secretary shall ensure that—

''(1) the Office is staffed so as to provide the Under Secretary, through a designated clinician in the appropriate discipline in each instance, with expertise and direct policy guidance on—

''(A) unique programs operated by the Administration to provide for the specialized treatment and rehabilitation of disabled veterans (including blind rehabilitation, care of spinal cord dysfunction, mental illness, and long-term care); and

''(B) the programs established under section 1712A of this title; and

''(2) with respect to the programs established under section 1712A of this title, a clinician with appropriate expertise in those programs is responsible to the Under Secretary for the management of those programs.''.

SEC. 345. DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS.

Section 7406(c) is amended—

(1) by striking out ''Department hospital'' each place it appears and inserting in lieu thereof ''Department facility furnishing hospital care or medical services'';

(2) by striking out ''participating hospital'' in paragraph (4)(C) and inserting in lieu thereof ''participating facility''; and

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

SEC. 346. AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS.

Section 7432(b)(2) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) The Secretary may suspend a special pay agreement entered into under this section in the case of a physician or dentist who, having entered into the special pay agreement, enters a residency training program. Any such suspension shall terminate when the physician or dentist completes, withdraws from, or is no longer a participant in the program. During the period of such a suspension, the physician or dentist is not subject to the provisions of paragraph (1).''.

SEC. 347. REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL.

(a) AUTHORITY.—Subsection (b) of section 7423 is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the matter preceding paragraph (1) by striking out ''subsection (b)(6)'' and inserting in lieu thereof ''subsection (b)(5)''.

SEC. 348. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WISCONSIN.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order—

(1) to permit Milwaukee County, Wisconsin, to grant all or part of such land to another party with a condition on such grant that the grantee use such land only for civic and recreational purposes; and

(2) to provide that the conditions under which title to all or any part of such land reverts to the United States are stated so that any such reversion would occur at the option of the United States.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 28 acres of land, more or less, conveyed to Milwaukee County, Wisconsin, pursuant to the Act entitled ''An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin'', approved August 27, 1954 (68 Stat. 866).

(c) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 349. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, CHEYENNE, WYOMING.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order to permit the City of Cheyenne, Wyoming, to grant all or part of such land to the First Cheyenne Federal Credit Union (formerly known as the Cheyenne VAF Federal Credit Union) with a condition on such grant that the First Cheyenne Federal Credit Union use such land only for the purpose of constructing a building to house its operations.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 27 acres of land, more or less, conveyed to the City of Cheyenne, Wyoming, pursuant to the Act entitled ''An Act authorizing the Administrator of Veterans' Affairs to convey certain property to the City of Cheyenne, Wyoming'', approved November 8, 1965 (79 Stat. 1304).

(c) TERMS OF REVERSIONARY INTEREST.—In carrying out this section, the Secretary may cause the statement of the conditions under which title to all or any part of the land described in subsection (b) reverts to the United States to be revised so that any such reversion would occur at the option of the United States.

(d) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 350. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JOHNSON CITY, TENNESSEE.

(a) NAME.—The Mountain Home Department of Veterans Affairs Medical Center in Johnson City, Tennessee, shall after the date of the enactment of this Act be known and designated as the ''James H. Quillen Department of Veterans Affairs Medical Center''. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the James H. Quillen Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997.

SEC. 351. REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the health care needs of

veterans in east central Florida. In preparing the report, the Secretary shall consider the needs of such veterans for psychiatric and long-term care. The Secretary shall include in the report the Secretary's views, based on the Secretary's determination of such needs, as to the best means of meeting such needs using the amounts appropriated pursuant to the authorization of appropriations in this Act and Public Law 103–452 for projects to meet the health care needs of such veterans. The Secretary may, subject to the availability of appropriations for such purpose, use an independent contractor to assist in the determination of such health care needs.

(b) LIMITATION.—The Secretary may not obligate any funds, other than for design work, for the conversion of the former Orlando Naval Training Center Hospital in Orlando, Florida (now under the jurisdiction of the Secretary of Veterans Affairs), to a nursing home care unit until 45 days after the date on which the report required by subsection (a) is submitted.

SEC. 352. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) EXTENSION OF AUTHORITY.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4652; 38 U.S.C. 1117 note) is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''December 31, 1998''.

(b) RATIFICATION OF ACTIONS.—Any diagnostic testing and medical examinations undertaken by the Secretary of Veterans Affairs for the purpose of the study required by subsection (a) of such section during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act is hereby ratified.

POLICY AND CONSERVATION ACT EXTENSION ACT OF 1996

MURKOWSKI AMENDMENT NO. 5415

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 3868) to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to implement this part.'';

(2) in section 181 (42 U.S.C. 6251) by striking ''June 30, 1996'' both places it appears and inserting in lieu thereof ''September 30, 1997'';

(3) by striking ''section 252(l)(1)'' in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting ''section 252(k)(1)'';

(4) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking ''allocation and information provisions of the international energy program'' and inserting ''international emergency response provisions'';

(B) in subsection (d)(3), by striking ''known'' and inserting after ''circumstances'' ''known at the time of approval'';

(C) in subsection (e)(2) by striking ''shall'' and inserting ''may'';

(D) in subsection (f)(2) by inserting ''voluntary agreement or'' after ''approved'';

(E) by amending subsection (h) to read as follows:

''(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

''(1) the international energy program, or

''(2) any allocation, price control, or similar program with respect to petroleum products under this Act.'';

(F) in subsection (i) by inserting ''annually, or'' after ''least'' and by inserting ''during an international energy supply emergency'' after ''month'';

(G) in subsection (k) by amending paragraph (2) to read as follows—

''(2) The term ''international emergency response provisions'' means—

''(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

''(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on ''Stocks and Supply Disruptions'') for—

''(i) the coordinated drawdown of stocks of petroleum products held on controlled by governments; and

''(ii) complementary actions taken by governments during an existing or impending international oil supply disruption''; and

(H) by amending subsection (l) to read as follows—

''(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'';

(5) by adding at the end of section 256(h), ''There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part.''

(6) by adding at the end of section 256(h) (42 U.S.C. 6276(h)) ''There are authorized to be appropriated for fiscal year 1997 such sums as may be necessary to carry out this part.'';

(7) in section 281 (42 U.S.C. 6285) by striking ''June 30, 1996'' both places it appears and inserting in lieu thereof ''September 30, 1997'';

(8) in section 365(f)(1) (42 U.S.C. 6325(f)(1)) by striking ''not to exceed'' and all that follows through ''fiscal year 1993'' and inserting in lieu thereof ''for fiscal year 1997 such sums as may be necessary'';

(9) by amending section 397 (42 U.S.C. 6371f) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary,''; and

(10) in section 400BB(b) (42 U.S.C. 6374a(b)) by amending paragraph (1) to read as follows:

''(1) There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for fiscal year 1997, to remain available until expended.''.

SEC. 2. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal year 1997 such sums as may be necessary.''.

THE HEALTH PROFESSIONS EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT OF 1996

KASSEBAUM AMENDMENT NO. 5416

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 555) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes; as follows:

On page 116, lines 18 and 19, strike ''With'' and all that follows through ''the'' and insert ''The''.

On page 116, line 21, strike ''such''.

On page 122, line 22, strike '', and'' and all that follows through ''dentists'' on line 24.

On page 116, strike lines 16 through 23.

On page 126, line 24, strike ''(c)'' and insert ''(b)''.

On page 128, line 9, strike ''(d)'' and insert ''(c)''.

On page 128, line 18, strike ''(e)'' and insert ''(d)''.

On page 140, line 3, strike ''tion 747'' and insert ''tions 747 and 750''.

On page 170, line 1, insert ''dentistry,'' after the comma.

On page 170, line 2, insert ''dentists,'' after the comma.

On page 196, strike lines 4 through 11, and insert the following:

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking ''$350,000,000'' and all that follows through ''1995'' and inserting ''$260,000,000 for fiscal year 1996, $160,000,000 for fiscal year 1997, and $80,000,000 1998'';

(2) by striking ''obtained prior loans insured under this subpart'' and inserting ''obtained loans insured under this subpart in fiscal year 1996 or in prior fiscal years''; and

(3) by adding at the end thereof the following new sentence: ''The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.''.

Beginning on page 212, strike line 10 and all that follows through line 14 on page 220.

On page 220, line 15, strike ''303'' and insert ''302''.

On page 221, line 6, strike ''304'' and insert ''303''.

On page 222, line 12, strike ''305'' and insert ''304''.

NOTICE

Incomplete record of Senate proceedings.

Senate proceedings for today will be continued in the next issue of the Record.