any entity or officer, governing board member, employee, or contractor of the entity named, the civil action or proceeding shall be removed to the appropriate United States district court. The civil action or proceeding shall be stayed in such court until such court conducts a hearing, and makes a determination, as to the appropriate forum or procedure for the assertion of the claim for damages described in subsection (a) and issues an order consistent with such determination.''.

SEC. 7. APPLICATION OF COVERAGE TO MANAGED CARE PLANS.

Section 224 (42 U.S.C. 223) (as amended by section 6) is amended by adding at the end the following:

''(m)(1) An entity or officer, governing board member, employee, or contractor of an entity described in subsection (g)(1) shall, for purposes of this section, be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are enrollees of a managed care plan if the entity contracts with such managed care plan for the provision of services.

''(2) Each managed care plan which enters into a contract with an entity described in subsection (g)(4) shall deem the entity and any officer, governing board member, employee, or contractor of the entity as meeting whatever malpractice coverage requirements such plan may require of contracting providers for a calendar year if such entity or officer, governing board member, employee, or contractor of the entity has been deemed to be an employee of the Public Health Service for purposes of this section for such calendar year. Any plan which is found by the Secretary on the record, after notice and an opportunity for a full and fair hearing, to have violated this subsection shall upon such finding cease, for a period to be determined by the Secretary, to receive and to be eligible to receive any Federal funds under titles XVIII or XIX of the Social Security Act.

''(3) For purposes of this subsection, the term 'managed care plan' shall mean health maintenance organizations and similar entities that contract at-risk with payors for the provision of health services or plan enrollees and which contract with providers (such as entities described in subsection (g)(4)) for the delivery of such services to plan enrollees.''.

SEC. 8. COVERAGE FOR PART-TIME PROVIDERS UNDER CONTRACTS.

Section 224(g)(5)(B) (42 U.S.C. 223(g)(5)(B)) is amended to read as follows:

''(B) in the case of an individual who normally performs an average of less than 32½ hours of services per week for the entity for the period of the contract, the individual is a licensed or certified provider of services in the fields of family practice, general internal medicine, general pediatrics, or obstetrics and gynecology.''.

SEC. 9. DUE PROCESS FOR LOSS OF COVERAGE.

Section 224(i)(1) (42 U.S.C. 233(i)(1)) is amended by striking ''may determine, after notice and opportunity for a hearing'' and inserting ''may on the record determine, after notice and opportunity for a full and fair hearing''.

SEC. 10. AMOUNT OF RESERVE FUND.

Section 224(k)(2) (42 U.S.C. 223(k)(2)) is amended by striking ''$30,000,000'' and inserting ''$10,000,000''.

TRIBUTE TO NATHAN H. BRIDGES WINNER OF RAIL SAFETY AWARD

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mr. FORD. Mr. Speaker, I would like to pay tribute to one of my constituents, Mr. Nathan H. Bridges of Memphis, TN who has been awarded the Harold F. Hammond Award for safety achievements in the railroad industry. Mr. Bridges, a motor car repairman for the Illinois Central Railroad in my congressional district, is responsible for the maintenance and repair of all track equipment for his maintenance-of-way work unit. Mr. Bridges, who has been chairman of the railroad's Southern Region engineering department safety committee since 1993, was selected from over 200,000 railroad workers. His work also enabled his company, the Illinois Central Railroad win for the fifth time the E.H. Harriman Memorial Award. The Harriman Award is given to railroad companies and their employees for achieving Federal Railroad Administration safety standards.

Secretary of Transportation Federico Pena noted this milestone saying: ''Our statistics show that the rate of train accidents and rail employee injuries—along with the number of rail employee fatalities—were at their lowest levels in 1994.'' Mr. Bridges and the superb employees of the Illinois Central Railroad in Memphis made a significant contribution to these safety statistics.

Mr. Speaker, Memphis, TN is known across this country as ''America's Distribution Center.'' Mr. Bridges dedicated service has done much to help our great city keep its reputation as a center for commerce and transportation. More important though is Mr. Bridges' dedication to safety. The number of lives saved by his commitment to safety cannot be quantified. Mr. Speaker, I would like to include a short biography of Mr. Bridges and a description of the award for the record and ask that the House of Representatives join me in honoring his contribution.

THE HAMMOND AWARD WINNER

Nathan H. Bridges

Nathan H. Bridges, who repairs track equipment for his maintenance-of-way unit of Illinois Central Railroad, is the Harold F. Hammond Safety Award winner.

Mr. Bridges is being recognized for his promotion of on-the-job safety awareness, an unselfish commitment to advancing safety knowledge at employee meetings and improving safety-related dialogue among employees and senior management of Illinois Central.

On his own time, Mr. Bridges produces a quarterly safety newsletter for distribution to fellow employees in IC's Southern Region, counsels schoolchildren on safe behavior near railroad tracks and enrolled in night courses on occupational safety even before IC's current tuition refund program was inaugurated.

A safety consultant who encountered Mr. Bridges on the job later remarked to Illinois Central's Southern Region superintendent that ''if Illinois Central had other employees thinking like Nathan Bridges, solving safety problems would be a breeze.''

In nominating Mr. Bridges for the Hammond Award, Illinois Central's chief executive officer, Hunter Harrison, wrote that after Mr. Bridges was asked to take charge of a superintendent's safety committee, ''he immediately told everyone on the committee either to start contributing or resign and make room for someone who would. He assigned all the committee members research projects and had them write letters for a regional safety newsletter.''

Mr. Harrison added that in Mr. Bridges' continuing role as chairman of the superintendent's safety committee, he repeatedly has reminded track supervisors and even engineering superintendents that employee safety concerns are the first order of business on Illinois Central Railroad.

The Harold F. Hammond Safety Award, established in 1986, is awarded to an individual railroad employee who has demonstrated outstanding safety achievement during the preceding year.

CLEANUP OF THE ROCKY MOUNTAIN ARSENAL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1995

Mrs. SCHROEDER. Mr. Speaker, one of the Nation's most notorious military environmental problems just took a big step forward. The World War II-era Rocky Mountain Arsenal, located in my district, manufactured and stored chemical munitions. It later leased land to Shell Chemical Co. for pesticide production. Thirty years of haphazard chemical disposal by both resulted in a surface and ground water mess that vexed Federal, military, State, and corporate leaders who faced complicated cleanup questions.

Many of those questions were answered with the release yesterday of a tentative conceptual cleanup strategy. I wish to submit into the record that agreement. It can be reviewed by a wide audience and can provide necessary background as this project seeks continued funding from a diminishing defense environmental restoration account.

The remarkable fact about this agreement is the 6-year, painstaking negotiations undertaken to get there. Bitter pills were swallowed by all. And days of fine tuning are still ahead. But the real winner is human health and the environment. I wish to applaud the negotiators who gave years of blood, sweat and tears to reach the following agreement.

Mr. Speaker, here follows a milestone.

ROCKY MOUNTAIN ARSENAL REMEDY NEGOTIATIONS, EMBASSY SUITES HOTEL, SE DENVER, MAY 9–11, 1995

CONCEPTUAL AGREEMENT COMPONENTS

(Please refer to attached map for site locations.)

Background

This proposal represents a tentative conceptual agreement between the U.S. Army, Shell Oil Company, the state of Colorado, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service for the cleanup of the Rocky Mountain Arsenal. The conceptual remedy was reached based upon ongoing discussions during the past six months, which included stakeholders, and on the past studies performed at the Arsenal as part of the Superfund process. This tentative conceptual agreement is contingent on the successful resolution of issues yet to be resolved by the parties.

Timetable for Ongoing Process

Assuming continued resolution of issues between the parties, a new Detailed Analysis

of Alternatives (DAA) will be issued by the Army within the next six months. Concurrently, a Proposed Plan for the on-post cleanup will be issued for public review and comment. Stakeholder involvement will continue during this process. A closure plan for Basin F will be finalized within the next six months as well.

1. Future Hazardous Waste Landfill (RCRA).

A new on-site, state-of-the-art hazardous waste landfill will be constructed in an agreed-upon location between Former Basin F and North Plants. One cell (approximately 750,000 cubic yards) of this landfill will have an enhanced design and will contain contaminated soil from the Basin F Waste Pile and Lime Basins. This landfill will accept material only from the Arsenal.

2. Former Basin F.

Principal threat soil will be treated inplace using solidification to a depth of 10 feet.

A RCRA-equivalent cap with biota barrier will be constructed over the former basin to prevent contact with remaining human health exceedence soil and to minimize further groundwater contamination.

3. Basin F Waste Pile.

Waste pile soil, including the bottom liners, will be excavated and placed in an enhanced cell at the future on-site, state-of-the-art hazardous waste landfill designed for approximately 750,000 cubic yards of contaminated soil (to include Basin F Waste Pile and Lime Basin soil).

If the waste pile soil exceeds EPA's paint filter test, moisture content will be reduced to acceptable levels by using a dryer in an enclosed structure. Volatile organic compounds from the drying process will be captured and treated.

Additional odor controls will be employed as necessary.

4.Basin A

To reduce the amount of clean soil used for fill from other portions of the Arsenal, excavated biota exceedence soil from other sites at the Arsenal will be placed in Basin A as fill material under the cap.

Structural debris on the Arsenal, except agent-contaminated building material and pesticide-contaminated building material (unless pesticide-contaminated building material is washed), may be placed in Basin A as fill material.

Contaminated soil (both principal threat and human health exceedence soil), structural debris on the Arsenal, and Arsenal biota exceedence soil will be entombed under 6 inches of concrete and a soil cover.

5. South Plants Central Processing Area.

Principal threat and human health exceedence soil will be excavated to a depth of 5 feet and placed in the future on-site, state-of-the-art hazardous waste landfill.

A soil cover with a biota barrier will be constructed over the site to isolate remaining contamination.

6. Balance of South Plants Areas.

Principal threat and human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

Biota exceedence soil will be excavated for use as fill material in Basin A.

7. North Plants.

Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

8. Pits and Trenches.

A. Complex (Army) Trenches: Construction of a slurry wall around the Trenches and a RCRA-equivalent cap with biota barrier (6 inches of concrete) will prevent contact with contaminated soil and will minimize further groundwater contamination.

A groundwater pump and treat system will be installed and operated to intercept the Section 36 Bedrock Ridge Plume until the plume is hydrologically controlled.

B. Shell Trenches: Expansion of the current slurry wall around the Trenches and a RCRA-equivalent cap with biota barrier will prevent contact with contaminated soil and will minimize further groundwater contamination.

C. M–1 Pits: Principal threat and human health exceedence soil will be excavated and treated via a solidification technology. Treated soil will be placed in the future on-site, state-of-the-art hazardous waste landfill.

D. Hex Pits: Principal threat soils will be treated with a yet-to-be-agreed-upon technology.

E. Lime Basin: Principal threat and human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

F. Burial Trenches: Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

9. Ditches, etc.

A. Sand creek Lateral: Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill; biota exceedence soil will be excavated and used as fill material in Basin A.

B. Buried lake sediments: Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

C. South Plants Ditches: Principal threat and human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

Biota exceedence soil will be excavated and used as fill material in Basin A.

10. *Secondary Basins:* Human health exceedence soil will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

Biota exceedence soil will be excavated and used as fill material in Basin A.

11. *Chemical Sewers:* Chemical sewer lines (typically buried deeper than 6 feet) and manholes located in the South Plants Central Processing Area will be plugged with concrete. A soil cover with a biota barrier will be placed at the surface. These actions will eliminate access to the lines and minimize further groundwater contamination.

In areas outside the South Plants Central Processing Area, human health exceedence soil associated with the sewers will be excavated and placed in the future on-site, state-of-the-art hazardous waste landfill.

12. *Structures:* Demolish all contaminated structures.

In order to minimize use of clean soil for fill material in Basin A, building debris could be placed into Basin A for fill, except agent-contaminated building material and pesticide-contaminated building material (unless pesticide-contaminated building material is washed).

13. *Munitions:* Munitions and munition debris in formerly used testing sites will be located and excavated. Excavated debris and associated soil will be placed in the future on-site, state-of-the-art hazardous waste landfill. If explosives-containing munitions are found, they are to be taken to the closest on-post site for detonation. If not considered safe for removal and transport, they are to be detonated in place.

14. *Groundwater:* The Army's proposal in the Detailed Analysis of Alternatives (DAA) was agreed upon. In addition, Basin A and South Plants Central Processing areas will *not* be de-watered (also, see points on Complex (Army) Trenches above).

Major components of the Army's DAA proposal include:

Continued operation of all existing groundwater pump and treat systems including the three boundary systems (Irondale, Northwest Boundary and North Boundary Control Systems) and interim response action systems (Motor Pool and Rail Classification Yard Extraction System, Basin F Groundwater, IRA, Basin A Neck IRA and Off-post System).

South Plants Tank Farm plume groundwater will be treated with an in-situ biological process.

Additional issues under ''Issues Yet To Be Resolved'' section remain to be resolved.

15. *Alternative Water Supply:* 4,000 acre feet and distribution system for residents (area yet to be determined).

ISSUES STILL BEING DISCUSSED INCLUDE:

1. *Soil Volumes*

2. *Existing (sanitary) Landfills*

3. *Assorted Groundwater Issues, including:* Point of compliance, cleanup levels for additional compounds and application of Colorado Basic Groundwater Standards.

4. *The Appropriate Remedy for Surficial Soils, Other Ditches, Lake Sediments*

5. *Assorted Off-Post Issues such as:*

A. Off-post soils

B. Montbello soil sampling

C. Health Screening