

Inc., invalidated these State statutes on the basis of Federal patent laws preemption. The legislation I am introducing today would address the concerns of hull splashing without attempting to amend the patent are copyright laws.

Such nonintrusive initiatives are not new to Congress. In 1984, Congress acted to protect the unique nature of design work when it passed the Semiconductor Chip Protection Act. This act was designed to protect the mask works of semiconductor chips, which are essentially the molds form which the chips are made, against unauthorized duplication. I believe that the approach Congress took in that legislation would also be sufficient to protect boat hull designs.

The Boat Protection Act of 1996 would work in concert with current Federal law to protect American marine manufacturers from harmful and unfair competition. I am introducing this bill today as a demonstration of my commitment to the immediate resolution of this problem, and since enactment of this legislation during the remaining days of the 104th Congress is unlikely, I intend to pursue this issue as priority in the 105th Congress.

I urge my colleagues to support the Boat Protection Act of 1996 and to join in this effort to protect the American public and the marine manufacturing community from the assault on American ingenuity caused by hull splash-

ing. ●
By Mr. WARNER (for himself, Mr. ROBB, Mr. SARBANES and Ms. MIKULSKI):

S.J. Res. 62. A joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS ACT OF 1996
● Mr. WARNER. Mr. President, I am introducing legislation today which would grant the consent of Congress to amendments made by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact. The compact amendments that are being proposed today govern how the Washington Metropolitan Area Transit Authority (WMATA), better known as "Metro", conducts its daily operations as a transit provider.

The Washington Metropolitan Area Transit Authority was established in 1967 by Congress when it consented to an Interstate Compact created by Virginia, Maryland, and the District of Columbia. The authority was established to plan, finance, construct and operate a comprehensive public transit system for the Metropolitan Washington area. Today, Metro operates 1,439 buses and 764 rail cars serving the entire national capital region. The Metrorail System, sometimes called "America's Subway" has 89 miles and 74 stations currently

in service. Over the next several years, Metro will construct another 13.5 miles of the rail system, with the planned 103-mile rail system being completed in 2001.

The Washington Metropolitan Area Transit Authority Compact has been amended five times since its inception. The amendments that are before the Committee are a sixth set of amendments that will enable the transit agency to perform its functions more efficiently and cost effectively.

The proposed amendments primarily, and most importantly, modify the Authority's procurement practices to conform with recently enacted federal procurement reforms. Currently, the Authority must use a sealed bid process in purchasing capital items. As you can imagine, the Authority conducts extensive procurement in constructing the rail system. The proposed amendments will enable Metro to engage in competitive negotiations on capital contracts, as an alternative to the sealed bid process. This amendment is particularly important as a means for the Authority to reduce its costs.

The transit agency will be better able to define selection criteria and eliminate costly items from bid proposals. If a prospective contractor recommends a change in a bid specification, under the proposed amendment that Authority will be able to take advantage of this cost savings.

The proposed amendments will also allow the Authority to raise its simplified purchasing ceiling from \$10,000 to the federal level. The Federal Transit Administration, part of the U.S. Department of Transportation, has encouraged states and localities to raise the dollar threshold for small purchases to \$100,000 to come into conformity with Federal procedures. The Authority and the jurisdictions it serves strongly endorse this proposed amendment, allowing the Authority to conduct its business in an efficient, business-like manner, rather than being required to publish voluminous bid specifications, even on small purchases. Under this revision, WMATA will be able to publish a simplified bid specification and accept price quotations, thus streamlining its procurement procedures. Given inflation rates over the past several years, this amendment provides a much better definition of "small purchase" for a government agency.

Finally, there are several administrative matters addressed in the proposed compact amendments that are certainly of a housekeeping nature. These amendments are largely codifications and clarifications of current practices. They relate to, for example, the primacy of D.C. Superior Court in cases involving WMATA, and the definition of a quorum at WMATA Board meetings.

This joint resolution is of the utmost importance to the Washington Metropolitan Area Transit Authority. It goes straight to the heart of how the Transit Authority does business. ●

ADDITIONAL COSPONSORS

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 1832

At the request of Ms. MIKULSKI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1832, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 2000

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 2000, a bill to make certain laws applicable to the Executive Office of the President, and for other purposes.

At the request of Mr. COATS, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 2000, *supra*.

S. 2030

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 2030, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, non-repairable, and rebuilt vehicles, and for other purposes.

S. 2075

At the request of Mr. CHAFEE, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 2075, a bill to amend title XVIII of the Social Security Act to provide additional consumer protections for Medicare supplemental insurance.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution expressing the sense of the Senate with respect to the persecution of Christians worldwide.

AMENDMENTS SUBMITTED

THE MARITIME SECURITY ACT OF 1996

GRASSLEY AMENDMENTS NOS. 5393-5395

Mr. GRASSLEY proposed three amendments to the bill (H.R. 1350) to amend the Merchant Marine Act, 1936

to revitalize the U.S.-flag merchant marine, and for other purposes; as follows:

AMENDMENT NO. 5393

On page 23, after line 25, insert the following:

"(7) FAIR AND REASONABLE COMPENSATION.—The term 'fair and reasonable compensation' means that charges for transportation provided by a vessel under section 653 do not exceed by more than 6 percent the lowest charges for the transportation of similar volumes of containerized or break bulk cargoes for private persons.

At the end of the bill, insert the following:

SEC. 18. MERCHANT MARINE ACT, 1936.

Section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)) is amended by adding at the end the following new paragraph:

"(3) For the purposes of this subsection, the Secretary of Transportation shall consider the rates of privately owned United States-flag commercial vessels that are available to an agency to transport cargo pursuant to paragraph (1) not to be fair and reasonable if, at the time the agency arranges for the transportation of the cargo, the lowest acceptable rate offered for the transportation by a privately owned United States-flag commercial vessel exceeds the lowest acceptable rate offered for the transportation by a foreign-flag commercial vessel by more than 6 percent."

SEC. 19. MILITARY SUPPLIES.

(a) IN GENERAL.—Section 2631 of title 10, United States Code, is amended—

(1) is subsection (a)—

(A) in the second sentence, by striking "is excessive or otherwise unreasonable" and inserting "is not fair and reasonable"; and

(B) in the third sentence, by striking "by those vessels may not be higher than the charges made for transporting like goods for private persons" and inserting "by those vessels as containerized or break bulk cargoes may not be higher than the charges made for transporting similar volumes of containerized or break bulk cargoes for private persons". (2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) For purposes of this section, the President shall consider the rates charged by a vessel referred to in this section not to be fair and reasonable if, at the time the arrangement is made for the transportation by sea of supplies referred to in subsection (a), the lowest acceptable freight offered for the transportation by any such vessel exceeds by more than 6 percent the lowest acceptable freight charged by a foreign-flag commercial vessel for transporting similar volumes of containerized or break bulk cargoes between the same geographic trade areas of origin and destination."

(b) MOTOR VEHICLES FOR MEMBER ON CHARGE OF PERMANENT STATION.—Section 2634 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by inserting "or if the freight charged by a vessel, referred to in clause (1) or (2) is not fair and reasonable" after "available"; and

(2) by adding at the end of subsection (b) the following new clause:

"(3) The term 'fair and reasonable' means with respect to the transportation of a motor vehicle by a vessel referred to in clause (1) or (2) of subsection (a) that the freight charged for such transportation does not exceed, by more than 6 percent, the lowest freight charged for such transportation by a vessel referred to in clause (3)."

AMENDMENT NO. 5394

On page 16, between lines 23 and 24, insert the following:

"(q) PROHIBITION ON THE USE OF FUNDS FOR LOBBYING OR PUBLIC EDUCATION.—

"(1) IN GENERAL.—An operating agreement under this subtitle shall provide that no payment received by an owner or operator under the operating agreement may be used for the purpose of lobbying or public education.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'lobbying' and 'public education' shall have the meanings provided those terms by the Secretary of Transportation."

On page 18, between lines 21 and 22, insert the following:

"(4) PROHIBITION ON THE USE OF FUNDS FOR LOBBYING OR PUBLIC EDUCATION.—

"(A) IN GENERAL.—An Emergency Preparedness Agreement under this section shall provide that no payment received by a contractor under this section may be used for the purpose of lobbying or public education.

"(B) DEFINITIONS.—For purposes of this paragraph, the terms 'lobbying' and 'public education' shall have the meanings provided those terms by the Secretary of Transportation."

On page 26, between lines 17 and 18, insert the following new subsection:

"(g) PROHIBITION ON THE USE OF FUNDS FOR LOBBYING OR PUBLIC EDUCATION.—Section 603 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1173) is amended by adding at the end the following new subsection:

"(4) PROHIBITION ON THE USE OF FUNDS FOR LOBBYING OR PUBLIC EDUCATION.—

"(1) IN GENERAL.—No subsidy received by a contractor under a contract under this section may be used for the purpose of lobbying or public education.

"(2) DEFINITIONS.—For purposes of this subsection, the terms, 'lobbying' and 'public education' shall have the meanings provided those terms by the Secretary of Transportation."

On page 16, between lines 23 and 24, insert the following:

"(q) PROHIBITION ON THE USE OF FUNDS TO INFLUENCE AN ELECTION.—An operating agreement under this subtitle shall provide that no payment received by an owner or operator under the operating agreement may be used for the purpose of influencing an election."

On page 18, between lines 21 and 22, insert the following:

"(4) PROHIBITION ON THE USE OF FUNDS TO INFLUENCE AN ELECTION.—An Emergency Preparedness Agreement under this section shall provide that no payment received by a contractor under this section may be used for the purpose of influencing an election."

On page 26, between lines 17 and 18, insert the following:

"(c) PROHIBITION ON THE USE OF FUNDS TO INFLUENCE AN ELECTION.—Section 603 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1173) is amended by adding at the end the following:

"(g) PROHIBITION ON THE USE OF FUNDS TO INFLUENCE AN ELECTION.—No subsidy received by a contractor under a contract under this section may be used for the purpose of influencing an election."

AMENDMENT NO. 5395

At the appropriate place, insert the following new section:

SEC. . IMPLEMENTATION OF VOLUNTARY INTERMODAL SEALIFT AGREEMENT.

(a) IN GENERAL.—In any national emergency covered under the Voluntary Intermodal Sealift Agreement described in the notice issued by the Maritime Administra-

tion on October 19, 1995, at 60 Fed. Reg. 54144, the Secretary of Transportation shall ensure that, to the maximum extent practicable, United States-flag vessels are called into service to satisfy Department of Defense contingency sealift requirements under a Stage III activation of the Agreement (as described in the notice) before foreign flag vessels are used to satisfy any such requirements.

(b) LEVEL OF PARTICIPATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, United States-flag vessels that are the subject to a payment or subsidy under title VI of the Merchant Marine Act, 1936, as amended by section 2 of this Act, shall be required to participate under the Voluntary Intermodal Sealift Agreement in accordance with this section.

(2) STAGE III LEVEL OF PARTICIPANTS.—In a Stage III activation of the Voluntary Intermodal Sealift Agreement, a carrier shall make available for satisfying Department of Defense contingency sealift requirements 100 percent of the carrier's United States-flag vessels that are subject to a payment or subsidy referred to in paragraph (1).

(3) STAGE I OR II LEVEL OF PARTICIPATION.—In a Stage I or II activation of the Voluntary Intermodal Sealift Agreement, a carrier shall make available for satisfying Department of Defense contingency sealift requirements the maximum percentage practicable for the carrier's United States-flag vessels that are subject to a payment or subsidy referred to in paragraph (1).

(c) REQUIREMENT FOR CERTAIN STAGE III PARTICIPANTS.—

(1) REQUIREMENT.—Notwithstanding any other provision of law, in the provision of sealift services in accordance with a Stage III activation of the Voluntary Intermodal Sealift Agreement, a United States-flag vessel referred to in subsection (b) shall be operated by a crew composed entirely of United States citizens—

(A) whenever the vessel is in a combat zone; and

(B) during any other activity under Stage III of such agreement.

(2) PROHIBITION.—A carrier may not use any vessel other than a United States-flag vessel operated by a crew composed entirely of citizens of the United States to provide any part of sealift services that the carrier is obligated to provide under a Stage III activation of the Voluntary Intermodal Sealift Agreement.

(d) CONSULTATION.—The Administrator of the Maritime Administration, in consultation with the Secretary of Defense, shall establish procedures to ensure that the requirements of this section are met.

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

(1) COMBAT ZONE.—The term "combat zone" shall have the meaning provided that term in section 112(c)(2) of the Internal Revenue Code of 1986.

(2) NATIONAL EMERGENCY.—The term "national emergency" means a general declaration of emergency with respect to the national defense made by the President or by the Congress.

HARKIN AMENDMENT NO. 5396

Mr. INOUE (for Mr. HARKIN) proposed an amendment to amendment No. 5393 proposed by Mr. GRASSLEY to the bill, H.R. 1350, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . OCEAN FREIGHT CHARGES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation shall finance any ocean

freight charges for food or export assistance provided by the Federal Government for any fiscal year, to the extent that such charges are greater than would otherwise be the case because of the application of a requirement that agricultural commodities be transported in United States-flag vessels.

(b) APPLICATION OF OTHER ACTS.—Subsections (c), (d), and (e) of section 901d of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241h) shall apply to reimbursements required under subsection (a).

(c) DEFINITIONS.—As used in this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the same meaning given to such term by section 402 of the Agricultural Trade Development and Assistance Act of 1954.

(2) FOOD ASSISTANCE.—The term "food assistance" means any export activity described in section 901b(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(b)).

THE HEALTH CENTERS CONSOLIDATION ACT OF 1996

KASSABAUM AMENDMENT NO. 5397

Mr. LOTT (for Mrs. KASSEBAUM) proposed an amendment to the bill (S. 1044) to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Centers Consolidation Act of 1996".

SEC. 2. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended to read as follows:

"Subpart I—Health Centers

"SEC. 330. HEALTH CENTERS.

"(a) DEFINITION OF HEALTH CENTER.—

"(1) IN GENERAL.—For purposes of this section, the term 'health center' means an entity that serves a population that is medically underserved, or a special medically underserved population comprised of migratory and seasonal agricultural workers, the homeless, and residents of public housing, by providing, either through the staff and supporting resources of the center or through contracts or cooperative arrangements—

"(A) required primary health services (as defined in subsection (b)(1)); and

"(B) as may be appropriate for particular centers, additional health services (as defined in subsection (b)(2)) necessary for the adequate support of the primary health services required under subparagraph (A);

for all residents of the area served by the center (hereafter referred to in this section as the 'catchment area').

"(2) LIMITATION.—The requirement in paragraph (1) to provide services for all residents within a catchment area shall not apply in the case of a health center receiving a grant only under subsection (g), (h), or (i).

"(b) DEFINITIONS.—For purposes of this section:

"(1) REQUIRED PRIMARY HEALTH SERVICES.—

"(A) IN GENERAL.—The term 'required primary health services' means—

"(i) basic health services which, for purposes of this section, shall consist of—

"(I) health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by

physicians and where appropriate, physician assistants, nurse practitioners, and nurse midwives;

"(II) diagnostic laboratory and radiologic services;

"(III) preventive health services, including—

"(aa) prenatal and perinatal services;

"(bb) screening for breast and cervical cancer;

"(cc) well-child services;

"(dd) immunizations against vaccine-preventable diseases;

"(ee) screenings for elevated blood lead levels, communicable diseases, and cholesterol;

"(ff) pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care;

"(gg) voluntary family planning services; and

"(hh) preventive dental services;

"(IV) emergency medical services; and

"(V) pharmaceutical services as may be appropriate for particular centers;

"(ii) referrals to providers of medical services and other health-related services (including substance abuse and mental health services);

"(iii) patient case management services (including counseling, referral, and follow-up services) and other services designed to assist health center patients in establishing eligibility for and gaining access to Federal, State, and local programs that provide or financially support the provision of medical, social, educational, or other related services;

"(iv) services that enable individuals to use the services of the health center (including outreach and transportation services and, if a substantial number of the individuals in the population served by a center are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of such individuals); and

"(v) education of patients and the general population served by the health center regarding the availability and proper use of health services.

"(B) EXCEPTION.—With respect to a health center that receives a grant only under subsection (g), the Secretary, upon a showing of good cause, shall—

"(i) waive the requirement that the center provide all required primary health services under this paragraph; and

"(ii) approve, as appropriate, the provision of certain required primary health services only during certain periods of the year.

"(2) ADDITIONAL HEALTH SERVICES.—The term 'additional health services' means services that are not included as required primary health services and that are appropriate to meet the health needs of the population served by the health center involved. Such term may include—

"(A) environmental health services, including—

"(i) the detection and alleviation of unhealthful conditions associated with water supply;

"(ii) sewage treatment;

"(iii) solid waste disposal;

"(iv) rodent and parasitic infestation;

"(v) field sanitation;

"(vi) housing; and

"(vii) other environmental factors related to health; and

"(B) in the case of health centers receiving grants under subsection (g), special occupation-related health services for migratory and seasonal agricultural workers, including—

"(i) screening for and control of infectious diseases, including parasitic diseases; and

"(ii) injury prevention programs, including prevention of exposure to unsafe levels of agricultural chemicals including pesticides.

"(3) MEDICALLY UNDERSERVED POPULATIONS.—

"(A) IN GENERAL.—The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(B) CRITERIA.—In carrying out subparagraph (A), the Secretary shall prescribe criteria for determining the specific shortages of personal health services of an area or population group. Such criteria shall—

"(i) take into account comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

"(ii) include factors indicative of the health status of a population group or residents of an area, the ability of the residents of an area or of a population group to pay for health services and their accessibility to them, and the availability of health professionals to residents of an area or to a population group.

"(C) LIMITATION.—The Secretary may not designate a medically underserved population in a State or terminate the designation of such a population unless, prior to such designation or termination, the Secretary provides reasonable notice and opportunity for comment and consults with—

"(i) the chief executive officer of such State;

"(ii) local officials in such State; and

"(iii) the organization, if any, which represents a majority of health centers in such State.

"(D) PERMISSIBLE DESIGNATION.—The Secretary may designate a medically underserved population that does not meet the criteria established under subparagraph (B) if the chief executive officer of the State in which such population is located and local officials of such State recommend the designation of such population based on unusual local conditions which are a barrier to access to or the availability of personal health services.

"(c) PLANNING GRANTS.—

"(1) IN GENERAL.—

"(A) CENTERS.—The Secretary may make grants to public and nonprofit private entities for projects to plan and develop health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and lease of buildings and equipment (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(i) an assessment of the need that the population proposed to be served by the health center for which the project is undertaken has for required primary health services and additional health services;

"(ii) the design of a health center program for such population based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project;

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project; and

"(v) proposed linkages between the center and other appropriate provider entities, such as health departments, local hospitals, and rural health clinics, to provide better coordinated, higher quality, and more cost-effective health care services.