For appointment as Foreign Service Officer of Class One, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Larry Corbett, of Nevada

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Hans J. Amrhein, of Virginia

DEPARTMENT OF STATE

Phyllis Marie Powers, of Texas
Michael S. Tulley, of California

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Kimberly J. Delaney, of Virginia
Edith Fayssoux Jones Humphreys, of North Carolina

DEPARTMENT OF STATE

Jemile L. Bertot, of Connecticut

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Alfred B. Anzaldua, of California
David A. Beam, of Pennsylvania
Donald Armin Blome, of Illinois
P.P. Declan Byrne, of Washington
Lauren W. Catipon, of New Jersey
James Patrick DeHart, of Michigan
Joan Ellen Corbett, of Virginia
Judith Rodes Johnson, of Texas
Mary Elizabeth Swope, of Virginia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted in the Senior Foreign Service to the class indicated on October 18, 1992, now to be effective October 6, 1991:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Sylvia G. Stanfield, of Texas

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on November 6, 1988, now effective October 12, 1986:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Joan Ellen Corbett, of Virginia
Judith Rodes Johnson, of Texas
Mary Elizabeth Swope, of Virginia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on November 6, 1988, now effective January 3, 1988:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Sylvia G. Stanfield, of Texas

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on April 7, 1991, now effective November 19, 1989:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Virginia Carson Young, of the District of Columbia

The following-named Career Member of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 6, 1991, now effective April 7, 1991:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Judith M. Heimann, of Connecticut

The following-named Career Members of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 18, 1992, now effective April 7, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor

Judyt Landstein Mandel, of the District of Columbia
Mary C. Pendleton, of Virginia

The following-named Career Members of the Foreign Service of the Department of State, previously promoted into the Senior Foreign Service to the class indicated on October 18, 1992, now effective October 6, 1991:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Jean Anne Louis, of Virginia
Sharon K. Mercurio, of California
Ruth H. van Heuven, of Connecticut
Robin Lane White, of Massachusetts

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 Mrs. KASSEBAUM (for herself and Mr. INOUYE):

S. 2117. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Indian Affairs.

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 2118. A bill to amend the Internal Revenue Code of 1986 to allow casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. KERREY):

S. 2119. A bill to establish the Commission to Study the Federal Statistical System, and for other purposes; to the Committee on Governmental Affairs.

By Mr. NUNN:

S. 2120. A bill 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''; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. JEFFORDS, Mr. BAUCUS, Mr. SIMON, Mr. HOLLINGS, and Mr. WELLSTONE):

S. 2121. A bill to ensure medicare beneficiaries participating in managed care have access to emergency and urgent care; to the Committee on Finance.

By Mr. DEWINE:

S. 2122. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. COHEN, Mr. DOMENICI, Mr. PRESSLER, Mr. GRASSLEY, Mr. LEAHY, Mr. GREGG, Mrs. KASSEBAUM, Mr. AKAKA, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mr. D'AMATO, Mrs. FRAHM, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. THOMAS, Mr. DODD, Mr. DORGAN, Mr. BRADLEY, Mr. CHAFEE, and Mr. LAUTENBERG):

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; to the Committee on Environment and Public Works.

By Mr. KEMPTHORNE:

S. 2124. A bill to provide for an offer to transfer to the Secretary of the Army of certain property at the Navy Annex, Arlington, Virginia; to the Committee on Armed Services.

By Mr. LOTT:

S. 2125. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2126. A bill to temporarily waive the enrollment composition rule under the medicaid program for certain health maintenance organizations; to the Committee on Finance.

By Mr. KENNEDY:

S. 2127. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA:

S. 2128. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 2129. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 2130. An original bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; from the Committee on Foreign Relations; placed on the calendar.

By Mr. MOYNIHAN:

S. 2131. A bill to establish a bipartisan national commission on the year 2000 computer problem; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. INOUYE):

S. 2117. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Indian Affairs.

THE HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996

Mrs. KASSEBAUM. Mr. President, I rise today to introduce the Haskell Indian Nations University Administrative Systems Act of 1996. I am pleased to have the vice-chairman of the Indian Affairs Committee, Senator INOUYE, as a cosponsor. The purpose of this bill is to give Haskell Indian Nations University the authority and flexibility it needs to make a successful transition

from a junior college to a 4-year university.

Founded in 1884 as the U.S. Indian Industrial Training School, Haskell provided agricultural education in grades one through five. Ten years later, the school had changed its name to Haskell Institute and expanded its academic training beyond the eighth grade. By 1927 the secondary curriculum had been accredited, and in 1970 the school became Haskell Indian Junior College. In October 1993, after receiving accreditation to offer a bachelor of science degree in elementary teacher education, the school changed its name to Haskell Indian Nations University.

Haskell is a Kansas treasure and an institution cherished by native Americans and Alaska Natives. At any one time, as many as 175 tribes are represented in the student body. Integrating the perspectives of various native American cultures have assured Haskell's growth and success. As the first baccalaureate class graduates in May 1997, Haskell Indian Nations University is developing 4-year programs in other fields and continues to accept the challenge of enriching the lives of young native Americans and Alaska Natives.

As the school has changed, so should the system by which it is administered. Haskell's ability to make a successful transition from a junior college to a 4-year university is being compromised by the present system under which the Bureau of Indian Affairs must approve its appointments and the Office of Personnel Management establishes rankings for its professors.

This legislation allows the school to remain within the Bureau of Indian Affairs and its employees to continue to participate in Federal retirement and health benefit programs. However, the Haskell president and Board of Regents will have authority over organizational structure, the classification of positions, recruitment, procurement, and determination of all human resource policies and procedures. This legislation will give Haskell the autonomy enjoyed by the tribally controlled community colleges and BIA elementary and secondary schools. This bill has been introduced in the House of Representatives by Representative JAN MEYERS.

Mr. President, I am aware that we are near adjournment and it is unlikely that we can get this bill passed in the time remaining. However, I wanted to introduce it now because I am convinced that such legislation is essential to the success of Haskell Indian Nations University and that it should be a priority in the next Congress.

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. 2117

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 ''Haskell Indian Nations University Administrative Systems Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the provision of culturally sensitive curricula for higher education programs at Haskell Indian Nations University is consistent with the commitment of the Federal Government to the fulfillment of treaty obligations to Indian tribes through the principle of self-determination and the use of Federal resources; and

(2) giving a greater degree of autonomy to Haskell Indian Nations University, while maintaining the university as an integral part of the Bureau of Indian Affairs, will facilitate the transition of the university to a 4-year university.

SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions shall apply:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) UNIVERSITY.—The term ''Haskell Indian Nations University'' or ''university'' means the Haskell Indian Nations University, located in Lawrence, Kansas.

SEC. 4. PERSONNEL MANAGEMENT.

(a) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Chapters 51, 53, and 63 of title 5, United States Code (relating to classification, pay, and leave, respectively) and the provisions of such title relating to the appointment, performance evaluation, promotion, and removal of civil service employees shall not apply to applicants for employment with, employees of, or positions in or under the university.

(b) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—

(1) IN GENERAL.—The president of the university shall by regulation prescribe such personnel management provisions as may be necessary, in order to ensure the effective administration of the university, to replace the provisions of law that are inapplicable with respect to the university by reason of subsection (a).

(2) PROCEDURAL REQUIREMENTS.—The regulations prescribed under this subsection shall—

(A) be prescribed in consultation with the board of regents of the university and other appropriate representative bodies;

(B) be subject to the requirements of subsections (b) through (e) of section 553 of title 5, United States Code; and

(C) not take effect without the prior written approval of the Secretary.

(c) SPECIFIC SUBSTANTIVE REQUIREMENTS.—Under the regulations prescribed under this subsection—

(1) no rate of basic pay may, at any time, exceed—

(A) in the case of an employee who would otherwise be subject to the General Schedule, the maximum rate of basic pay then currently payable for grade GS–15 of the General Schedule (including any amount payable under section 5304 of title 5, United States Code, or other similar authority for the locality involved); or

(B) in the case of an employee who would otherwise be subject to subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems), the maximum rate of basic pay which (but for this section) would then otherwise be currently payable under the wage schedule covering such employee;

(2) the limitation under section 5307 of title 5, United States Code (relating to limitation on certain payments) shall apply, subject to such definitional and other modifications as may be necessary in the context of the alternative personnel management provisions established under this section;

(3) procedures shall be established for the rapid and equitable resolution of grievances;

(4) no university employee may be discharged without notice of the reasons therefor and opportunity for a hearing under procedures that comport with the requirements of due process, except that this paragraph shall not apply in the case of an employee serving a probationary or trial period under an initial appointment; and

(5) university employees serving for a period specified in or determinable under an employment agreement shall, except as otherwise provided in the agreement, be notified at least 30 days before the end of such period as to whether their employment agreement will be renewed.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the applicability of any provision of law providing for—

(A) equal employment opportunity;

(B) Indian preference; or

(C) veterans' preference; or

(2) the eligibility of any individual to participate in any retirement system, any program under which any health insurance or life insurance is afforded, or any program under which unemployment benefits are afforded, with respect to Federal employees.

(e) LABOR-MANAGEMENT PROVISIONS.—

(1) COLLECTIVE-BARGAINING AGREEMENTS.—Any collective-bargaining agreement in effect on the day before the effective date specified under subsection (f)(1) shall continue to be recognized by the university until altered or amended pursuant to law.

(2) EXCLUSIVE REPRESENTATIVE.—Nothing in this Act shall affect the right of any labor organization to be accorded (or to continue to be accorded) recognition as the exclusive representative of any unit of university employees.

(3) OTHER PROVISIONS.—Matters made subject to regulation under this section shall not be subject to collective bargaining, except in the case of any matter under chapter 63 of title 5, United States Code (relating to leave).

(f) EFFECTIVE DATE.—

(1) ALTERNATIVE PERSONNEL MANAGEMENT PROVISIONS.—The alternative personnel management provisions under this section shall take effect on such date as may be specified in the regulations, except that such date may not be later than 1 year after the date of the enactment of this Act.

(2) PROVISIONS MADE INAPPLICABLE BY THIS SECTION.—Subsection (a) shall take effect on the date specified under paragraph (1).

(g) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the alternative personnel management provisions under this section shall apply with respect to all applicants for employment with, all employees of, and all positions in or under the university.

(2) CURRENT EMPLOYEES NOT COVERED EXCEPT PURSUANT TO A VOLUNTARY ELECTION.—

(A) IN GENERAL.—A university employee serving on the day before the effective date specified under subsection (f)(1) shall not be subject to the alternative personnel management provisions under this section (and shall instead, for all purposes, be treated in the same way as if this section had not been enacted, notwithstanding subsection (a)) unless, before the end of the 5–year period beginning on such effective date, such employee elects to be covered by such provisions.

(B) PROCEDURES.—An election under this paragraph shall be made in such form and in such manner as may be required under the regulations, and shall be irrevocable.

(3) TRANSITION PROVISIONS.—

(A) PROVISIONS RELATING TO ANNUAL AND SICK LEAVE.—Any individual who—

(i) makes an election under paragraph (2), or

(ii) on or after the effective date specified under subsection (f)(1), is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a university position from a non-university position with the Federal Government or the government of the District of Columbia,

shall be credited, for the purpose of the leave system provided under regulations prescribed under this section, with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment, as the case may be.

(B) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—

(i) ANNUAL LEAVE.—Upon termination of employment with the university, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and section 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so liquidated.

(ii) SICK LEAVE.—Upon termination of employment with the university, any sick leave remaining to the credit of an individual within the purview of this section shall be creditable for civil service retirement purposes in accordance with section 8339(m) of title 5, United States Code, except that leave earned or accrued under regulations prescribed under this section shall not be so creditable.

(C) TRANSFER OF REMAINING LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any university employee who is transferred, promoted, or reappointed, without a break in service of 3 days or longer, to a position in the Federal Government (or the government of the District of Columbia) under a different leave system, any remaining leave to the credit of that individual earned or credited under the regulations prescribed under this section shall be transferred to such individual's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

(4) WORK-STUDY.—Nothing in this section shall be considered to apply with respect to a work-study student, as defined by the president of the university in writing.

SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.

The Secretary shall, to the maximum extent consistent with applicable law and subject to the availability of appropriations therefor, delegate to the president of the university procurement and contracting authority with respect to the conduct of the administrative functions of the university.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997, and for each fiscal year thereafter—

(1) the amount of funds made available by appropriations as operations funding for the administration of the university for fiscal year 1996; and

(2) such additional sums as may be necessary for the operation of the university pursuant to this Act.

By Mr. FAIRCLOTH (for himself and Mr. HELMS:)

S. 2118. A bill to amend the Internal Revenue Code of 1986 to allow casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

DISASTER LOSSES LEGISLATION

● Mr. FAIRCLOTH. Mr. President, joined by my colleague from North Carolina, Mr. HELMS, I introduce a bill that addresses a real concern for millions of middle-class people in disaster-prone areas.

The Tax Code permits the deduction of uninsured casualty losses. The Tax Code, however, requires these losses to total more than 10 percent of the taxpayer's adjusted gross income. Consequently, although a large number of middle-class taxpayers are faced with large repair and cleanup bills, these bills often fall short of the 10 percent of adjusted gross income threshold.

Mr. President, 43 North Carolina counties—home to more than half of the State population—were declared Federal disaster areas as a result of Hurricane Fran. Thousands of houses were destroyed and tens of thousands of houses suffered serious damage. These losses are clearly substantial enough to fall within the scope of the deduction.

However, there are hundreds of thousands of North Carolina families that suffered uninsured damage that, although substantial, falls short of the 10 percent limitation.

In fact, Mr. President, homeowners' insurance policies cover removal of trees that strike the house, but these policies do not otherwise cover downed or damaged trees. Further, insurance payments for tree removal are often capped far below the real cost of these efforts, which leaves insured homeowners, too, with a large bill.

It is estimated that Hurricane Fran caused $500 million in tree damage in North Carolina. The foresters estimate that the hurricane downed between 1 and 25 percent of the trees in affected areas.

I drove back to Sampson County, NC, during the hurricane, and the roads were littered with trees and branches. It was a sight of pure devastation.

Unfortunately, standard insurance policies do not cover much of this damage, so homeowners face some large and unexpected bills for cleanup costs.

For example, in the city of Raleigh, which is more than 100 miles inland, thousands of homeowners lost trees. Families across North Carolina face tree removal bills that range from $1,000 to $3,000 and upward. In fact, Mr. President, many families were required to hire crane crews to remove downed trees. The tree loss was remarkable in much of North Carolina.

These are middle-class families that earn under $50,000 per year. These tree removal bills are a real hit. However, because these bills often do not quite reach the 10 percent threshold, the deduction is unavailable.

As you know, Mr. President, an unanticipated $3,000 bill is a tremendous blow for most middle-class families. Consequently, many families are forced to dip into their savings, and others are required to borrow thousands of dollars.

It is a shame to see these people forced to raid their savings due to the 10 percent floor on the uninsured loss deduction. The Tax Code acknowledges that uninsured casualty losses are appropriate deductions. This bill, however, further acknowledges the burdens of catastrophic storms on the families that live in these areas.

This legislation thus eliminates the 10-percent requirement in Federal disaster areas. It permits working Americans to hold on to a bit more of their own earnings in the wake of a catastrophic storm.

Many families enjoy incomes sufficient enough to disqualify them for Federal grant assistance. These middle-class families do not want handouts. This bill, however, represents an acknowledgment of the special burdens on hard-working families in Federal disaster areas.

I think that this is reasonable legislation, Mr. President, and I hope that my colleagues will join me and Senator HELMS in this effort.●

By Mr. MOYNIHAN (for himself and Mr. KERREY):

S. 2119. A bill to establish the Commission to Study the Federal Statistical System, and for other purposes; to the Committee on Governmental Affairs.

THE COMMISSION TO STUDY THE FEDERAL STATISTICAL SYSTEM ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise today to introduce, along with Senator KERREY of Nebraska, legislation that would establish a Commission To Study the Federal Statistical System.

The United States has the oldest and by and large finest data gathering system in the world. Statistics are part of our constitutional arrangement, which provides for a decennial census that, among other purposes, is the basis for apportionment of membership in the House of Representatives. I quote from article I, section I:

. . . enumeration shall be made within three Years after the first meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

But, while the Constitution directed that there be a census, there was, initially, no Census Bureau. The earliest censuses were conducted by U.S. marshals. Later on, statistical bureaus in State governments collected the data, with a Superintendent of the Census overseeing from Washington. It was not until 1902 that a permanent Bureau of the Census was created by the Congress, housed initially in the Interior Department. In 1903 the Bureau was transferred to the newly established Department of Commerce and Labor.

The Statistics of Income Division of the Internal Revenue Service, which was originally an independent body, began collecting data in 1866. It too was transferred to the new Department of Commerce and Labor in 1903, but

then was put in the Treasury Department in 1913 following ratification of the 16th amendment, which gave Congress the power to impose an income tax.

The Bureau of Labor Statistics, created in 1884, was also initially in the Interior Department. The first Commissioner of the BLS, appointed in 1885, was Col. Carroll D. Wright, a distinguished Civil War veteran of the New Hampshire Volunteers. A self-trained social scientist, Colonel Wright pioneered techniques for collecting and analyzing survey data on income, prices, and wages. He had previously served as chief of the Massachusetts Bureau of Statistics, a post he held for 15 years, and in that capacity had supervised the 1880 Federal Census in Massachusetts.

In 1888, the Bureau of Labor Statistics became an independent agency. In 1903 it was once again made a Bureau, joining other statistical agencies in the Department of Commerce and Labor. When a new Department of Labor was formed in 1913—giving labor an independent voice, as labor was removed from the Department of Commerce and Labor—the Bureau of Labor Statistics was transferred to it.

And so it went. Statistical agencies sprung up as needed. And they moved back and forth as new executive departments were formed. Today, some 89 different organizations in the Federal Government comprise parts of our national statistical infrastructure. Eleven of these organizations have as their primary function the generation of data. These 11 organizations are:

Agency	Department	Date Established
National Agricultural Statistical Service.	Agriculture	1863
Statistics of Income Division, IRS.	Treasury	1866
Economic Research Service	Agriculture	1867
National Center for Education Statistics.	Education	1867
Bureau of Labor Statistics	Labor	1884
Bureau of the Census	Commerce	1902
Bureau of Economic Analysis	Commerce	1912
National Center for Health Statistics.	Health and Human Services	1912
Bureau of Justice Statistics	Justice	1968
Energy Information Administration.	Energy	1974
Bureau of Transportation Statistics.	Transportation	1991

NEED FOR LEGISLATION

President Kennedy once said:

Democracy is a difficult kind of government. It requires the highest qualities of self-discipline, restraint, a willingness to make commitments and sacrifices for the general interest, and also it requires knowledge.

That knowledge often comes from accurate statistics. You cannot begin to solve a problem until you can measure it.

This legislation would require the new Commission to conduct a comprehensive examination of our current statistical system and focus particularly on the agencies that produce data as their primary product—agencies such as the Bureau of Economic Analysis [BEA] and the Bureau of Labor Statistics [BLS].

This week I received a letter from nine former chairmen of the Council of Economic Advisers [CEA] endorsing this legislation. Excluding the two most recent chairs, who are still serving in the Clinton administration, the signatories include virtually every living chair of the CEA. While acknowledging that the United States ''possesses a first-class statistical system,'' these former chairmen remind us that ''problems periodically arise under the current system of widely scattered responsibilities.'' They conclude as follows:

Without at all prejudging the appropriate measures to deal with these difficult problems, we believe that a thoroughgoing review by a highly qualified and bipartisan Commission as provided in your Bill has great promise of showing the way to major improvements.

The letter is signed by: Michael J. Boskin, Martin Feldstein, Alan Greenspan, Paul W. McCracken, Raymond J. Saulnier, Charles L. Schultze, Beryl W. Sprinkel, Herbert Stein, and Murray Weidenbaum.

I ask unanimous consent that the full text of this letter be printed in the RECORD following my statement.

It happens that this Senator's association with the statistical system in the executive branch began over three decades ago. I was Assistant Secretary of Labor for Policy and Planning in the administration of President John F. Kennedy. This was a new position in which I was nominally responsible for the Bureau of Labor Statistics. I say nominally out of respect for the independence of that venerable institution, which as I noted earlier long predated the Department of Labor itself. The then-Commissioner of the BLS, Ewan Clague, could not have been more friendly and supportive. And so were the statisticians, who undertook to teach me to the extent I was teachable. They even shared professional confidences. And so it was that I came to have some familiarity with the field.

For example, at that time the monthly report of the unemployment rate was closely watched by capital and labor, as we would have said, and was frequently challenged. Committees regularly assembled to examine and debate the data. Published unemployment rates, based on current monthly survey methodology appeared, if memory serves, in 1948, and so the series was at most 14 years in place at this time.

There is, of course, a long history of attempts to reform our Nation's statistical infrastructure. From the period 1903 to 1990, 16 different committees, commissions, and study groups have convened to assess our statistical infrastructure, but in most cases little or no action has been taken on their recommendations. The result of this inaction has been an ever expanding statistical system. It continues to grow in order to meet new data needs, but with little or no regard for the overall objectives of the system. Janet L. Norwood, former Commissioner of the BLS, writes in her book ''Organizing to Count'':

The U.S. system has neither the advantages that come from centralization nor the efficiency that comes from strong coordination in decentralization. As presently organized, therefore, the country's statistical system will be hard pressed to meet the demands of a technologically advanced, increasingly internationalized world in which the demand for objective data of high quality is steadily rising.

In this era of government downsizing and budget cutting it is unlikely that Congress will appropriate more funds for statistical agencies. It is clear that to preserve and improve the statistical system we must consider reforming it, yet we must not attempt to reform the system until we have heard from experts in the field.

The Commission established in the legislation will also examine the accuracy of our statistics. In the past few years there has been a growing concern that the methodology used to generate U.S. statistics may be outdated and can be improved.

It is clear there is a need for a comprehensive review of the Federal statistical infrastructure. For if the public loses confidence in our statistics, they are likely to lose confidence in our policies as well.

DESCRIPTION OF LEGISLATION

The legislation establishes the Commission to Study the Federal Statistical System. The Commission would consist of 13 members: 5 appointed by the President with no more than 3 from the same political party, 4 appointed by the President pro tempore of the Senate with no more than 2 from the same political party, and 4 appointed by the Speaker of the House with no more than 2 from the same political party. A chairman would be selected by the President from the appointed members. The members must have expertise in statistical policy with a background in disciplines such as actuarial science, demography, economics, and finance.

The Commission will conduct a comprehensive study of all matters relating to the Federal statistical infrastructure, including:

An examination of multipurpose statistical agencies such as the Bureau of Labor Statistics [BLS];

A review and evaluation of the mission and organizational structure of statistical agencies, including activities that should be expanded or deleted and the advantages and disadvantages of a centralized statistical agency;

An examination of the methodology involved in producing data and the accuracy of the data itself;

A review of interagency coordination and standardization of collection procedures;

A review of information technology and an assessment of how data is disseminated to the public;

An examination of individual privacy in the context of statistical data;

A comparison of our system with the systems of other nations; and

Recommendations for a strategy to maintain a modern and efficient statistical infrastructure.

All of these objectives will be addressed in an interim report due no later than June 1, 1998, with a final report due January 15, 1999.

The Commission is expected to spend $10 million: $2.5 million in FY 1997, $5 million in FY 1998, and $2.5 million in FY 1999. The Commission will cease to exist 90 days after the final report is submitted.

This legislation is only a first step, but an essential one. The Commission will provide Congress with the blueprint for reform. It will be up to us to finally take action after nearly a century of inattention to this very important issue.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 2119

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 ''Commission to Study the Federal Statistical System Act of 1996''.

SEC. 2. FINDINGS.

The Congress, recognizing the importance of statistical information in the development and administration of policies for the private and public sector, finds that—

(1) accurate Federal statistics are required to develop, implement, and evaluate government policies and laws;

(2) Federal spending consistent with legislative intent requires accurate and appropriate statistical information;

(3) business and individual economic decisions are influenced by Federal statistics and contracts are often based on such statistics;

(4) statistical information on the manufacturing and agricultural sectors is more complete than statistical information regarding the service sector which employs more than half the Nation's workforce;

(5) experts in the private and public sector have long-standing concerns about the accuracy and adequacy of numerous Federal statistics, including the Consumer Price Index, gross domestic product, trade data, wage data, and the poverty rate;

(6) Federal statistical data should be accurate, consistent, and continuous;

(7) the Federal statistical infrastructure should be modernized to accommodate the increasingly complex and ever changing American economy;

(8) Federal statistical agencies should utilize all practical technologies to disseminate statistics to the public; and

(9) the Federal statistical infrastructure should maintain the privacy of individuals.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission to Study the Federal Statistical System (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 13 members of whom—

(A) 5 shall be appointed by the President;

(B) 4 shall be appointed by the President pro tempore of the Senate, in consultation with the Majority Leader and Minority Leader of the Senate; and

(C) 4 shall be appointed by the Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the House of Representatives.

(2) POLITICAL PARTY LIMITATION.—(A) Of the 5 members of the Commission appointed under paragraph (1)(A), no more than 3 members may be members of the same political party.

(B) Of the 4 members of the Commission appointed under subparagraphs (B) and (C) of paragraph (1), respectively, no more than 2 members may be members of the same political party.

(3) CONSULTATION BEFORE APPOINTMENTS.—In making appointments under paragraph (1), the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives shall consult with the National Science Foundation and appropriate professional organizations, such as the American Economic Association and the American Statistical Association.

(4) QUALIFICATIONS.—An individual appointed to serve on the Commission—

(A) shall have expertise in statistical policy and a background in such disciplines as actuarial science, demography, economics, and finance;

(B) may not be a Federal officer or employee; and

(C) should be an academician, a statistics user in the private sector, or a former government official with experience related to—

(i) the Bureau of Labor Statistics of the Department of Labor; or

(ii) the Bureau of Economic Analysis or the Bureau of the Census of the Department of Commerce.

(5) DATE.—The appointments of the members of the Commission shall be made no later than 150 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN.—The President shall designate a Chairman of the Commission from among the members.

SEC. 4. FUNCTIONS OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive study of all matters relating to the Federal statistical infrastructure, including longitudinal surveys conducted by private agencies and partially funded by the Federal Government.

(2) STUDY AND RECOMMENDATIONS.—The matters studied by and recommendations of the Commission shall include—

(A) an examination of multipurpose statistical agencies that collect and analyze data of broad interest across department and function areas, such as the Bureau of Economic Analysis and the Bureau of the Census of the Commerce Department, and the Bureau of Labor Statistics of the Labor Department;

(B) a review and evaluation of the collection of data for purposes of administering such programs as Old-Age, Survivors and Disability Insurance and Unemployment Insurance under the Social Security Act;

(C) a review and evaluation of the mission and organization of various statistical agencies, including—

(i) recommendations with respect to statistical activities that should be expanded or deleted;

(ii) the order of priority such activities should be carried out;

(iii) a review of the advantages and disadvantages of a centralized statistical agency or a partial consolidation of the agencies for the Federal Government; and

(iv) an assessment of which agencies could be consolidated into such an agency;

(D) an examination of the methodology involved in producing official data and recommendations for technical changes to improve statistics;

(E) an evaluation of the accuracy and appropriateness of key statistical indicators and recommendations of ways to improve such accuracy and appropriateness;

(F) a review of interagency coordination of statistical data and recommendations of methods to standardize collection procedures and surveys, as appropriate, and presentation of data throughout the Federal system;

(G) a review of information technology and recommendations of appropriate methods for disseminating statistical data, with special emphasis on resources, such as the Internet, that allow the public to obtain information in a timely and cost-effective manner;

(H) an examination of individual privacy in the context of statistical data;

(I) a comparison of the United States statistical system to statistical systems of other nations;

(J) a consideration of the coordination of statistical data with other nations and international agencies, such as the Organization for Economic Cooperation and Development; and

(K) a recommendation of a strategy for maintaining a modern and efficient Federal statistical infrastructure as the needs of the United States change.

(b) REPORT.—

(1) INTERIM REPORT.—No later than June 1, 1998, the Commission shall submit an interim report on the study conducted under subsection (a) to the President and to the Congress.

(2) FINAL REPORT.—No later than January 15, 1999, the Commission shall submit a final report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, and recommendations for such legislation and administrative actions as the Commission considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) CHAIRMAN.—The Chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission. Such travel may include travel outside the United States.

(c) STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint an executive director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code. The Commission shall appoint such additional personnel as the Commission determines to be necessary to provide support for the Commission, and may compensate such additional personnel without regard to the provisions of title 5, United States Code, relating to the competitive service.

(2) LIMITATION.—The total number of employees of the Commission (including the executive director) may not exceed 30.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the final report of the Commission.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,500,000 for fiscal year 1997, $5,000,000 for fiscal year 1998, and $2,500,000 for fiscal year 1999 to the Commission to carry out the purposes of this Act.

SEPTEMBER 23, 1996.

Hon. DANIEL P. MOYNIHAN,
Hon. J. ROBERT KERREY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MOYNIHAN AND KERREY: All of us are former Chairmen of the Council of Economic Advisers. We write to support the basic objectives and approach of your Bill to establish the Commission to Study the Federal Statistical System.

The United States possesses a first-class statistical system. All of us have in the past relied heavily upon the availability of reasonably accurate and timely federal statistics on the national economy. Similarly, our professional training leads us to recognize how important a good system of statistical information is for the efficient operations of our complex private economy. But we are also painfully aware that important problems of bureaucratic organization and methodology need to be examined and dealt with if the federal statistical system is to continue to meet essential public and private needs.

All of us have particular reason to remember the problems which periodically arise under the current system of widely scattered responsibilities. Instead of reflecting a balance among the relative priorities of one statistical collection effort against others, statistical priorities are set in a system within which individual Cabinet Secretaries recommend budgetary tradeoffs between their own substantive programs and the statistical operations which their departments, sometimes by historical accident, are responsible for collecting. Moreover, long range planning of improvements in the federal statistical system to meet the changing nature and needs of the economy is hard to organize in the present framework. The Office of Management and Budget and the Council of Economic Advisers put a lot of effort into trying to coordinate the system, often with success, but often swimming upstream against the system.

We are also aware, as of course are you, of a number of longstanding substantive and methodological difficulties with which the current system is grappling. These include the increasing importance in the national economy of the service sector, whose output and productivity are especially hard to measure, and the pervasive effect both on measures of national output and income and on the federal budget of the accuracy (or inaccuracy) with which our measures of prices capture changes in the quality of the goods and services we buy.

Without at all prejudging the appropriate measures to deal with these difficult problems, we believe that a thoroughgoing review by a highly qualified and bipartisan Commission as provided in your Bill has great promise of showing the way to major improvements.

Sincerely,

PROF. MICHAEL J. BOSKIN,
The Hoover Institution.
DR. MARTIN FELDSTEIN,
National Bureau of Economic Research.
ALAN GREENSPAN.
PROF. PAUL W. MCCRACKEN,
University of Michigan.
RAYMOND J. SAULNIER.
CHARLES L. SCHULTZE,
The Brookings Institution.
BERYL W. SPRINKEL.
HERBERT STEIN,
American Enterprise Institute.
PROF. MURRAY WEIDENBAUM,
Center for the Study of American Business.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. JEFFORDS, Mr. BAUCUS, Mr. SIMON, Mr. HOLLINGS, and Mr. WELLSTONE):

S. 2121. A bill to ensure medicare beneficiaries participating in managed care have access to emergency and urgent care; to the Committee on Finance.

THE MEDICARE ACCESS TO EMERGENCY MEDICAL CARE ACT

Mr. GRAHAM. Mr. President, today I will introduce legislation entitled Medicare Access to Emergency Medical Care Act, joined by Senators GRASSLEY, MOSELEY-BRAUN, CHAFEE, BAUCUS, JEFFORDS, SIMON, HOLLINGS, and WELLSTONE.

This legislation would require Medicare health maintenance organizations to pay for emergency care services provided to prudent beneficiaries seeking emergency care and would preclude health maintenance organizations from requiring prior authorizations in such situations. This language, Mr. President, was previously approved by unanimous consent in the Senate during consideration of the Balanced Budget Act of 1995.

Why is this bill necessary? Mr. President, lack of a ''prudent lay person'' definition places Medicare beneficiaries in the unreasonable position of having emergency room visits for experiences, such as chest pain, denied for reimbursement by managed care organizations, in some cases significantly subsequent to the visit to the emergency room. Why denied? Denied because the beneficiary did not seek prior authorization, or denied because the beneficiary was diagnosed not to have an emergency condition, even if a reasonable person believed that they had an emergency condition.

According to the congressionally established Physician Payment Review Commission's 1996 annual report to Congress:

> Medicare requires health plans to provide or pay for care needed in an emergency, but what constitutes an emergency may be misunderstood or disputed by plans and beneficiaries. The definition of ''emergency'' is central to resolve such disputes and guide beneficiaries before they seek emergency care.

Mr. President, currently, 60 percent of the claims that are disputed between Medicare beneficiaries and managed care plans involve emergency room services. Let me repeat that. Sixty percent of the claims that are disputed between Medicare beneficiaries and managed care plans involve emergency room services. As a result, the Physician's Payment Review Commission recommends, ''A prudent lay person's perspective should be considered as one of the factors in determining when a health plan that participates in Medicare should pay for initial screening and stabilization, if necessary, in an emergency.

That is the standard which this legislation adopts. This legislation would protect Medicare beneficiaries who appear to act prudently from the perspective of a lay person—such as thinking that chest pain may be an indication of a heart attack and seeking emergency care. It would protect those Medicare beneficiaries from facing substantial,

or in some cases even catastrophic, financial liabilities. The irony of this situation is that the Federal Emergency Medical Treatment and Labor Act requires that all persons who come to a Medicare-participating hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency and, if so, that they receive stabilizing treatment before being discharged or moved to another facility. And that facility, that Medicare-participating hospital emergency room is required to provide those services without regard to the financial ability of the individual to pay.

As a result, emergency room doctors and hospitals face a Catch-22. They are required by Medicare law and their own professional ethics to perform diagnostic tests and examinations to rule out emergency conditions. But those same health care providers may be denied reimbursement due to prior authorization requirements or a finding that the condition was not of an emergent nature, even though symptoms, such as extreme pain, shortness of breath, chest pains, loss of blood, or others, would prompt most lay persons to conclude that they need to seek medical care immediately.

Dr. Paul Lindeman wrote in an article in the Miami Herald on July 30, 1995, about an 85-year-old woman with a hip fracture who was denied admission to his hospital's emergency department by her health maintenance organization so that she could be transferred to an emergency department across town. The patient had to wait 3 hours for the HMO ambulance service. According to Dr. Lindeman, ''No matter how well-trained or talented the emergency physician, there are also times when he or she requires the urgent services of a consultant to provide definitive care for a patient (for instance, vascular and orthopedic surgeons to repair a severely traumatized limb). In these cases, delays in care due to managed care bureaucracy can become a legitimate hazard to the patient.''

Now, Mr. President, some might be concerned that this legislation would preclude health maintenance organizations from limiting reimbursement for frivolous emergency room use and abuse by some beneficiaries. Such concern is unwarranted because this legislation does not prevent managed care plans from retrospectively reviewing services delivered in the hospital emergency department to Medicare beneficiaries. All it does is require the plans to base their review on whether the patient acted prudently given the patient's symptoms. Frivolous or abusive emergency room use by a patient would not be prudent and, therefore, could still be denied by the HMO.

Mr. President, in 1993, the Network Design Group, a group which is best known for their work as a national mediator and arbiter of disputes between Medicare beneficiaries and their health maintenance organizations, wrote a report for the Federal Government. In that it stated, ''Definitions of 'emergency' in regulation should be modified so that a reasonable and prudent lay person can anticipate claims that would be covered versus denied.''

Michael Stocker, the president and chief executive officer of Empire Blue Cross/Blue Shield in New York, argued a similar point in an editorial entitled ''The Ticket To Better Managed Care,'' which was published in the New York Times on October 28, 1995. Mr. Stocker wrote, ''At times, managed care is a euphemism for cost-cutting that puts the patient second. Because of the industry's financial success, too few organizations are paying attention to people's rising worries about how they will fare in HMO's that restrict access to specific doctors and hospitals.''

Mr. Stocker further argues that plans must ''provide high-quality service in ways that can be proved and readily understood.''

As part of providing quality of care to patients that is readily understood, Mr. Stocker concludes that, ''Health plans should pay for emergency room coverage for consumers who believe they have a legitimate emergency, even if it turns out that they do not.'' That is a perfect description of this bill's ''prudent lay person'' standard.

Finally, since the Federal Government and beneficiaries are paying through Medicare for emergency room services—that is, emergency room services are on the list of medical services that a Medicare beneficiary contracts to receive when they join a health maintenance organization—it makes sense to require that those services be provided and paid for on a reasonable basis.

Without it, Medicare becomes like a horribly ineffective Government program where money goes in but results and the delivery of services are lacking to the beneficiary. We in this Congress have a financial responsibility to demand that the services which we pay for are being delivered.

Mr. President, as we know managed care is becoming an increasing part of our health care system as it relates to Medicare beneficiaries. In 1990, there were only 3.5 percent of all Medicare beneficiaries enrolled in a managed care plan. Today that number exceeds 9 percent. The importance and need for this legislation will only increase as more and more Medicare beneficiaries are encouraged to elect managed care over fee-for-service as the form of receiving their Medicare services.

As a result, with the cosponsors, a broad bipartisan group of my colleagues, I am introducing this important legislation today. And I urge its adoption in the remaining days of this session, or in the next Congress.

Mr. President, I ask unanimous consent that copies of newspaper articles which I have cited from the Miami Herald and the New York Times regarding this issue be printed in the RECORD.

Mr. GRAHAM. Mr. President, I send to the desk this legislation, and request its immediate referral.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

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

[From the Miami Herald, July 30, 1995]

HMO'S IN THE ER: A VIEW FROM THE TRENCHES

(By Paul R. Lindeman)

I arrived for my 12-hour shift in the Emergency Department at 7 p.m. As the departing physician and I went over the cases of the current patients, I was told the woman in Room 2 was being transferred to a psychiatric facility. The patient was pregnant, addicted to crack cocaine and had been assessed as suicidal by a psychiatrist.

An obstetrician was required to care for the patient during her stay at the mental health facility. The only two groups of practicing obstetricians who were on this woman's HMO ''panel'' and on staff at this facility both refused to accept this high-risk case. That left this unfortunate woman, and our staff, caught in the ''never-never land'' of managed care.

When I left the Emergency Department at 7:30 the following morning, she was still in Room 2. It took hospital administrators and attorneys all day to arrange disposition, and the patient was eventually transferred—at 6:30 that evening.

Managed-care health plans typically limit choice of doctors and hospitals and attempt to closely monitor services provided. Their goal is to curb unnecessary tests and hospitalizations to keep costs down. In the case of for-profit managed-care companies, the additional purpose is obvious. But what happens when managed care meets the emergency room?

Federal law requires a screening exam at emergency facilities, but HMOs are not required to pay. By exploiting this fact, managed care is able to shift costs onto hospitals, doctors and policyholders, thereby ''saving'' money.

Consider the case of a 50-year-old male who awakes at 4 a.m. with chest pain and goes to the hospital 10 blocks away—instead of his HMO hospital an extra 30 minutes away. After examination and testing, it's determined that the patient is not having a heart attack and that it's safe for him to go home.

His diagnosis is submitted on a claim form with a code for ''gastritis.''

His insurance company denies payment, stating that ''gastritis'' is not an emergency. As a result, the hospital and the company who employs the emergency department physician both bill the patient.

While this ''retrospectoscope'' is widely employed and industry standard for denying payment, there are many other ''savings'' techniques. For instance, many HMOs require ''pre-authorization'' to treat a patient in the ER.

Consider now a 60-year-old female who arrives at the emergency room complaining also of chest pain. The triage nurse examines the patient, obtaining a brief history and vital signs. A call is placed to the insurance company and a recorded message is obtained without specific instruction regarding emergencies. The patient is treated but the payment is denied. Reason: Authorization was never obtained.

Here's an alternate scenario, same patient, again waiting for pre-authorization. (Noncritical patients often wait for more than an hour.) This time ''the insurance company'' answers the phone. Reading from a list, a series of questions is asked, limited almost exclusively to obtaining recorded numbers.

Based on these numbers, the individual speaking for the company determines that it is safe for the patient to be transferred to its hospital. The emergency physician disagrees. The patient stays and is admitted to the hospital.

The HMO denies payment for the ER visit and the 24-hour hospitalization, stating that the patient should have been transferred. Again, the patient/policyholder, who pays a monthly premium for his or her insurance, is billed for all hospital and physician services.

The representative for the insurance company who decides on preauthorization can range from someone with no medical background at all to another physician (albeit with a vested economic incentive). Generally the level of expertise is somewhere between this. Thus, the near-Orwellian scenario frequently plays out whereby a doctor who has seen and examined a patient is trying to convince a nurse, over the telephone, that a patient is sick.

Rudy Braccili Jr., business operations director for the North Broward Hospital District, was quoted in The Herald as saying. ''It's just a game they play to avoid paying, and it's one of the ways they save money. They do not see the realities of people who in the middle of the night come into emergency rooms.'' He estimates that North District hospitals have lost millions of dollars a year because of HMOs' reluctance to pay bills.

Part of the problem is that what managed-care organizations are trying to do is often quite difficult: determine prospectively which patients are truly deserving of emergency-room care. Indeed, this may in fact be a Catch-22. I know of no way to accurately discern acute appendicitis from a ''tummy ache'' without a history and physical examination. Furthermore, medicine does not always lend itself to black and white. For instance, is a woman who screams and gyrates hysterically as a result of a squirming cockroach in her ear an emergency?

Unfortunately, problems with HMOs in the ER go beyond cost shifting and denial of payment. They often turn an otherwise brief encounter into a harrowing ordeal. Another example from ''the trenches'' is illustrative.

Our patient this time is an 85-year-old woman with a hip fracture. But instead of being admitted, her HMO mandates that she be transferred across town to the emergency department at another facility where they contract their surgical hip repairs. The patient waits three hours for the HMO ambulance service, which is ''backed up.''

Consumers note: Had the patient not sold her Medicare privileges to this HMO, she would have been admitted to our hospital uneventually in a fraction of the time required to complete her managed-care sojourn.

No matter how well trained or talented the emergency physician, there are also times when she or he requires the urgent services of a consultant to provide definitive care for a patient (for instance, vascular and orthopedic surgeons to repair a severely traumatized limb). In these cases, delays in care due to managed-care bureaucracy can become a legitimate hazard to the patient.

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, has said, ''In some ways, it's less frustrating for us to take care of homeless people than HMO members. At least we can do what we think is right for them, as opposed to trying to convince an HMO over the phone of what's the right thing to do.''

In my experience that is not an exaggeration. In the emergency department, the homeless—while certainly deserving of medical care—often receive better and more prompt care than the HMO policyholder.

Conventional political wisdom holds that health-care reform is dead, in fact, nothing could be further from the truth. Reform has been taking place at breakneck speed entirely independent of Washington. In the last five to 10 years, managed-care companies and the private sector have changed profoundly the manner in which many Americans now receive their health care.

As for-profit managed care has usurped decision-making authority from physicians, so have they also diverted funds from hospitals, physicians and policyholders to their own CEOs and stockholders. Last year, HMO profits grew by more than 15 percent, with the four largest HMOs each reporting more than $1 billion in profits. What Democrats and Republicans alike fail to appreciate is that the allegiance of managed care is to neither the patient nor the reduction of the federal deficit, but to its CEOs and stockholders.

So next time you see one of those warm and fuzzy television commercials for an HMO that promises the world, remember this: ''choose your own doctor'' really means choose your own doctor from our list. And as for the claim ''no premiums, no deductibles, no copayment'' (health insurance for free?), you may as well pencil in: ''no doctor.'' At least, not one likely to get up in the middle of the night.

[From the New York Times, Oct. 28, 1995]

THE TICKET TO BETTER MANAGED CARE

(By Michael A. Stocker)

The central question about the future of health care goes beyond the outcome of the debate over Medicare and Medicaid: Can health maintenance organizations and other managed care plans truly provide low-cost and high-quality health care?

Like many people, I am dismayed at the way some managed care organization work. At times, managed care is a euphemism for cost-cutting that puts the patient second. Because of the industry's financial success, too few organizations are paying attention to people's rising worries about how they will fare in H.M.O.'s that restrict access to specific doctors and hospitals.

H.M.O.'s can no longer expect to prosper simply because they are less expensive than traditional fee-for-service medical care. They must keep proving that their goal, first and foremost, is to provide high-quality service in ways that can be proved and readily understood. Not every health plan will succeed, but there are some avenues that every health plan executive should follow.

Learning about a good health plan by word of mouth is insufficient. The industry needs to provide information that enables people to compare plans and chose intelligently among them when they are not sick.

In my view, in New York State that means establishing a public-private system that compares the performances of competing plans and requires all plans to participate. The criteria might include the time it takes to get problems solved properly and to see an appropriate doctor when one needs to do so.

Like the rest of the medical profession, H.M.O.'s need to improve the way they measure the outcome of their treatments. While the art of diagnosis is well-developed, often treatment involves more uncertainty. In New York, the Department of Health has been releasing risk-adjusted mortality data about common types of heart surgery. However uneasy doctors are about such findings, the data have pointed out real differences in the quality of care among doctors and hospitals. We need more information like this. Most companies are not investing enough money in developing and operating patient-information banks. Keeping inferior records is self-defeating.

Most people thing a high-quality health plan is one that lets them choose their doctors. While such a choice is important, it is not the whole story. Some plans that limit access to physicians and hospitals can be very high in quality. But they really have to prove it.

H.M.O's must go out of their way to involve patients in their own care. Studies show that when patients know more about their alternatives, and participate with their doctors in decision-making, the result is not only happier but also healthier patients, and even cost savings.

Legislation should be introduced in Albany that lays down a number of requirements: First, intelligible full-disclosure literature is imperative. Health plans must make clear the guidelines they want their doctors to follow when treating patients. The plans should disclose the treatments not covered. Second, the plans should full disclose their payment to physicians, including bonuses related to cost containment and quality of care.

Third, health plans should pay for emergency room coverage for consumers who believe they have a legitimate emergency, even if it turns out they do not. Fourth, patients should be aware of the drugs that managed care plans allow doctors to prescribe. They should also know how to appeal decisions about drugs.

In short, health plans have to stop ignoring the public's fears and acting so much like cold insurance companies. They have to start listening more like doctors.

[From the New York Times, July 9, 1995]

H.M.O.'S REFUSING EMERGENCY CLAIMS, HOSPITALS ASSERT

TWO MISSIONS IN CONFLICT

''Managed Care'' Groups Insist They Must Limit Costs—Doctors Are Frustrated

(By Robert Pear)

WASHINGTON, July 8.—As enrollment in health maintenance organizations soars, hospitals across the country report that H.M.O.'s are increasingly denying claims for care provided in hospital emergency rooms.

Such denials create obstacles to emergency care for H.M.O. patients and can leave them responsible for thousands of dollars in medical bills. The denials also frustrate emergency room doctors, who say the H.M.O. practices discourage patients from seeking urgently needed care. But for their part, H.M.O.'s say their costs would run out of control if they allowed patients unlimited access to hospital emergency rooms.

How H.M.O.'s handle medical emergencies is an issue of immense importance, given recent trends. Enrollment in H.M.O.'s doubled in the last eight years, to 41 million in 1994, partly because employers encouraged their use as a way to help control costs.

In addition, Republicans and many Democrats in Congress say they want to increase the use of H.M.O.'s because they believe that such prepaid health plans will slow the growth of Medicare and Medicaid, the programs for the elderly and the poor, which serve 73 million people at a Federal cost of $267 billion this year.

Under Federal law, a hospital must provide ''an appropriate medical screening examination'' to any patient who requests care in its emergency room. The hospital must also provide any treatment needed to stabilize the patient's condition.

Dr. Toni A. Mitchell, director of emergency care at Tampa General Hospital in Florida, said: ''I am obligated to provide the care, but the H.M.O. is not obligated to pay for it. This is a new type of cost-shifting, a way for H.M.O.'s to shift costs to patients, physicians and hospitals.''

Most H.M.O.'s promise to cover emergency medical services, but there is no standard

definition of the term. H.M.O.'s can define it narrowly and typically reserve the right to deny payment if they conclude, in retrospect, that the conditions treated were not emergencies. Hospitals say H.M.O.'s often refuse to pay for their members in such cases, even if H.M.O. doctors sent the patients to the hospital emergency rooms. Hospitals then often seek payment from the patient.

Dr. Stephan G. Lynn, director of emergency medicine at St. Luke's-Roosevelt Hospital Center in Manhattan, said: ''We are getting more and more refusals by H.M.O.'s to pay for care in the emergency room. The problem is increasing as managed care becomes a more important source of reimbursement. Managed care is relatively new in New York City, but it's growing rapidly.''

H.M.O.'s emphasize regular preventive care, supervised by a doctor who coordinates all the medical services that a patient may need. The organizations try to reduce costs by redirecting patients from hospitals to less expensive sites like clinics and doctors' offices.

The disputes over specific cases reflect a larger clash of missions and cultures. An H.M.O. is the ultimate form of ''managed care,'' but emergencies are, by their very nature, unexpected and therefore difficult to manage. Doctors in H.M.O.'s carefully weigh the need for expensive tests or treatments, but in an emergency room, doctors tend to do whatever they can to meet the patient's immediate needs.

Each H.M.O. seems to have its own way of handling emergencies. Large plans like Kaiser Permanente provide a full range of emergency services around the clock at their own clinics and hospitals. Some H.M.O.'s have nurses to advise patients over the telephone. Some H.M.O. doctors take phone calls from patients at night. Some leave messages on phone answering machines, telling patients to go to hospital emergency rooms if they cannot wait for the doctors' office to reopen.

At the United Healthcare Corporation, which runs 21 H.M.O.'s serving 3.9 million people, ''It's up to the physician to decide how to provide 24-hour coverage,'' says Dr. Lee N. Newcomer, chief medical officer of the Minneapolis-based company.

George C. Halvorson, chairman of the Group Health Association of America, a trade group for H.M.O.'s, said he was not aware of any problems with emergency care. ''This is totally alien to me,'' said Mr. Halvorson, who is also president of HealthPartners, an H.M.O. in Minneapolis. Donald B. White, a spokesman for the association said, ''We just don't have data on emergency services and how they're handled by different H.M.O.'s.''

About 3.4 million of the nation's 37 million Medicare beneficiaries are in H.M.O.'s. Dr. Rodney C. Armstead, director of managed care at the Department of Health and Human Services, said the Government had received many complaints about access to emergency services in such plans. He recently sent letters to the 164 H.M.O.'s with Medicare contracts, reminding them of their obligations to provide emergency care.

Alan G. Raymond, vice president of the Harvard Community Health Plan, based in Brookline, Mass., said, ''Employers are putting pressure on H.M.O.'s to reduce inappropriate use of emergency services because such care is costly and episodic and does not fit well with the coordinated care that H.M.O.'s try to provide.''

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, a teaching hospital in Boston, said: ''H.M.O.'s are excellent at preventive care, regular routine care. But they have not been able to cope with the very unpredictable, unscheduled nature of emergency care. They often insist that their members get approval before going to a hospital emergency department. Getting prior authorization may delay care.

''In some ways, it's less frustrating for us to take care of homeless people than H.M.O. members. At least, we can do what we think is right for them, as opposed to trying to convince an H.M.O. over the phone of what's the right thing to do.''

Dr. Gary P. Young, chairman of the emergency department of Highland Hospital in Oakland, Calif., said H.M.O.'s often directed emergency room doctors to release patients or transfer them to other hospitals before it was safe to do so. ''This is happening every day,'' he said.

The PruCare H.M.O. in the Dallas-Forth area, run by the Prudential Insurance Company of America, promises ''rock solid health overage,'' but the fine print of its members' handbook says, ''Failure to contact the primary care physician prior to emergency treatment may result in denial of payment.''

Typically, in an H.M.O., a family doctor or an internist managing a patient's care serves as ''gatekeeper,'' authorizing the use of specialists like cardiologists and orthopedic surgeons. The H.M.O.'s send large numbers of patients to selected doctors and hospitals; in return, they receive discounts on fees. But emergencies are not limited to times and places convenient to an H.M.O.'s list of doctors and hospitals.

H.M.O.'s say they charge lower premiums than traditional insurance companies because they are more efficient. But emergency room doctors say that many H.M.O.'s skimp on specialty care and rely on hospital emergency rooms to provide such services, especially at night and on weekends.

Dr. David S. Davis, who works in the emergency department at North Arundel Hospital in Glen Burnie, Md., said: ''H.M.O.'s don't have to sign up enough doctors as long as they have the emergency room as a safety net. The emergency room is a backup for the H.M.O. in all its operations.'' Under Maryland law, he noted, an H.M.O. must have a system to provide members with access to doctors at all hours, but it can meet this obligation by sending patients to hospital emergency rooms.

To illustrate the problem, doctors offer this example: A 57-year-old man wakes up in the middle of the night with chest pains. A hospital affiliated with his H.M.O. is 50 minutes away, so he goes instead to a hospital just 10 blocks from his home. An emergency room doctor orders several common but expensive tests to determine if a heart attack has occurred.

The essence of the emergency physician's art is the ability to identify the cause of such symptoms in a patient whom the doctor has never seen. The cause could be a heart attack. But it could also be indigestion, heartburn, stomach ulcers, anxiety, a panic attack, a pulled muscle or any of a number of other conditions.

If the diagnostic examination and tests had not been performed, the hospital and the emergency room doctors could have been cited for violating Federal law.

But in such situations, H.M.O.'s often refuse to pay the hospital, on the ground that the hospital had no contract with the H.M.O., the chest pain did not threaten the patient's life or the patient did not get authorization to use a hospital outside the H.M.O. network.

Representative Benjamin L. Cardin, Democrat of Maryland, said he would soon introduce a bill to help solve these problems. The bill would require H.M.O.'s to pay for emergency medical services and would establish a uniform definition of emergency based on the judgment of ''a prudent lay person.'' The bill would prohibit H.M.O.'s from requiring prior authorization for emergency services. A health plan could be fined $10,000 for each violation and $1 million for a pattern of repeated violations.

The American College of Emergency Physicians, which represents more than 15,000 doctors, has been urging Congress to adopt such changes and supports the legislation.

When H.M.O.'s deny claims filed on behalf of Medicare beneficiaries, the patients have a right to appeal. The appeals are heard by a private consulting concern, the Network Design Group of Pittsford, N.Y., which acts as agent for the Government. The appeals total 300 to 400 a month, and David A. Richardson, president of the company, said that a surprisingly large proportion—about half of all Medicare appeals—involved disagreements over emergencies or other urgent medical problems.

By Mr. DEWINE:

S. 2122. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Energy and Natural Resources.

THE FALLEN TIMBERS ACT

● Mr. DEWINE. Mr. President, I introduce legislation that will designate the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis as national historic sites.

Mr. President, the people of northwest Ohio are committed to preserving the historic heritage of the United States and the State of Ohio, as well as that of their own community.

The truly national significance of the Battle of Fallen Timbers and Fort Meigs have been acknowledged already. In 1960, Fallen Timbers was designated as a National Historic Landmark. In 1969, Fort Meigs received this designation.

The Battle of Fallen Timbers is acknowledged by the National Park Service as a culminating event in the history of the struggle for dominance in the old Northwest Territory.

Fort Meigs is recognized by the National Park Service as the zenith of the British advance in the west as well as the maximum effort by Native forces under the Shawnee, Tecumseh, during the War of 1812.

Fort Miamis, which was attacked twice without success by British troops, led by Gen. Henry Proctor, in the spring of 1813, is listed on the National Register of Historic Places.

Recently, the National Park Service completed a special resource study examining the proposed national historic site designation and the suitability of these sites for inclusion in the National Park System.

The Park Service concluded that these sites were suitable for inclusion in the National Park System—with non-Federal management and National Park Service assistance. The bill I am introducing today would act on that recommendation.

My legislation will accomplish the following:

Recognize and preserve the 185-acre Fallen Timbers Battlefield site;

Formalize the linkage between the Fallen Timbers Battlefield and Monument to Fort Meigs and Fort Miamis;

Preserve and interpret U.S. military history and native American culture during the period from 1794 through 1813; and,

Provide technical assistance to the State of Ohio as well as interested community and historical groups in the development and implementation of programming and interpretation of the three sites.

However, my legislation will not require the Federal Government to provide direct funding to these three sites. That responsibility remains with—and is welcomed by—the many individuals, community groups, elected officials, and others who deserve recognition for their many hours of hard work dedicated to this issue.

Mr. President, we have entered an era where the responsibility and the drive behind the management, programming, and—in many cases—the funding for historic preservation is the responsibility of local community groups, local elected officials, and local business communities.

This legislation to designate the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis as national historic sites represents just such an effort. In my opinion, it is long overdue.

Mr. President, it's time to grant these truly historic areas the measure of respect and recognition they deserve. I agree with the National Park Service—and the people of Ohio—on this issue. That is why I am proposing this important legislation today.●

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. HARKIN, Mr. COHEN, Mr. DOMENICI, Mr. PRESSLER, Mr. GRASSLEY, Mr. LEAHY, Mr. GREGG, Mrs. KASSEBAUM, Mr. AKAKA, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mr. D'AMATO, Mrs. FRAHM, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. THOMAS, Mr. DODD, Mr. DORGAN, Mr. BRADLEY, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. BURNS):

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; to the Committee on Environment and Public Works.

THE HIGHWAY FUNDING FAIRNESS ACT OF 1996

Mr. BAUCUS. Madam President, the cosponsors of our legislation include the following Senators, in addition to myself and Senator BINGAMAN: Senator AKAKA from Hawaii, Senator COHEN, Senator D'AMATO, Senator DODD, Senator DOMENICI, Senator FRAHM, Senator GREGG, Senator GRASSLEY, Senator HARKIN, Senator JEFFORDS, Senator KASSEBAUM, Senator KENNEDY, Senator KERRY, Senator LEAHY, Senator LIEBERMAN, Senator MOYNIHAN, Senator PRESSLER, and Senator THOMAS.

I ask unanimous consent that all those Senators be listed as original cosponsors of our legislation.

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

Mr. BAUCUS. Madam President, essentially, this is a bipartisan bill to correct a bureaucratic, administrative error that has penalized 28 States under the highway program. It is that simple. This bill is identical to the amendment I offered to the Transportation appropriations bill on July 31. It is the same bill. Although that amendment received the support of 57 Senators—57 Senators voted in favor of it—the conference committee dropped the issue from the conference report. That is why Senator BINGAMAN, myself, and my colleagues are back here today. Let me briefly explain this bill.

In 1994, the Treasury delayed crediting the highway trust fund with approximately $1.6 billion in revenues collected from the Federal gasoline tax. It was an error. They made a mistake. While the money was later eventually deposited into the highway trust fund, this delay has had very serious ramifications on all of our States.

As most of my colleagues know, the formulas for distributing Federal highway funds to the States were set in place in 1991 in the highway bill, otherwise known as ISTEA. Those formulas govern the distribution of funds for 6 years through September 30 of next year. That is the formula. It is in place. It is in the law for distributing allocations of highway funds among our States.

Of our many categories of highway funding, there is a direct correlation between the amount of money a State pays into the highway trust fund and the amount of money a State subsequently receives. If the revenue the States paid to the highway trust fund are not correctly credited to the appropriate accounts, the wrong amount of funds is subsequently distributed to the individual States. That is what happened.

When the Treasury made this mistake and delayed crediting $1.6 billion to the highway trust fund, the amount of money distributed to the States under one category, called 90 percent of payments category, was skewed, simply because of a bureaucratic delay. Pure and simple bureaucratic delay, mistake.

As a consequence, some States were initially shortchanged in 1996 of their distributions, and on this coming Tuesday, October 1, the error will be compounded. Some States will receive much more than the original highway bill formula called for; others will receive much less. A lot of money is at stake.

In the fiscal year 1997 Transportation appropriations conference report, highway spending was set at $18 billion. That is $450 million more than last year, a record amount for the highway program. One would think that such an increase would mean that each State will receive an increase in available funds. Not so. Just the opposite has happened. Even with that large increase in total funds allocated, 28 States will see a decrease in their highway apportionments.

Some States will lose up to 17 percent. Others will see an increase of up to 30 percent. A good part of these fluctuations is due to the Treasury Department error, obviously unfair.

Our bill fixes this, puts us right back to the status quo, to the formula prescribed allocations. It requires the Department of Transportation use the correct numbers in fiscal year 1997 when calculating the distribution of funds to States under ISTEA, the highway bill.

It also requires the Department of Transportation to correct the error in fiscal year 1996. So the distributions errors made in 1996, as well as the errors that will be made, unless corrected, in 1997, will both be corrected. In other words, I want to completely correct the situation. No State should gain or lose Federal highway funds based only on a bureaucratic error at the Department of Treasury.

Now that we understand the tremendous financial impact of this error, now that it is discovered, I don't think it should be compounded and continued in the future.

Let me stress to my colleagues that this is not—I repeat, is not—an ISTEA formula change. This is not a legislative change to change the formula that Congress set back in 1991. This has nothing to do with the allocation that was set by legislation back in 1991. In fact, this bill will ensure that all States receive the amount of money originally authorized under ISTEA, no more, no less.

Furthermore, this is not a donor State versus donee State funding issue, as some would say. It is not that at all. I am disappointed that some continue to characterize the situation in those terms. Some have even said that States interested in fixing the error are being greedy, a few believe. How can a State who seeks to correct an acknowledged error be called greedy? We are trying put the situation back to where it was as we legislated and intended it to be. This is truly a case of correcting an honest bureaucratic mistake. Both the Departments of Treasury and Transportation admit that the error was made.

If some States are not happy with the ISTEA formulas adopted in 1991, I say so be it. There is ample opportunity to have that debate next year when Congress takes up the highway bill and deals with formula allocations. It is going to be a big fight, but that is where the fight should be, Madam President. We all know that. It should be in the context of the highway bill. But to use a bureaucratic error as a backdoor way to change the formulas,

I think, is underhanded and is not the way the Senate—the whole Congress, for that matter—ought to do business.

We are introducing this legislation before the end of the 104th Congress. I want to alert my colleagues that many of us feel that this Treasury error is of such magnitude and of such importance that it must be addressed in the future.

I thank my good friend, Senator BINGAMAN, from New Mexico, for his hard work and the welcome support of other Senators. We are helping get this error corrected.

I thank you, Madam President, for your hopeful help, too, as I see your colleague is a cosponsor. It is my hope that the other Senator from Maine will see the wisdom of his efforts as well.

I ask unanimous consent that Senator DORGAN be added as a cosponsor.

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

Mr. BAUCUS. Madam President, I send the bill to the desk and ask unanimous consent it be printed in the RECORD and referred to the appropriate committee.

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

S. 2123

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 ''Highway Funding Fairness Act of 1996''.

SEC. 2. CALCULATION OF FEDERAL-AID HIGHWAY APPORTIONMENTS AND ALLOCATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), for fiscal year 1997, the Secretary of Transportation shall determine the Federal-aid highway apportionments and allocations to a State without regard to the approximately $1,596,000,000 credit to the Highway Trust Fund (other than the Mass Transit Account) of estimated taxes paid by States that was made by the Secretary of the Treasury for fiscal year 1995 in correction of an accounting error made in fiscal year 1994.

(b) ADJUSTMENTS FOR EFFECTS IN 1996.—The Secretary of Transportation shall, for each State—

(1) determine whether the State would have been apportioned and allocated an increased or decreased amount for Federal-aid highways for fiscal year 1996 if the accounting error referred to in subsection (a) had not been made (which determination shall take into account the effects of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1921)); and

(2) after apportionments and allocations are determined in accordance with subsection (a)—

(A) adjust the amount apportioned and allocated to the State for Federal-aid highways for fiscal year 1997 by the amount of the increase or decrease; and

(B) adjust accordingly the obligation limitation for Federal-aid highways distributed to the State under section 310 of the Department of Transportation and Related Agencies Appropriations Act, 1997.

(c) NO EFFECT ON 1996 DISTRIBUTIONS.—Nothing in this section shall affect any apportionment, allocation, or distribution of obligation limitation, or reduction thereof, to a State for Federal-aid highways for fiscal year 1996.

(d) EFFECTIVE DATE.—This section shall take effect on September 30, 1996.

Mr. BINGAMAN. Madam President, let me speak briefly about a bill entitled the ''Highway Funding Fairness Act'' that Senator BAUCUS is introducing today, and which several of us are cosponsoring, to correct a serious problem in the calculation of fiscal year 1997 Federal-aid highway fund apportionments and allocations. It is our intention to use whatever vehicles are available, including the omnibus appropriations bill, to try to correct an error that exists in the transportation appropriations bill that was earlier passed in this body and sent to the President.

Senator BAUCUS will describe in more detail the technical mistake that was made by the Department of Treasury in 1994, which resulted in faulty projections for this fiscal year. It is my understanding that the Department of Transportation has previously been instructed and empowered by the Office of Management and Budget to apportion highway funds on the basis of this error being corrected. And, in fact, baseline budget projections for the Department of Transportation reflect this agreement.

Somewhere between then and now, signals have changed and States are about to get either unfairly rewarded or unfairly punished because of a flawed apportionment formula.

Many of us in this Chamber thought that the problem had been fixed when we passed Senator BAUCUS' amendment as part of the fiscal year 1997 Transportation appropriations bill. This amendment, like the bill we are introducing today, would have corrected the accounting error.

When the conference report emerged, however, the amendment that would have fixed the problem had been dropped. Unfortunately, when we voted on this issue last Wednesday night, very few Senators were adequately informed that the correcting amendment which Senator BAUCUS had previously offered was no longer included and that many of their States would be taking serious, unexpected cuts in spending authority for highway projects.

I have asked the President, as have many other Senators, to try to fix this by working with the Department of Transportation to apportion funds based on their original baseline projections, as understood by the Office of Management and Budget and the Congressional Budget Office, or if the President determines that is not possible, to then veto the legislation and return it to the Congress so we can fix the problem. I believe our States are not well-served by this legislation. We must use all opportunities available to call attention to this error and correct it before the Congress adjourns.

What is even more disturbing in assessing the impact of the error is that overall highway spending will increase in fiscal year 1997 to $18 billion, $455 million over current levels, the highest amount in history. It is not reasonable for States like my own, New Mexico, to be taking a $20 million reduction in highway funds when the overall accounts are being increased to their highest levels.

It is not acceptable to me or to the residents of my State of New Mexico to accept outcomes that are the result of accounting errors.

Let me list the funding reductions that 28 States are about to receive in fiscal year 1997 highway fund distributions unless we are able to correct this problem before we leave town.

The States that are losers under the bill as it now stands would be: Alaska, $22 million less than the current year; Colorado, $1.2 million less; Connecticut, $37 million less; Delaware, $8 million less; Hawaii, $13 million less; Idaho, $7 million less; Illinois, $71 million less; Iowa, $21 million less; Kansas, $22 million less; Maine, $7 million less; Maryland, $3 million less; Massachusetts, $73 million less; Minnesota, $32 million less; Montana, $21 million less; Nebraska, $15 million less; New Hampshire, $9 million; New Jersey, $44 million; my own State, as I have indicated, $20 million less; New York, $111 million less than current year funding; North Dakota, $11 million less; Ohio, $19 million less; Rhode Island, $14 million less; South Dakota, $12 million less; Utah, $4 million less; Vermont, $8 million less; Washington State, $33 million less; West Virginia, $17 million less; and Wyoming, $12 million less.

Madam President, in contrast, there are some very large winners because of this accounting error. Texas, for example, is receiving a $183 million increase in next year's funding, which is about a 19 percent increase over the current year. Arizona, which borders my home State of New Mexico, will receive a 24 percent increase. California will receive an additional $122 million over current year funding.

My home State's total highway funds will be cut by 12 percent unless we can correct the error that the amendment of Senator BAUCUS seeks to correct. In our State, we have six highway department districts that will have to shoulder the burden of these cuts, resulting in each of those districts receiving something around $3 or $4 million less than in the current year.

Albuquerque, and that portion of my State, will be hit harder than other regions because it generally receives more Federal highway funds than other regions. Our State and Federal funding contributions now hardly extend far enough to manage maintenance and upgrade of existing highways, not to mention initiate new projects. This impact will most likely mean that few, if any, such new projects will be initiated.

My real concern, Madam President—and I will conclude with this—my real concern is that the impact of this accounting error is that my State of New Mexico will proceed, as will all the

other States I have mentioned, into the debates on the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) legislation in a disadvantaged position. There are going to be lots of discussions, debate, and back and forth negotiations about highway funding formulas. This is going to severely harm the 28 States that are going to have to enter those discussions with a lower baseline of funding, a baseline of funding that should not have ever occurred.

The bottom line in all of this is that we are allowing an accounting error to drive our legislative outcome, rather than the collective intent of the Senate. This is unacceptable. I strongly urge my colleagues to work with us in correcting this problem and to support Senator BAUCUS' lead on this. We have time before we leave town to legislatively address the issue, particularly when we have the opportunity to amend the omnibus appropriations bill, which will be coming to the floor in the next few days.

Madam President, we were not sent here to legislate based on accounting errors. I hope we can correct this one.

I thank the Chair, and I yield the floor.

Mr. BAUCUS. Madam President, I thank my good friend, Senator BINGAMAN, from New Mexico, for his statement. The words he spoke are true. He very well characterized the nature of this problem. I appreciate his assistance.

Mr. LAUTENBERG. Mr. President, I join my colleagues from Montana and New Mexico in introducing a bill that will correct an accounting error made by the Treasury Department in calculating highway allocations. The Highway Funding Fairness Act of 1996 does not change any formulas established in ISTEA, it does not affect any existing donor-donee relationship.

Simply put, the bill merely corrects the fact that the Department of the Treasury misinterpreted revenue reports because these reports were put in a new format. This error is acknowledged by the Treasury Department and the Federal Highway Administration. The unfortunate result is that the Treasury Department grossly overstated the amount of gas tax receipts to the highway trust fund during 1994. With the passage of this bill, States will receive the funding that they are entitled to —no more, no less.

This amendment will not deny any state the full 90 percent of payments that they are due through the Federal Aid Highway Formula Program. What this amendment will do is set these payments at 90 percent of what the States actually paid, rather than 90 percent of the Treasury's erroneous estimates.

Mr. President, this body is familiar with the problem this bill seeks to address. During consideration of the Transportation appropriations bill, the Senator from Montana, Senator BAUCUS, offered an amendment to correct the mistake. This bill is identical to that amendment. After significant discussion, the Senate adopted the provision directing first that the Treasury and Transportation Departments ensure that there was indeed an accounting error, a mistake, and second, that Treasury would be directed to correct the error.

Again, Mr. President, the Senate adopted that amendment. Unfortunately, it was dropped in conference. And here we are again, faced with the prospect that, without a correction, States would receive the wrong highway funding levels to which they are entitled.

The logic behind the Highway Funding Fairness Act of 1996 is simple, it is fair. Congress, in 1991, passed the landmark ISTEA law, containing the highway funding formulas. Congress should ensure that those formulas are adhered to when the administration calculates States' highway funds. This bill will correct the bureaucratic error and ensure that States receive the accurate amounts calculated under the highway funding formula.

I urge my colleagues to join me in cosponsoring the bill, and I look forward to its swift passage.

By Mr. KEMPTHORNE:

S. 2124. A bill to provide for an offer to transfer to the Secretary of the Army of certain property at the Navy Annex, Arlington, VA; to the Committee on Armed Services.

THE ARLINGTON NATIONAL CEMETERY ENHANCEMENT ACT OF 1996

• Mr. KEMPTHORNE. Mr. President, today, I am introducing legislation that would allow the Secretary of Defense to transfer 31 acres to the Arlington National Cemetery once he determines this property is no longer needed by the Department of Defense. This land is critical to the future tribute of our national heroes.

I believe all members of this body would agree that it is important to honor the men and women who have bravely fought to protect our liberty. Arlington National Cemetery has served the people proudly as one of the ways our Nation pays respect to our national heroes. Unfortunately, the space reserved for Arlington National Cemetery is limited. The additional property provided by this legislation would allow our Nation to honor our future champions of freedom for years to come.

I am proud to introduce this legislation which I encourage the U.S. Senate to overwhelmingly support. This legislation is not only a tribute to our fallen heroes but to the families and friends who have lost these valiant men and women.

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. 2124

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 ''Arlington National Cemetery Enhancement Act of 1996''.

SEC. 2. REQUIREMENT FOR OFFER OF TRANSFER OF CERTAIN PROPERTY AT THE NAVY ANNEX, ARLINGTON, VIRGINIA.

(A) OFFER.—Upon the determination of the Secretary of Defense under subsection (b), the Secretary of Defense shall offer to transfer to the Secretary of the Army administrative jurisdiction over a parcel of real property consisting of approximately 31 acres located in Arlington, Virginia, and known as the Navy Annex/Federal Building Number 2. The Secretary of defense shall make the offer as soon as practicable after the date of the determination.

(b) DETERMINATION.—The Secretary of Defense shall make the offer required under subsection (a) upon a determination by the Secretary that the Department of Defense no longer requires the property referred to in that subsection for the purposes for which such property is used as of the date of the enactment of this Act.

(c) REQUIREMENTS RELATING TO TRANSFER.—(1)(A) If the Secretary of Defense transfers jurisdiction over the property referred to in subsection (a) pursuant to the offer under that subsection, the transfer shall be without reimbursement.

(B) The Secretary of the Army shall bear any costs associated with such transfer of property, including costs of a survey of the property and costs of compliance with environmental laws with respect to the property.

(2) The Secretary of the Army shall utilize the property as part of the Arlington National Cemetery, Virginia.•

By Mr. LOTT:

S. 2125. A bill to provide a sentence of death for certain importations of significant quantities of controlled substances; to the Committee on the Judiciary.

THE DRUG IMPORTER DEATH PENALTY ACT OF 1996

Mr. LOTT. 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. 2125

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 ''Drug Importer Death Penalty Act of 1996''.

SEC. 2. INCREASED PENALTIES FOR INTERNATIONAL DRUG TRAFFICKING.

Section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended by adding at the end the following:

''(e)(1) Notwithstanding any other provision of law, the court shall sentence a person convicted of a violation of subsection (a), consisting of bringing into the United States a mixture or substance—

''(A) which is described in subsection (b)(1); and

''(B) in an amount the Attorney General by rule has determined is equal to 100 usual dosage amounts of such mixture or substance;

to imprisonment for life without possibility of release. If the defendant has violated this subsection on more than one occasion and

the requirements of chapter 228 of title 18, United States Code, are satisfied, the court shall sentence the defendant to death.

''(2) The maximum fine that otherwise may be imposed, but for this subsection, shall not be reduced by operation of this subsection.''

SEC. 3. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) INCLUSION OF OFFENSE.—Section 3591(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the comma at the end of paragraph (2) and inserting ''; or'' at the end of paragraph (2); and

(3) by inserting after paragraph (2) the following:

''(3) an offense described in section 1010(e)(1) of the Controlled Substances Import and Export Act;''

(b) ADDITIONAL AGGRAVATING FACTOR.—Section 3592(d) of title 18, United States Code, is amended by inserting after paragraph (8) the following:

''(9) SECOND IMPORTATION OFFENSE.—The offense consisted of a second or subsequent violation of section 1010(a) of the Controlled Substances Import and Export Act consisting of bringing a controlled substance into the United States.''.

By Mr. KENNEDY:

S. 2127. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

THE STOP THE SWEATSHOPS ACT

Mr. KENNEDY. Madam President, today I am introducing the Stop the Sweatshops Act. This needed legislation attacks the exploitation of garment industry workers by unscrupulous clothing manufacturers. By making clothing manufacturers liable for sweatshop practices by contractors, the bill will require manufacturers to exert their considerable economic power to ensure fair treatment of garment workers.

Sweatshops continue to plague the garment industry. Of the 22,000 manufacturers of clothing and accessories in the United States, more than half are paying wages substantially below the minimum wage, and a third are exposing their workers to serious safety and health risks.

Sweatshops run by unscrupulous contractors have a long and sordid history in this country. In 1911, a tragic fire at the Triangle Shirtwaist Co. on Manhattan's Lower East Side killed 146 young immigrant women, who suffocated or burned to death because the exits had been locked or blocked.

Eighty-five years later, conditions too often have not improved. In August 1996, four Brooklyn garment factories were closed and their owners arrested for operating sweatshops. Among the fire code violations were locked exit doors, obstructed aisles, and violations of sprinkler system requirements. In addition, the contractors maintained two sets of accounting records, one showing that workers were being paid as little as $2.67 per hour—far less than the minimum wage. The workers, all Asian immigrants, were making clothes for K-Mart. A similar sweatshop scandal came to light last spring with respect to clothing made for Wal-Mart stores.

In August 1995, Federal investigators raided a sewing factory outside Los Angeles. In a compound surrounded by barbed wire, agents found dozens of Thai and Mexican immigrant women working 20-hour days for as little as $1 per hour. The women were held captive at their sewing tables by guards who threatened them if they tried to escape.

As these examples make clear, current law is not adequate to prevent such abuses. The 800 investigators of the Department of Labor who monitor compliance with wage and hour laws cannot do the job alone. Manufacturers have the economic muscle and market power to end these abuses. Instead, under the current system, the market power works in the wrong direction—it encourages contractors to inflict sweatshop conditions on employees, rather than pay fair wages and maintain proper working conditions.

Many law-abiding manufacturers already recognize the need to stamp out sweatshops in the United States. But voluntary codes of conduct and monitoring programs cannot eradicate the problem. K-Mart requires its garment contractors to identify all subcontractors they employ and make regular and surprise inspections of manufacturing operations. But this requirement did not prevent the fire code violations, wage violations, and other illegal practices of the contractors arrested in Brooklyn this summer.

The most effective way to enlist manufacturers in the battle against sweatshops is to make them liable along with their contractors for violations of the law. Manufacturers who know they will face liability will take the steps necessary to ensure that their contractors comply with applicable laws.

Our Stop the Sweatshops Act does just that. It amends the Fair Labor Standards Act to make manufacturers in the garment industry liable with contractors for violations of these laws.

Manufacturers will be liable for injunctive relief and civil penalties assessed against a contractor found to have broken the law. They will also be liable for back pay owed to employees for such violations. Manufacturers will be liable only for violations committed on work done for that manufacturer.

The bill also authorizes the Secretary of Labor to assess a civil penalty of up to $1,000 for each employee in cases where contractors fail to keep required payroll records. If the records are fraudulent, the Secretary can assess penalties up to $10,000 for the first offense and $15,000 for further offenses. These penalties will give employers an incentive to keep proper records, and will punish contractors who attempt to conceal their abuses by maintaining two sets of records.

The bill sends a clear message to garment industry employers. Exploitation of workers will not be tolerated. Sweatshops are unacceptable. We intend to do all we can to stamp them out, and this legislation will help us achieve that goal.

By Mr. AKAKA:

S. 2128. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PLANT PROTECTION ACT

• Mr. AKAKA. Mr. President, today I am introducing the Plant Protection Act, a comprehensive consolidation of Federal laws governing plant pests, noxious weeds, and the plant products that harbor pests and weeds.

Over the past century, numerous Federal laws have been enacted to address problems caused by plant pests and noxious weeds. While some of these laws are effective tools for protecting agriculture and the environment from these threats, others are in conflict or create enforcement ambiguities. The Nation's agricultural community, as well as private, State and Federal land managers, cannot afford the continuing uncertainty caused by Federal plant pest laws, some of which were enacted prior to World War I. Legislation to revise and consolidate Federal plant pest laws is urgently needed and long overdue.

Agriculture Secretary Dan Glickman recently characterized the problems created by hodgepodge of Federal plant protection laws when he Stated that ''in some instances, it is unclear which statutes should be relied upon for authority. It is difficult to explain to the public why some apparently similar situations have to be treated differently because different authorities are involved.''

A 1993 report issued by the Office of Technology Assessment reached the same conclusion. The OTA found that Federal and State statutes, regulations, and programs are not keeping pace with new and spreading alien pests.

The Plant Protection Act will correct many, but not all, of these problems. The bill I have introduced today will enhance the Federal Government's ability to combat plant pests and noxious weeds, and protect our farms, environment, and economy from the harm they cause.

Plant pests are a problem of monumental proportions. Some of the most damaging insects include the Mediterranean fruit fly, fire ant, and the gipsy moth. Disease pathogens include chestnut blight, which wiped out the most common tree of our Appalachian forests, the elm blight, which destroyed many splendid trees lining our city streets, and the white pine blister rust, which eliminated western white pine as a source of timber for several decades.

Alien weeds also cause havoc, and nowhere is this problem more apparent than in Hawaii. Because our climate is so accommodating, Hawaii is heaven-on-earth for weeds. Alien plants such as gorse, ivy gourd, miconia, and banana poka are ravaging our tropical and subtropical forests. Earlier this year, Hawaii's environment passed an unfortunate milestone: for the first time, foreign introduced plants outnumber Hawaii's diverse native species.

Hawaii is not alone in facing this problem. In fact, no State or region is immune to this threat.

Invasive foreign weeds do more than just compete with domestic species. They transform the landscape, change the rules by which native plants and animals live, and undermine the economic and environmental health of the areas they infest.

Alien weeds fuel grass and forest fires, promote soil erosion, and destroy critical water resources. They significantly increase the cost of farming and ranching. Noxious weeds destroy or alter natural habitat, damage waterways and power lines, and depress property values. Some are toxic to humans, livestock, and wildlife.

Alien weeds are biological pollution, pure and simple. The worldwide growth in trade and travel has caused an explosion in the number of foreign weeds that plague our Nation.

Just how big is this problem? Let me offer an example. Last year, on Federal lands alone, we lost 4,500 acres each day to noxious weeds. That's a million-and-a-half acres a year, or an area the size of Delaware. By comparison, forest fires—one of the most fearsome natural disasters—claimed only half as many Federal acres as weeds.

Noxious foreign weeds have been called a biological wildfire, and for good reason. Forests, national parks, recreation areas, urban landscapes, wilderness, grasslands, waterways, farm and range land across the Nation are overrun by noxious weeds.

The greatest economic impact of this problem is felt by farmers. The Office of Technology Assessment estimates that exotic weeds cost U.S. farmers $3.6 to $5.4 billion annually due to reduced yields, crops of poor quality, increased herbicide use, and other weed control costs. Noxious weeds are a significant drain on farm productivity.

Despite the magnitude of this problem, few people get alarmed about weeds. The issue certainly doesn't appear on the cover of Time or Newsweek. Perhaps if kudzu, a weed known as the ''vine that ate the South,'' attacked the Capitol dome, weeds would finally get the attention they deserve.

Several of these foreign weeds are truly the ''King Kong of plants.'' Some are 50 feet tall. Others have 4 inch thorns. Some have roots 25 feet deep, and others produce 20 million seeds each year.

My least-favorite weed is the tropical soda apple, a thorny plant with a sweet-sounding name. This import from Brazil has inch long spikes covering its stems and leaves. The only attractive thing about this plant is its small yellow and green fruit.

Tropical soda apple presents a particularly difficult control problem because the fruit is a favorite among cattle. They consume the apples and then pass the seeds in their manure where new weed infestations quickly sprout. As cattle are shipped from State to State with soda apple seeds in their stomachs you can easily see how the problem rapidly spreads. It's a weed control nightmare.

The saga of tropical soda apple prompted me to introduce S. 690, the Federal Noxious Weed Improvement Act in April 1995. S. 690 would grant the Secretary of Agriculture emergency powers to restrict the entry of a foreign weed until formal action can be taken to place it on the noxious weed list. This legislation would prevent future tropical soda apples from taking root.

I have incorporated the text of S. 690 into section 4 of the Plant Protection Act. Other provisions of the legislation I have introduced today are drawn from USDA recommendations for consolidating weed and plant pest authorities.

Because the U.S. Department of Agriculture's authority over plant pests and noxious weeds is dispersed throughout numerous statutes, Federal efforts to protect agriculture, forestry, and our environment are seriously hindered. To enable the Department to respond more efficiently to this challenge, I have introduced legislation to consolidate these authorities into a single statute. The text of this measure is drawn from draft recommendations prepared by USDA, although I have made some significant changes, particularly in the provisions relating to weeds.

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. 2128

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 ''Plant Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, and retardation of the spread of plant pests and noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control—

(A) is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds; and

(B) should be facilitated by the Secretary of Agriculture, Federal agencies, and States, whenever feasible;

(3) markets could be severely impacted by the introduction or spread of pests or noxious weeds into or within the United States;

(4) the unregulated movement of plant pests, noxious weeds, plants, biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds would present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(5) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could threaten crops, other plants, plant products, and the natural resources and environment of the United States and burden interstate commerce or foreign commerce; and

(6) all plant pests, noxious weeds, plants, plant products, or articles capable of harboring plant pests or noxious weeds regulated under this Act are in or affect interstate commerce or foreign commerce.

SEC. 3. DEFINITIONS.

In this Act (unless the context otherwise requires):

(1) ARTICLE.—The term ''article'' means any material or tangible object that could harbor a pest, disease, or noxious weed.

(2) BIOLOGICAL CONTROL ORGANISM.—The term ''biological control organism'' means a biological entity, as defined by the Secretary, that suppresses or decreases the population of another biological entity.

(3) ENTER.—The term ''enter'' means to move into the commerce of the United States.

(4) ENTRY.—The term ''entry'' means the act of movement into the commerce of the United States.

(5) EXPORT.—The term ''export'' means to move from the United States to any place outside the United States.

(6) EXPORTATION.—The term ''exportation'' means the act of movement from the United States to any place outside the United States.

(7) IMPORT.—The term ''import'' means to move into the territorial limits of the United States.

(8) IMPORTATION.—The term ''importation'' means the act of movement into the territorial limits of the United States.

(9) INDIGENOUS.—The term ''indigenous'' means a plant species found naturally as part of a natural habitat in a geographic area in the United States.

(10) INTERSTATE.—The term ''interstate'' means from 1 State into or through any other State, or within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(11) INTERSTATE COMMERCE.—The term ''interstate commerce'' means trade, traffic, movement, or other commerce—

(A) between a place in a State and a point in another State;

(B) between points within the same State but through any place outside the State; or

(C) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(12) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property or means used for or intended for use for the movement of any other personal property.

(13) MOVE.—The term ''move'' means to—

(A) carry, enter, import, mail, ship, or transport;

(B) aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting;

(C) offer to carry, enter, import, mail, ship, or transport;

(D) receive to carry, enter, import, mail, ship, or transport; or

(E) allow any of the activities referred to this paragraph.

(14) NOXIOUS WEED.—The term ''noxious weed'' means a plant, seed, reproductive part, or propagative part of a plant that—

(A) can directly or indirectly injure or cause damage to a crop, other useful plant, plant product, livestock, poultry, or other interest of agriculture (including irrigation), navigation, public health, or natural resources or environment of the United States; and

(B) belongs to a species that is not indigenous to the geographic area or ecosystem in which it is causing injury or damage.

(15) PERMIT.—The term ''permit'' means a written or oral authorization (including electronic authorization) by the Secretary to move a plant, plant product, biological control organism, plant pest, noxious weed, or article under conditions prescribed by the Secretary.

(16) PERSON.—The term ''person'' means an individual, partnership, corporation, association, joint venture, or other legal entity.

(17) PLANT.—The term ''plant'' means a plant or plant part for or capable of propagation, including a tree, shrub, vine, bulb, root, pollen, seed, tissue culture, plantlet culture, cutting, graft, scion, and bud.

(18) PLANT PEST.—The term ''plant pest'' means—

(A) a living stage of a protozoan, animal, bacteria, fungus, virus, viroid, infection agent, or parasitic plant that can directly or indirectly injure or cause damage to, or cause disease in, a plant or plant product; or

(B) an article that is similar to or allied with an article referred to in subparagraph (A).

(19) PLANT PRODUCT.—The term ''plant product'' means a flower, fruit, vegetable, root, bulb, seed, or other plant part that is not considered a plant or a manufactured or processed plant or plant part.

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(21) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(22) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 4. RESTRICTIONS ON MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) IN GENERAL.—The Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the interstate dissemination of a plant pest or noxious weed.

(b) MAIL.—

(1) IN GENERAL.—No person shall convey in the mail, or deliver from a post office or by a mail carrier, a letter or package containing a plant pest, biological control organism, or noxious weed unless it is mailed in accordance with such regulations as the Secretary may issue to prevent the introduction into the United States, or interstate dissemination, of plant pests or noxious weeds.

(2) POSTAL EMPLOYEES.—This subsection shall not apply to an employee of the United States in the performance of the duties of the employee in handling the mail.

(3) POSTAL LAWS AND REGULATIONS.—Nothing in this subsection authorizes a person to open a mailed letter or other mailed sealed matter except in accordance with the postal laws and regulations.

(c) STATE RESTRICTIONS ON NOXIOUS WEEDS.—No person shall move into a State, or sell or offer for sale in the State, a plant species the sale of which is prohibited by the State because the plant species is designated as a noxious weed or has a similar designation.

(d) ADMINISTRATION.—The Secretary may issue regulations to carry out this section, including regulations requiring that a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance imported, entered, to be exported, or moved in interstate commerce—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, or movement in interstate commerce;

(2) be accompanied by a certificate of inspection issued in a manner and form required by the Secretary or by an appropriate official of the country or State from which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is to be moved;

(3) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests; and

(4) in the case of a plant or biological control organism, be grown or handled under post-entry quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the plant or biological control organism may be infested with a plant pest or noxious weed, or may be a plant pest or noxious weed.

(e) LIST OF RESTRICTED NOXIOUS WEEDS.—

(1) PUBLICATION.—The Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States.

(2) PETITIONS TO ADD OR REMOVE PLANT SPECIES.—

(A) IN GENERAL.—A person may petition the Secretary to add or remove a plant species from the list required under paragraph (1).

(B) ACTION ON PETITION.—The Secretary shall—

(i) act on a petition not later than 1 year after receipt of the petition by the Secretary; and

(ii) notify the petitioner of the final action the Secretary takes on the petition.

(C) BASIS FOR DETERMINATION.—The Secretary's determination on the petition shall be based on sound science, available data and technology, and information received from public comment.

(D) INCLUSION ON LIST.—To include a plant species on the list, the Secretary must determine that—

(i) the plant species is nonindigenous to the geographic region or ecosystem in which the species is spreading and causing injury; and

(ii) the dissemination of the plant in the United States may reasonably be expected to interfere with natural resources, agriculture, forestry, or a native ecosystem of a geographic region, or management of an ecosystem, or cause injury to the public health.

(f) CONFORMING AMENDMENTS.—

(1) Section 102 of the Act of September 21, 1944 (58 Stat. 735, chapter 412; 7 U.S.C. 147a) is amended by striking ''(a)'' in subsection (a) and all that follows through ''(2)'' in subsection (f)(2).

(2) The matter under the heading ''ENFORCEMENT OF THE PLANT-QUARANTINE ACT:'' under the heading ''MISCELLANEOUS'' of the Act of March 4, 1915 (commonly known as the ''Terminal Inspection Act'') (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(A) in the second paragraph—

(i) by striking ''plants and plant products'' each place it appears and inserting ''plants, plant products, animals, and other organisms'';

(ii) by striking ''plants or plant products'' each place it appears and inserting ''plants, plant products, animals, or other organisms'';

(iii) by striking ''plant-quarantine law or plant-quarantine regulation'' each place it appears and inserting ''plant-quarantine or other law or plant-quarantine regulation'';

(iv) in the second sentence—

(I) by striking ''Upon his approval of said list, in whole or in part, the Secretary of Agriculture'' and inserting ''On the receipt of the list by the Secretary of Agriculture, the Secretary''; and

(II) by striking ''said approved lists'' and inserting ''the lists'';

(v) by inserting after the second sentence the following: ''On the request of a representative of a State, a Federal agency shall act on behalf of the State to obtain a warrant to inspect mail to carry out this paragraph.''; and

(vi) in the last sentence, by striking ''be forward'' and inserting ''be forwarded''; and

(B) in the third paragraph, by striking ''plant or plant product'' and inserting ''plant, plant product, animal, or other organism''.

SEC. 5. NOTIFICATION OF ARRIVAL AND INSPECTION BEFORE MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) NOTIFICATION AND HOLDING BY SECRETARY OF THE TREASURY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Treasury shall—

(A) promptly notify the Secretary of the arrival of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance at a port of entry; and

(B) hold the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance until inspected and authorized for entry into or transit movement through the United States, or otherwise released by the Secretary.

(2) APPLICATION.—Paragraph (1) shall not apply to a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is imported from a country or region of countries that the Secretary designates as exempt from paragraph (1), pursuant to such regulations as the Secretary may issue.

(b) NOTIFICATION BY RESPONSIBLE PERSON.—The person responsible for a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to subsection (a) shall promptly, on arrival at the port of entry and before the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is moved from the port of entry, notify the Secretary or, at the Secretary's direction, the proper official of the State to which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is destined, or both, as the Secretary may prescribe, of—

(1) the name and address of the consignee;

(2) the nature and quantity of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance proposed to be moved; and

(3) the country and locality where the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance was grown, produced, or located.

(c) NO MOVEMENT WITHOUT INSPECTION AND AUTHORIZATION.—No person shall move from the port of entry or interstate an imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance unless the imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance has been inspected and authorized for entry into or transit movement through the United States, or otherwise released by the Secretary.

SEC. 6. REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS; EXTRAORDINARY EMERGENCY.

(a) REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS.—

(1) IN GENERAL.—Except as provided in subsection (c), if the Secretary considers it necessary to prevent the dissemination of a plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States, the Secretary may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of—

(A) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is moving into or through the United States or interstate and that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(B) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has moved into the United States or interstate and that the Secretary has reason to believe was infested with the plant pest or noxious weed at the time of the movement;

(C) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act;

(D) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has not been maintained in compliance with a post-entry quarantine requirement;

(E) a progeny of a plant, plant product, biological control organism, plant pest, or noxious weed that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act; or

(F) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is infested with a plant pest or noxious weed that the Secretary has reason to believe was moved into the United States or in interstate commerce.

(2) ORDERING TREATMENT OR DISPOSAL BY THE OWNER.—Except as provided in subsection (c), the Secretary may order the owner of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance subject to disposal under paragraph (1), or the owner's agent, to treat, apply other remedial measures to, destroy, or otherwise dispose of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance, without cost to the Federal Government and in a manner the Secretary considers appropriate.

(3) CLASSIFICATION SYSTEM FOR NOXIOUS WEEDS.—

(A) IN GENERAL.—To facilitate control of noxious weeds, the Secretary shall develop a classification system to describe the status and action levels for noxious weeds.

(B) CATEGORIES.—The classification system shall differentiate between—

(i) noxious weeds that are not known to be introduced into the United States;

(ii) noxious weeds that are not known to be widely disseminated within the United States;

(iii) noxious weeds that are widely distributed within the United States; and

(iv) noxious weeds that are not indigenous, including native plant species that are invasive in limited geographic areas within the United States.

(C) OTHER CATEGORIES.—In addition to the categories required under subparagraph (B), the Secretary may establish other categories of noxious weeds for the system.

(D) VARYING LEVELS OF REGULATION AND CONTROL.—The Secretary shall develop varying levels of regulation and control appropriate to each of the categories of the system.

(E) APPLICATION OF REGULATIONS.—The regulations issued to carry out this paragraph shall apply, as the Secretary considers appropriate, to—

(i) exclude a noxious weed;

(ii) prevent further dissemination of a noxious weed through movement or commerce;

(iii) establish mandatory controls for a noxious weed; or

(iv) designate a noxious weed as warranting control efforts.

(F) REVISIONS.—The Secretary shall revise the classification system, and the placement of individual noxious weeds within the system, in response to changing circumstances.

(G) INTEGRATED MANAGEMENT PLANS.—In conjunction with the classification system, the Secretary may develop an integrated management plan for a noxious weed for the geographic region or ecological range of the United States where the noxious weed is found or to which the noxious weed may spread.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States and that the presence of the plant pest or noxious weed threatens a crop, other plant, plant product, or the natural resources or environment of the United States, the Secretary may—

(A) hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(B) quarantine, treat, or apply other remedial measures to a premises, including a plant, plant product, biological control organism, article, or means of conveyance on the premises, that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(C) quarantine a State or portion of a State in which the Secretary finds the plant pest or noxious weed, or a plant, plant product, biological control organism, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed; or

(D) prohibit or restrict the movement within a State of a plant, plant product, biological control organism, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(2) REQUIREMENTS FOR ACTION.—

(A) INADEQUATE STATE MEASURES.—After review and consultation with the Governor or other appropriate official of the State, the Secretary may take action under this subsection only on a finding that the measures being taken by the State are inadequate to eradicate the plant pest or noxious weed.

(B) NOTICE TO STATE AND PUBLIC.—Before taking any action in a State under this subsection, the Secretary shall—

(i) notify the Governor or another appropriate official of the State;

(ii) issue a public announcement; and

(iii) except as provided in subparagraph (C), publish in the Federal Register a statement of—

(I) the Secretary's findings;

(II) the action the Secretary intends to take;

(III) the reason for the intended action; and

(IV) if practicable, an estimate of the anticipated duration of the extraordinary emergency.

(C) NOTICE AFTER ACTION.—If it is not possible to publish a statement in the Federal Register under subparagraph (B) prior to taking an action under this subsection, the Secretary shall publish the statement in the Federal Register within a reasonable period of time, not to exceed 10 business days, after commencement of the action.

(3) COMPENSATION.—

(A) IN GENERAL.—The Secretary may pay compensation to a person for economic losses incurred by the person as a result of action taken by the Secretary under paragraph (1).

(B) FINAL DETERMINATION.—The determination by the Secretary of the amount of any compensation paid under this subsection shall be final and shall not be subject to judicial review.

(c) LEAST DRASTIC ACTION TO PREVENT DISSEMINATION.—No plant, plant product, biological control organism, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible, and that would be adequate, to prevent the dissemination of a plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

(d) COMPENSATION OF OWNER FOR UNAUTHORIZED DISPOSAL.—

(1) IN GENERAL.—The owner of a plant, plant product, biological control organism, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under this section may bring an action against the United States in the United States District Court of the District of Columbia, not later than 1 year after the destruction or disposal, and recover just compensation for the destruction or disposal of the plant, plant product, biological control organism, article, or means of conveyance (not including compensation for loss due to delays incident to determining eligibility for importation, entry, exportation, movement in interstate commerce, or release into the environment) if the owner establishes that the destruction or disposal was not authorized under this Act.

(2) SOURCE FOR PAYMENTS.—A judgment rendered in favor of the owner shall be paid out of the money in the Treasury appropriated for plant pest control activities of the Department of Agriculture.

SEC. 7. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) IN GENERAL.—Consistent with guidelines approved by the Attorney General, the Secretary may—

(1) stop and inspect, without a warrant, a person or means of conveyance moving into the United States to determine whether the person or means of conveyance is carrying a plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act;

(2) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce on probable cause to believe that the person or means of conveyance is carrying a plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act;

(3) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce from or within a State, portion of a State, or premises quarantined under section 6(b) on probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, or article regulated under this Act or is moving subject to this Act; and

(4) enter, with a warrant, a premises in the United States for the purpose of making inspections and seizures under this Act.

(b) WARRANTS.—

(1) IN GENERAL.—A United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, within the judge's or magistrate's jurisdiction, on proper oath or affirmation showing probable cause to believe that there is on certain premises a plant, plant product, biological control organism, article, facility, or means of conveyance regulated under this Act, issue a warrant for entry on the premises to make an inspection or seizure under this Act.

(2) EXECUTION.—The warrant may be executed by the Secretary or a United States Marshal.

SEC. 8. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with—

(1) other Federal agencies;

(2) States or political subdivisions of States;

(3) national, State, or local associations;

(4) national governments;

(5) local governments of other nations;

(6) international organizations;

(7) international associations; and

(8) other persons.

(b) RESPONSIBILITY.—The individual or entity cooperating with the Secretary shall be responsible for conducting the operations or taking measures on all land and property within the foreign country or State, other than land and property owned or controlled by the United States, and for other facilities and means determined by the Secretary.

(c) TRANSFER OF BIOLOGICAL CONTROL METHODS.—At the request of a Federal or State land management agency, the Secretary may transfer to the agency biological control methods utilizing biological control organisms against plant pests or noxious weeds.

(d) IMPROVEMENT OF PLANTS, PLANT PRODUCTS, AND BIOLOGICAL CONTROL ORGANISMS.—The Secretary may cooperate with State authorities in the administration of regulations for the improvement of plants, plant products, and biological control organisms.

SEC. 9. PHYTOSANITARY CERTIFICATE FOR EXPORTS.

The Secretary may certify a plant, plant product, or biological control organism as free from plant pests and noxious weeds, and exposure to plant pests and noxious weeds, according to the phytosanitary requirements of the country to which the plant, plant product, or biological control organism may be exported.

SEC. 10. ADMINISTRATION.

(a) IN GENERAL.—The Secretary may acquire and maintain such real or personal property, employ such persons, make such grants, and enter into such contracts, cooperative agreements, memoranda of understanding, or other agreements as are necessary to carry out this Act.

(b) PERSONNEL OF USER FEE SERVICES.—Notwithstanding any other law, the Secretary shall provide adequate personnel for services provided under this Act that are funded by user fees.

(c) TORT CLAIMS.—

(1) IN GENERAL.—The Secretary may pay a tort claim (in the manner authorized in the first paragraph of section 2672 of title 28, United States Code) if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) TIME LIMITATION.—A claim may not be allowed under paragraph (1) unless the claim is presented in writing to the Secretary not later than 2 years after the claim accrues.

SEC. 11. REIMBURSABLE AGREEMENTS.

(a) PRECLEARANCE.—

(1) IN GENERAL.—The Secretary may enter into a reimbursable fee agreement with a person for preclearance (at a location outside the United States) of plants, plant products, and articles for movement into the United States.

(2) ACCOUNT.—All funds collected under this subsection shall be credited to an account that may be established by the Secretary and remain available until expended without fiscal year limitation.

(b) OVERTIME.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by the employee, at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT OF SECRETARY.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any funds paid by the Secretary for the services.

(3) ACCOUNT.—All funds collected under this subsection shall be credited to the account that incurs the costs and remain available until expended without fiscal year limitation.

(c) LATE PAYMENT PENALTY AND INTEREST.—

(1) PENALTY.—On failure of a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person.

(2) INTEREST.—Overdue funds due the Secretary under this section shall accrue interest in accordance with section 3717 of title 31, United States Code.

(3) ACCOUNT.—A late payment penalty and accrued interest shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

SEC. 12. VIOLATIONS; PENALTIES.

(a) CRIMINAL PENALTIES.—A person who knowingly violates this Act, or who knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—A person who violates this Act, or who forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys a certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(2) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order that is reviewable under chapter 158 of title 28, United States Code.

(3) VALIDITY OF ORDER.—The validity of an order of the Secretary may not be reviewed in an action to collect the civil penalty.

(4) INTEREST.—A civil penalty not paid in full when due under an order assessing the civil penalty shall (after the due date) accrue interest until paid at the rate of interest applicable to a civil judgment of a court of the United States.

(c) PECUNIARY GAINS OR LOSSES.—If a person derives pecuniary gain from an offense described in subsection (a) or (b), or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than an amount that is the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the imposition of a fine or sentence under subsection (a) or (b).

(d) AGENTS.—For purposes of this Act, the act, omission, or failure of an officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the other person shall be considered also to be the act, omission, or failure of the other person.

(e) CIVIL PENALTIES OR NOTICE IN LIEU OF PROSECUTION.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

SEC. 13. ENFORCEMENT.

(a) INVESTIGATIONS, EVIDENCE, AND SUBPOENAS.—

(1) INVESTIGATIONS.—The Secretary may gather and compile information and conduct any investigations the Secretary considers necessary for the administration and enforcement of this Act.

(2) EVIDENCE.—The Secretary shall at all reasonable times have the right to examine and copy any documentary evidence of a person being investigated or proceeded against.

(3) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to require by subpoena the attendance and testimony of any witness and the production of all documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) LOCATION.—The attendance of a witness and production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(C) NONCOMPLIANCE WITH SUBPOENA.—If a person disobeys a subpoena, the Secretary may request the Attorney General to invoke the aid of a court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated to require the attendance and testimony of a witness and the production of documentary evidence.

(D) ORDER.—If a person disobeys a subpoena, the court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(E) NONCOMPLIANCE WITH ORDER.—A failure to obey the court's order may be punished by the court as a contempt of the court.

(F) FEES AND MILEAGE.—

(i) IN GENERAL.—A witness summoned by the Secretary shall be paid the same fees and reimbursement for mileage that is paid to a witness in the courts of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(b) ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, a criminal violation of this Act that is referred to the Attorney General by the Secretary or is brought to the notice of the Attorney General by a person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by a person with the Secretary in carrying out this Act, if the Secretary has reason to believe that the person has violated or is about to violate this Act, or has interfered, or is about to interfere, with the Secretary; and

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) JURISDICTION.—

(1) IN GENERAL.—Except as provided in section 12(b), a United States district court, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of other territories and possessions shall have jurisdiction over all cases arising under this Act.

(2) VENUE.—Except as provided in subsection (b), an action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) SUBPOENAS.—A subpoena for a witness to attend court in a judicial district or to testify or produce evidence at an administrative hearing in a judicial district in an action or proceeding arising under this Act may apply to any other judicial district.

SEC. 14. PREEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), no State or political subdivision of a State may regulate any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in foreign commerce to control a plant pest or noxious weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

(b) STATE NOXIOUS WEED LAWS.—This Act shall not invalidate the law of any State or political subdivision of a State relating to noxious weeds, except that a State or political subdivision of a State may not permit any action that is prohibited under this Act.

SEC. 15. REGULATIONS AND ORDERS.

The Secretary may issue such regulations and orders as the Secretary considers necessary to carry out this Act, including (at the option of the Secretary) regulations and orders relating to—

(1) notification of arrival of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(2) prohibition or restriction of or on the importation, entry, exportation, or movement in interstate commerce of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(3) holding, seizure of, quarantine of, treatment of, application of remedial measures to, destruction of, or disposal of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, premises, or means of conveyance;

(4) in the case of an extraordinary emergency, prohibition or restriction on the movement of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(5) payment of compensation;

(6) cooperation with other Federal agencies, States, political subdivisions of States, national governments, local governments of other countries, international organizations, international associations, and other persons, entities, and individuals;

(7) transfer of biological control methods for plant pests or noxious weeds;

(8) negotiation and execution of agreements;

(9) acquisition and maintenance of real and personal property;

(10) issuance of letters of warning;

(11) compilation of information;

(12) conduct of investigations;

(13) transfer of funds for emergencies;

(14) approval of facilities and means of conveyance;

(15) denial of approval of facilities and means of conveyance;

(16) suspension and revocation of approval of facilities and means of conveyance;

(17) inspection, testing, and certification;

(18) cleaning and disinfection;

(19) designation of ports of entry;

(20) imposition and collection of fees, penalties, and interest;

(21) recordkeeping, marking, and identification;

(22) issuance of permits and phytosanitary certificates;

(23) establishment of quarantines, post-importation conditions, and post-entry quarantine conditions;

(24) establishment of conditions for transit movement through the United States; and

(25) treatment of land for the prevention, suppression, or control of plant pests or noxious weeds.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS; TRANSFERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(2) INDEMNITIES.—Except as specifically authorized by law, no part of the money made available under paragraph (1) shall be used to pay an indemnity for property injured or destroyed by or at the direction of the Secretary.

(b) TRANSFERS.—

(1) IN GENERAL.—In connection with an emergency in which a plant pest or noxious weeds threatens any segment of the agricultural production of the United States, the Secretary may transfer (from other appropriations or funds available to an agency or corporation of the Department of Agriculture) such funds as the Secretary considers necessary for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available to carry out paragraph (1) without fiscal year limitation.

SEC. 17. REPEALS.

The following provisions of law are repealed:

(1) Public Law 97–46 (7 U.S.C. 147b).

(2) The Joint Resolution of April 6, 1937 (50 Stat. 57, chapter 69; 7 U.S.C. 148 et seq.).

(3) Section 1773 of the Food Security Act of 1985 (7 U.S.C. 148f).

(4) The Act of January 31, 1942 (56 Stat. 40, chapter 31; 7 U.S.C. 149).

(5) The Golden Nematode Act (7 U.S.C. 150 et seq.).

(6) The Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

(7) The Act of August 20, 1912 (commonly known as the ''Plant Quarantine Act'') (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.).

(8) The Halogeton Glomeratus Control Act (7 U.S.C. 1651 et seq.).

(9) The Act of August 28, 1950 (64 Stat. 561, chapter 815; 7 U.S.C. 2260).

(10) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.), other than the first section of the Act (Public Law 93–629; 7 U.S.C. 2801 note) and section 15 of the Act (7 U.S.C. 2814).

By Mr. INHOFE:

S. 2129. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

FAA EMERGENCY REVOCATION POWERS

Mr. INHOFE. For several months now, I have been working with representatives of the aviation community, with which I have been a part for just under 40 years, on legislation which will address the problem with the Federal Aviation Administration's use of their emergency revocation powers. In a revocation action, brought on an emergency basis, the airman or other certificate holder loses the use of the certificate immediately without any intermediary review or by any kind of an impartial party. The result is that the airman is grounded. In most cases, that is an airman who worked for some airline, and that is his or her only method of making a living.

Simply put, I believe the FAA unfairly uses this emergency power to prematurely revoke certificates when the circumstances do not support such drastic action. A more reasonable approach where safety is not an issue would be to adjudicate the revocation on a nonemergency basis, allowing the certificate holder continued use of his certificate.

Do not misunderstand: In no way do I want to suggest that the FAA should not have emergency revocation powers. I believe it is critical to safety that the FAA have the ability to ground unsafe airmen. However, I also believe that the FAA must be judicious in its use of the extraordinary power. A review of recent emergency cases clearly demonstrates a pattern whereby the FAA uses their emergency powers as standard procedure rather than extraordinary measures. Perhaps the most visible case has been that of Bob Hoover.

Now, Mr. President, I have flown in a lot of air shows over the last 40 years, and I can tell you right now the one person that you ask anyone who has a background like mine, ''Who is the hero within the industry,'' it has been Hoover. He is getting up in years but is

as sharp as he ever was. Something happened to him. He is probably the most highly regarded and accomplished aerobatic pilot today. In 1992, his medical certificate was revoked based on alleged questions regarding his physical condition. After getting a clean bill of health from four separate sets of doctors over the continuing objections of the Federal air surgeon, who never examined Bob personally, his medical certificate was reinstated only after the Administrator, David Hinson, intervened.

I say at this point, I have been a strong supporter of Administrator David Hinson. I have often said that he is probably the very best appointment that President Clinton has made since he has been President. I also say there is not a lot of competition for that title.

He already has more serious problems coming. His current medical certificate expires this coming Monday, September 30, 1996. Unlike most airmen, like myself, when mine expires I go down, take a physical that lasts approximately 30 minutes, and it is reinstated at that time, something that happens every 12 months.

Bob Hoover's experience is one of many. I have several other examples of pilots who had licenses revoked on an emergency basis, such as Ted Stewart, who has been an American Airlines pilot—who I know personally—has been an American Airlines pilot for 12 years and is presently a Boeing 767 captain. Until January 1995, Mr. Stewart had no complaints registered against him or his flying. In January 1995, the FAA suspended Mr. Stewart's examining authority as part of a larger FAA effort to respond to a problem of falsifying records.

Now, there was never any indication that Mr. Stewart was involved in that, but, nonetheless, that was part of the investigation. He was exonerated by the full NTSB, National Transportation Safety Board, in July 1995. In June 1996, he received a second revocation. One of the charges in the second revocation involved falsification of records for a flight instructor certificate with a multiengined rating and his air transport pilot, ATP, certificate dating back to 1979.

Like most, I have questioned how an alleged 17½-year-old violation could constitute an emergency, especially since he has not been cited for any cause in the intervening years. Nonetheless, the FAA vigorously pursued this action. On August 30, 1996, the NTSB issued its decision in this second revocation and found in favor of Mr. Stewart.

A couple of comments in Mr. Stewart's decision bear closer examination. First, the board notes that ''the Administrator's loss in the earlier case appears to have prompted further investigation of the respondent * * *'' I found this rather troubling, that an impartial third party appears to be suggesting that the FAA has a vendetta against Ted Stewart, which is further emphasized with the footnote in which the board notes:

> [We,] of course, [are] not authorized to review the Administrator's exercise of his power to take emergency certificate action . . . We are constrained to register in this matter, however, our opinion that where, as here, no legitimate reason is cited or appears for not consolidating all alleged violations into one proceeding, subjecting an airman in the space of a year to two emergency revocations, and thus to the financial and other burdens associated with an additional 60-day grounding, without prior notice and hearing, constitutes an abuse and unprincipled discharge of an extraordinary power.

Mr. President, I obviously cannot read the minds of the NTSB, but I believe a reasonable person would conclude from these comments that the board believes, as I do, that there is an abuse of emergency revocation powers by the FAA.

This is borne out further by the fact that, since 1989, emergency cases as a total of all enforcement actions heard by the NTSB have more than doubled. In 1989, the NTSB heard 1,107 enforcement cases. Of those, 66 were emergency revocation cases, or 5.96 percent. In 1995, the NTSB heard 509 total enforcement cases, and of those 160 were emergency revocation cases or 31.43 percent. I believe it is clear that the FAA has begun to use an exceptional power as a standard practice.

In response, I am proposing legislation which would establish a procedure whereby the FAA must show just cause for bringing an emergency revocation action against an airman.

Not surprisingly, Mr. President, the FAA opposes this language. But they also oppose the changes to the civil penalties program where they served as judge, jury, and executioner in civil penalty actions against airmen. Fortunately, we were able to change that just a couple of years ago so that airmen can now appeal a civil penalty case to the NTSB. This has worked very well because the NTSB has a clear understanding of the issues.

My proposal allows an airman, within 48 hours of receiving an emergency revocation order, to request a hearing before the NTSB on the emergency nature of the revocation—not whether or not the revocation was justified, but the emergency nature of the revocation. The NTSB then has 48 hours to hear the arguments and decide if a true emergency exists. During this time, the emergency revocation remains in effect. In other words, the airman loses use of his certificate for 4 days. However, should the NTSB decide an emergency does not exist, then the certificate would be returned to the airman and he could continue to use it while the FAA pursued their revocation case against him in a normal manner. If the NTSB decides that an emergency does exist, then the emergency revocation remains in effect and the airman cannot use his certificate until the case is adjudicated.

This bill is supported by virtually all of the major aviation groups, such as the Air Transport Association, the Allied Pilots Association, the Aircraft Owners and Pilots Association, the Experimental Aircraft Association, the NTSB Bar Association, and many others.

My intention in introducing this bill today is to get it out so that interested groups can look at it and work with me to make changes, if that is necessary. I am pleased that Senator MCCAIN, who is the chairman of the Aviation Subcommittee of Commerce, has agreed to hold a hearing on this in the 105th Congress. In the intervening time, I will be working to make sure this issue is fully vetted, and it is my hope that we will be able to address this issue very early in the 105th Congress.

By Mr. MOYNIHAN:

S. 2131. A bill to establish a bipartisan national commission on the year 2000 computer problem; to the Committee on Commerce, Science, and Transportation.

THE YEAR 2000 COMPUTER PROBLEM NATIONS COMMISSION ESTABLISHMENT ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise today to offer my last in a series of warnings to the 104th Congress. I warn of a problem which may have extreme negative economic and national security consequences in the year 2000 and beyond. It is the problem of the Year 2000 Time Bomb, which has to do with the transition of computer programs from the 20th to the 21st century. Throughout history, much forewarning of the millennium has been foolishly apocalyptic, but this problem is not trifling.

Simply put, many computer programs will read January 1, 2000 as January 1, 1900. Outwardly innocuous, the need to reprogram computers' internal clocks will not only cost billions, but if left undone—or not done in time—all levels of government, the business community, the medical community, and the defense establishment could face a maelstrom of adverse effects. Widespread miscalculation of taxes by the Internal Revenue Service; the possible failure of some Defense Department weapons systems; the possibility of misdiagnosis or improper medical treatment due to errors in medical records; and the possibility of widespread disruption of business operations due to errors in business records.

Mr. Lanny J. Davis, in his thoughtful analysis of the dilemma presented in an article in the Washington Post of September, 15, 1996, cited one industry expert who called the Y2K defect—as the computer literate call it—''the most devastating virus to ever infect the world's business and information technology systems.'' Mr. Davis also tabulated the cost: ''Current estimates for business and government range from $50 billion to $75 billion—and will only increase as 2000 draws closer.''

Moreover, it seems the problem is not limited to main frame computers

as once was thought. In an article entitled ''Even Some New Software Won't Work in 2000,'' the Wall Street Journal reported on Wednesday, September 18, 1996, that owners of personal computers will be affected as well. Mr. Lee Gomes wrote: ''In fact, tens of millions of PC owners will be affected. Current or very recent versions of such best sellers as Quicken, FileMaker Pro and at least one brand-new program from Microsoft will stumble at the approach of Jan. 1, 2000. There will be hardware hiccups, too. Many PC owners will have to take extra steps to teach their systems about the new millennium.''

Early in 1996, John Westergaard first informed me of this impending problem. I asked the Congressional Research Service to assess its extent. In July, CRS reported back and substantiated the doomsayers' worst fears. I immediately wrote to the President, alerted him to the problem and suggested that a presidential aide—a general perhaps—be appointed to take responsibility for assuring that all Federal agencies and Government contractors be Y2K date-compliant by January 1, 1999. No word back yet.

Over the past few weeks I have periodically updated my colleagues in the Senate as to the nature of this problem, the possible costs of the problem, and advances in thinking about the problem. The business community has begun to stir, but it seems all is quiet here in the Nation's capital, or nearly quiet.

Today, I am introducing a bill to establish a nonpartisan commission on the year 2000 computer problem. It will be composed of 15 members—five selected by the President; 5, the President pro tempore of the Senate, and 5, the Speaker of the House of Representatives—in consultation with the minority leaders respectively. The commission will study the problem, analyze its costs, and provide immediate recommendations and requirements for the Secretary of Defense, the President, and Congress. Because of the urgency of this problem, the commission will complete its study and make its report to the President by December 31, 1997. The onus is now on us to see this bill passed.

I urge my colleagues to recognize this problem, and help establish this Commission. As Mr. Davis warned, we have begun a ''Countdown to a Meltdown.'' The longer we delay, the more costly the solution and the more dire the consequences. The computer has been a blessing; if we do not act in a timely fashion, however, it could become the curse of the age.

I ask unanimous consent that the Wall Street Journal article of Wednesday, September 18, 1996, entitled ''Even Some New Software Won't Work in 2000,'' by Lee Gomes, be included in the RECORD.

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

[From the Wall Street Journal, Sept. 18, 1996]

EVEN SOME NEW SOFTWARE WON'T WORK IN 2000

(By Lee Gomes)

In his syndicated newspaper column this past July, Microsoft Corp. Chairman Bill Gates answered an anxious reader's question about whether PC owners have to worry about the ''Year 2000 problem,'' which is now roiling the world of corporate mainframes.

''Most PC users won't be affected,'' wrote Mr. Gates. ''There shouldn't be much of an issue with up-to-date software. Microsoft software, for instance, won't cause problems.''

The reply may have been reassuring, but it was also wrong. In fact, tens of millions of PC owners will be affected. Current or very recent versions of such best-sellers as Quicken, File Maker Pro and at least one brand-new program from Microsoft will stumble at the approach of Jan. 1, 2000. There will be hardware hiccups, too. Many PC owners will have to take extra steps to teach their systems about the new millennium.

The date rollover will trip up computers because programmers have tended to use only two-digit numbers to represent years—''96'' instead of ''1996''—assuming that all dates would be in the 20th century.

As a result, 40 months from now, unfixed computers will calculate, for example, that ''00'' is ''1900,'' and thus an earlier date than ''99,'' and decline to perform certain functions.

The good news is that fixing any Year 2000 problems on PCs will seem like a picnic compared with the data-processing nightmare now occurring in the corporate world. For PC owners, a few simple steps will usually take care of things—assuming users can identify the problem.

But, as Mr. Gates's two-month-old column suggests, the fact that the Year 2000 is a PC issue at all will come as a surprise to many, including some in the industry. At Microsoft, the company has realized only in the past few weeks that some of its own software is not ''Year 2000 compliant.'' Many other software companies, when first asked, said they had no Year 2000 difficulties, only to call back a few days later to report that they had found some after all.

Unlike mainframe makers, though, PC companies don't have much excuse for having problems. Mainframe programmers took short cuts during the '60s and '70s because computer memory was then a precious commodity. But some PC programmers followed that lead, even after memory was no longer in short supply and the new millennium was much closer. The moral: Even in an industry whose leaders often portray themselves as social and technical visionaries, companies can suffer from old-fashioned shortsightedness.

So what exactly is the problem? Many PC software programs allow users to enter years using either a four-digit or two-digit format that can lead some PC programs astray. Intuit Inc.'s Quicken financial program, for example, lets people schedule future electronic payments up to a year in advance. Come late 1999, a user trying to set up a payment for ''01/10/00'' will get a message saying, in effect, that it's too late to make a payment for 1900. To schedule the payment, users will have to know enough to type ''01/10/2000'' or use a special Quicken shortcut.

The fall release of Quicken will fix the problem, says Roy Rosin, the Quicken for Windows product manager at Intuit. The company didn't fix it before because ''it just wasn't on the radar screen.'' The new Quicken, he adds, will assume that any two-digit date occurs between 1950 and 2027; a four-digit year date can still specify a date outside that period. The approach is a common one for Year 2000 compliant software.

Microsfot's problem arises with Access 95, the database program that was shipped last August with Windows 95. Like Quicken, Access 95 doesn't properly handle two-digit dates after ''99,'' says Douglas S. Dedo, who is handling most Year 2000 questions for Microsoft.

Doesn't that show a lack of foresight by Microsoft programmers? ''I couldn't agree with you more,'' replies Mr. Dedo. He says the omission will be corrected in the next version of the product, to be released next year. As with Quicken, Access 95 users can work around the problem by using a four-digit date.

Microsfot's operating systems, by themselves, don't have a Year 2000 problem, says Mr. Dedo, and neither do such major company products as the Excel spreadsheet program.

There is, though, an annoying problem with the basic date-keeping portion of a PC's hardware, called the CMOS, says Tom Becker of Air System Technologies Inc. in Miami. In this case, the blame belongs to International Business Machines Corp. and the basic PC design it set down in the mid-1980s. It turns out, Mr. Becker says, that the CMOS is something of a dolt in keeping track of centuries. As a result, many PC owners will need to manually reset the date to the Year 2000 the first time they use their machines in the 21st century.

Mr. Dedo says that Microsoft's newer operating systems, Windows 95 and Windows NT, will fix hardware date glitches automatically. He adds that the company is also working on fixer programs that will do the same for older DOS and Windows 3.1-based machines.

Year 2000 difficulties will probably occur mainly on the IBM compatible side of the house. Apple Computer Inc.'s Macintosh computer has no such problems, says an Apple spokesman.

But some recent Apple programs do, including both the Mac and Windows versions of FileMaker Pro, a popular database project that the Apple-owned Claris Corp. shipped until last December. For forthcoming versions, says Claris's Christopher Crim, the company took pains to make sure all dates were converted from two to four digits before being stored. ''We've learned our lesson,'' Mr. Crim says.

ADDITIONAL COSPONSORS

S. 1044

At the request of Mrs. KASSEBAUM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1044, a bill to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1965

At the request of Mr. HATCH, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.