for fiscal years 1997 through 2001, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BROWN (for himself, Mr. SIMON, Mr. GRASSLEY, and Mr. BAUCUS):

S. 1644. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 1645. A bill to regulate United States scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 1642. A bill to amend the Social Security Act to deny cash benefits to drug addicts and alcoholics, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY ACT AMENDMENT ACT OF 1996

• Mr. DORGAN. Madam President, today, I introduce legislation for which there is broad bipartisan support. Many of my colleagues share my concern about monthly cash payments provided through the Supplemental Security Income [SSI] and Social Security Disability Insurance [SSDI] programs to people who are considered disabled solely because they are drug addicts and alcoholics. My bill would terminate cash benefits for these recipients of SSI and SSDI, and would instead provide treatment for their addictions.

SSI was established in 1972 to provide cash benefits to needy disabled persons with limited resources. Most Americans would be surprised to learn that drug addiction and alcoholism can qualify a person to receive monthly cash benefits under this program.

In fact, 135,000 people receive monthly SSI payments because they are alcoholics or drug addicts—148 of them in my own State of North Dakota. And this number is growing at a shocking pace.

The number of addicts receiving monthly SSI benefits quadrupled in the last 4 years. Over 10 years, the percentage of SSI recipients who receive payments because of an addiction to drugs or alcohol increased from 0.3 percent of the caseload to more than 2 percent of the total caseload today—for an annual cost to taxpayers of about $630 million.

To most Americans, this policy is wrong-headed. Substance abusers need treatment, not cash handouts from the Federal Government. The bill I am introducing today would address this problem by ending SSI and SSDI cash benefits for those for whom substance abuse is a material factor in their disability. Instead, drug addicts and alcoholics would be provided with access to quality treatment for their diseases.

There is broad consensus that we must end cash benefits for substance abusers. The House and Senate voted to terminate SSI and SSDI for drug addicts and alcoholics when welfare reform legislation was considered. These provisions have now been attached to legislation to raise the Social Security earnings limit, which will soon be considered by the Senate.

My bill is different from these proposals, however, because my bill would retain Medicaid eligibility and provide access to treatment for drug addicts and alcoholics.

Under the current system, recipients are required to participate in treatment programs if they are available. However, quality programs often are not available or are not easily accessible to SSI and SSDI recipients. To make matters worse, the inspector general at the Department of Health and Human Services recently reported that the Social Security Administration does not know the treatment status of most SSI recipients and does not provide monitoring of the program.

Access to quality treatment for drug addiction is not only an effective way to truly help chemically dependent Americans—it is also cost-effective. Experts testifying before the House Ways and Means Subcommittee on Human Resources recently pointed out that every dollar invested in treatment produced between $3 and $76 in health- and criminal justice related savings.

These provisions of my bill ensure that people whose primary disability is alcoholism or drug addiction will receive treatment instead of cash benefits to address their disability. In addition, my bill helps to ensure that people who have other disabilities but who also have a chemical addiction will use cash benefits in a way that is beneficial for their well-being.

Under current law, SSI and SSDI cash payments to recipients whose principal disability is a chemical addiction are distributed through a representative payee, rather than directly to the recipient. This is intended to ensure that payments are used for the benefit of the recipient, rather than to further his or her disability. My bill extends that safeguard to any SSI or SSDI recipient who is chemically dependent if the recipient is incapable of managing his or her own benefits.

I hope my colleagues will join me in cosponsoring this legislation so that we can underscore the importance of this issue. Cash assistance will not help alcoholics and drug addicts overcome their diseases, but quality treatment and medical care will.

I ask unanimous consent that the entire 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. 1642

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

SECTION 1. DENIAL OF CASH BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.

(a) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFITS.—

(1) IN GENERAL.—Section 225(c) of the Social Security Act (42 U.S.C. 425(c)) is amended—

(A) by striking ''(c)(1)(A)'' and inserting ''(2)(A)'';

(B) by striking paragraph (7) and by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting before paragraph (2) as redesignated by subparagraph (A) the following new paragraph:

''(c)(1) No cash benefits shall be payable under this title to any individual who is otherwise entitled to benefits under this title based on disability, if such individual's alcoholism or drug addiction is a contributing factor material to the Commissioner's determination that such individual is disabled.''.

(2) TREATMENT REQUIREMENTS.—

(A) Section 225(c)(2)(A) of such Act (42 U.S.C. 425(c)(2)(A)), as redesignated by paragraph (1), is amended to read as follows:

''(2)(A)(i) Any individual who would be entitled to cash benefits under this title but for the application of paragraph (1) may elect to comply with the provisions of this subsection.

''(ii) Any individual who is entitled to cash benefits under this title by reason of disability (or whose entitlement to such benefits is suspended), and who was entitled to such benefits by reason of disability, for which such individual's alcoholism or drug addiction was a contributing factor material to the Commissioner's determination that such individual was disabled, for the month preceding the month in which this paragraph takes effect, shall be required to comply with the provisions of this subsection.''

(B) Section 225(c)(2)(B) of such Act (42 U.S.C. 425(c)(2)(B)), as so redesignated, is amended—

(i) by striking ''who is required under subparagraph (A)'' and inserting ''described in clause (ii) of subparagraph (A) who is required''; and

(ii) by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(C) Section 225(c)(3)(A) of such Act (42 U.S.C. 425(c)(3)(A)), as so redesignated, is amended—

(i) by striking ''paragraph (1)'' and inserting ''paragraph (2)(A)''; and

(ii) by striking ''paragraph (5)'' and inserting ''paragraph (6)''.

(D) Section 225(c)(3)(B) of such Act (42 U.S.C. 425(c)(3)(B)), as so redesignated, is amended by striking ''paragraph (1)'' and inserting ''paragraph (2)(A)''.

(E) Section 225(c)(5) of such Act (42 U.S.C. 425(c)(5)), as so redesignated, is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(F) Section 225(c)(6)(A) of such Act (42 U.S.C. 425(c)(6)(A), as so redesignated, is amended—

(i) by striking ''who are receiving benefits under this title and who as a condition of payment of such benefits'' and inserting ''described in paragraph (2)(A)(i) who elect to undergo treatment; and the monitoring and testing of all individuals described in paragraph (2)(A)(ii) who'';

(ii) by striking ''under paragraph (1)''; and

(iii) by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(G) Section 225(c)(6)(C)(ii)(I) of such Act (42 U.S.C. 425(c)(6)(C)(ii)(I)), as so redesignated, is amended—

(i) by striking ''residing in the State'' and all that follows through ''they are disabled'' and inserting ''described in paragraph (2)(A) residing in the State''; and

(ii) by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(H) Section 225(c)(6)(C)(ii)(III) of such Act (42 U.S.C. 425(c)(6)(C)(ii)(III)), as so redesignated, is amended by striking ''paragraph (2)(A)'' and inserting ''paragraph (3)(A)''.

(I) Section 225(c)(6)(C) of such Act (42 U.S.C. 425(c)(6)(C)), as so redesignated, is amended by adding at the end the following:

''(iii) The monitoring requirements of clause (ii) shall not apply in the case of any individual described in paragraph (2)(A)(i) who fails to comply with the requirements of paragraph (2).''.

(J) Section 225(c)(7) of such Act (42 U.S.C. 425(c)(7)), as so redesignated, is amended—

(i) in subparagraph (A), by striking ''who is entitled'' and all that follows through ''is under a disability'' and inserting ''described in paragraph (2)(A)''; and

(ii) in subparagraph (D), by striking ''(4) or (7)'' and inserting ''(5)''.

(K) Section 225(c)(8) of such Act (42 U.S.C. 425(c)(8)) is amended by striking ''(1), (4) or (7)'' and inserting ''(2) or (5)''.

(L) Section 225(c) of such Act (42 U.S.C. 425(c)) is amended by adding at the end the following new paragraphs:

''(10) The Commissioner shall provide appropriate notification to each individual subject to the limitation on cash benefits contained in paragraph (1) and the treatment provisions contained in paragraph (2).

''(11) The requirements of paragraph (2) shall cease to apply to any individual if the Commissioner determines that such individual no longer needs treatment.''.

(3) REPRESENTATIVE PAYEE REQUIREMENTS.—

(A) Section 205(j)(1)(B) of such Act (42 U.S.C. 405(j)(1)(B)) is amended to read as follows:

''(B) In the case of an individual entitled to benefits based on disability, the payment of such benefits shall be made to a representative payee if the Commissioner of Social Security determines that such payment would serve the interest of the individual because the individual also has an alcoholism or drug addiction condition (as determined by the Commissioner) and the individual is incapable of managing such benefits.''.

(B) Section 205(j)(2)(C)(v) of such Act (42 U.S.C. 405(j)(2)(C)(v)) is amended by striking ''entitled to benefits'' and all that follows through ''under a disability'' and inserting ''described in paragraph (1)(B)''.

(C) Section 205(j)(2)(D)(ii)(II) of such Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended by striking all that follows ''15 years, or'' and inserting ''described in paragraph (1)(B).''.

(D) Section 205(j)(4)(A)(i)(II) of such Act (42 U.S.C. 405(j)(4)(A)(ii)(II)) is amended by striking ''entitled to benefits'' and all that follows through ''under a disability'' and inserting ''described in paragraph (1)(B)''.

(b) AMENDMENTS RELATING TO SSI BENEFITS.—

(1) IN GENERAL.—Section 1611(e)(3) of the Social Security Act (42 U.S.C. 1382(e)(3)) is amended—

(A) by striking ''(B)'' and inserting ''(C)'';

(B) by striking ''(3)(A) and inserting ''(B)''; and

(C) by inserting before subparagraph (B) as redesignated by paragraph (2) the following new subparagraph:

''(3)(A) No cash benefits shall be payable under this title to any individual who is otherwise eligible for benefits under this title by reason of disability, if such individual's alcoholism or drug addiction is a contributing factor material to the Commissioner's determination that such individual is disabled.''.

(2) TREATMENT REQUIREMENTS.—

(A) Section 1611(e)(3)(B)(i)(I) of such Act (42 U.S.C. 1382(e)(3)(B)(i)(I)), as redesignated by paragraph (1), is amended to read as follows:

''(B)(i)(I)(aa) Any individual who would be eligible for cash benefits under this title but for the application of subparagraph (A) may elect to comply with the provisions of this subparagraph.

''(bb) Any individual who is eligible for cash benefits under this title by reason of disability (or whose eligibility for such benefits is suspended) or is eligible for benefits pursuant to section 1619(b), and who was eligible for such benefits by reason of disability, for which such individual's alcoholism or drug addiction was a contributing factor material to the Commissioner's determination that such individual was disabled, for the month preceding the month in which this subparagraph takes effect, shall be required to comply with the provisions of this subparagraph.''.

(B) Section 1611(e)(3)(B)(i)(II) of such Act (42 U.S.C. 1382(e)(3)(B)(i)(II)), as so redesignated, is amended by striking ''who is required under subclause (I)'' and inserting ''described in division (bb) of subclause (I) who is required''.

(C) Subclauses (I) and (II) of section 1611(e)(3)(B)(ii) of such Act (42 U.S.C. 1382(e)(3)(B)(ii)), as so redesignated, are each amended by striking ''clause (i)'' and inserting ''clause (i)(I)''.

(D) Section 1611(e)(3)(B) of such Act (42 U.S.C. 1382(e)(3)(B)), as so redesignated, is amended by striking clause (v) and by redesignating clause (vi) as clause (v).

(E) Section 1611(e)(3)(B)(v) of such Act (42 U.S.C. 1382(e)(3)(B)(v)), as redesignated by subparagraph (D), is amended—

(i) in subclause (I), by striking ''who is eligible'' and all that follows through ''is disabled'' and inserting ''described in clause (i)(I)''; and

(ii) in subclause (V), by striking ''or (v)''.

(F) Section 1611(e)(3)(C)(i) of such Act (42 U.S.C. 1382(e)(3)(C)(i)), as redesignated by paragraph (1), is amended by striking ''who are receiving benefits under this title and who as a condition of such benefits'' and inserting ''described in subparagraph (B)(i)(I)(aa) who elect to undergo treatment; and the monitoring and testing of all individuals described in subparagraph (B)(i)(I)(bb) who''.

(G) Section 1611(e)(3)(C)(iii)(II)(aa) of such Act (42 U.S.C. 1382(e)(3)(C)(iii)(II)(aa)), as so redesignated, is amended by striking ''residing in the State'' and all that follows through ''they are disabled'' and inserting ''described in subparagraph (B)(i)(I) residing in the State''.

(H) Section 1611(e)(3)(C)(iii) of such Act (42 U.S.C. 1382(e)(3)(C)(iii)), as so redesignated, is amended by adding at the end the following:

''(III) The monitoring requirements of subclause (II) shall not apply in the case of any individual described in subparagraph (B)(i)(I)(aa) who fails to comply with the requirements of subparagraph (B).''.

(I) Section 1611(e)(3) of such Act (42 U.S.C. 1382(e)(3)), as amended by paragraph (1), is amended by adding at the end the following new subparagraphs:

''(D) The Commissioner shall provide appropriate notification to each individual subject to the limitation on cash benefits contained in subparagraph (A) and the treatment provisions contained in subparagraph (B).

''(E) The requirements of subparagraph (B) shall cease to apply to any individual if the Commissioner determines that such individual no longer needs treatment.''.

(3) REPRESENTATIVE PAYEE REQUIREMENTS.—

(A) Section 1631(a)(2)(A)(ii)(II) of such Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amended to read as follows:

''(II) In the case of an individual eligible for benefits under this title by reason of disability, the payment of such benefits shall be made to a representative payee if the Commissioner of Social Security determines that such payment would serve the interest of the individual because the individual also has an alcoholism or drug addiction condition (as determined by the Commissioner) and the individual is incapable of managing such benefits.''.

(B) Section 1631(a)(2)(B)(vii) of such Act (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by striking ''eligible for benefits'' and all that follows through ''is disabled'' and inserting ''described in subparagraph (A)(ii)(II)''.

(C) Section 1631(a)(2)(B)(ix)(II) of such Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is amended by striking all that follows ''15 years, or'' and inserting ''described in subparagraph (A)(ii)(II).''.

(D) Section 1631(a)(2)(D)(i)(II) of such Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amended by striking ''eligible for benefits'' and all that follows through ''is disabled'' and inserting ''described in subparagraph (A)(ii)(II)''.

(4) PRESERVATION OF MEDICAID ELIGIBILITY.—Section 1634(e) of such Act (42 U.S.C. 1382(e)) is amended—

(A) by striking ''clause (i) or (v) of section 1611(e)(3)(A)'' and inserting ''subparagraph (A) or subparagraph (B)(i)(II) of section 1611(e)(3)''; and

(B) by adding at the end the following: ''This subsection shall cease to apply to any such person if the Commissioner determines that such person no longer needs treatment.''.

(5) CONFORMING AMENDMENT.—Section 201(c) of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 425 note) is repealed.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to applicants for benefits under title II or title XVI of the Social Security Act for months beginning on or after the date of the enactment of this Act, without regard to whether regulations have been issued to implement such amendments.

(2) APPLICATION TO CURRENT RECIPIENTS.—Notwithstanding any other provision of law, in the case of an individual who is receiving benefits under title II of the Social Security Act or supplemental security income benefits under title XVI of such Act as of the date of the enactment of this Act and whose entitlement or eligibility for such benefits would terminate by reason of the amendments made by this section, such amendments shall apply with respect to the benefits of such individual for months beginning on or after January 1, 1997, and the Commissioner of Social Security shall so notify the individual not later than 90 days after the date of the enactment of this Act.

(3) BENEFITS UNDER TITLE XVI.—For purposes of this subsection, the term ''benefits under title XVI of the Social Security Act'' includes supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act, and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.●

By Mr. GREGG (for himself and Mrs. KASSEBAUM):

S. 1643. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997 through 2001, and for other purposes; to the Committee on Labor and Human Resources.

THE OLDER AMERICANS ACT AMENDMENTS OF 1996

Mr. GREGG. Mr. President, I rise today to introduce the Older Americans Act Amendments of 1996. This important law recently saw its 30th anniversary, and I believe it is the type of legislation that we should have more of in this country; it is a bill that is designed to help our senior citizens help themselves. This is a bill that focuses on meeting the needs of senior citizens in ways that will promote their well-being and independence. Through a variety of supportive programs—from providing meals that are both home-delivered and served in congregate settings, to subsidizing seniors' income through an employment and training program, to facilitating information, case management, and referral services so that all available services to seniors can be coordinated and maximized—this bill works to ensure the system works for our older Americans.

This bill essentially takes what has become an overly complicated, prescriptive law and streamlines it, turns significant amounts of authority over to the States, encourages a bottoms-up planning process, and allows programs and services to be tailored to meet actual—rather than perceived—social and economic needs. This legislation will provide maximum authority and flexibility to States and localities in the design and operation of their services for seniors, while protecting the integrity of a number of priority programs—including outreach and counseling programs, the long-term care ombudsman, preventive health efforts, elder abuse prevention, and legal assistance services.

The bill drives more money into the delivery of those services most needed in States and local communities through sound economic principles. Throughout this bill, a ''bottoms-up'' planning process is facilitated; this means actual needs will be met on the local level, rather than what we perceive the needs to be from our distant vantage point here in Washington. It is clear from a myriad of other programs that we fund and that have failed that Washington does not always know best. We must ensure that we don't drag this program down under a father-knows-best mentality.

This is not a welfare bill. It is not legislation that is designed to only meet the needs of specific populations or address specific problems. Instead, the Older Americans Act is a continuum of programs which have been structured to respond to everything from economic needs, to physical and transportation problems, to answering individuals' social requirements. All of our seniors should have the opportunity for a nutritious meal, or to get other assistance when they need it; this bill facilitates their access to these kinds of services.

This has never been considered a partisan piece of legislation, and Senator KASSEBAUM and I have worked hard, along with Senator MIKULSKI who is the ranking member on the Aging Subcommittee, to ensure that it remains bipartisan. That is not to say that concerns on both sides of the aisle were not fully explored. The goal has been to achieve the strongest policy possible, and in doing so, meet the concerns of all of our colleagues.

A concerted effort has been made to maintain an atmosphere of collegiality and consensus. For the Republican members of the Labor Committee, this has meant a willingness to recognize the value of a particular policy in cases where we would have made other decisions based on our general philosophy. In addition, we have taken a great deal of time and effort to listen to and consult with interested groups who are part of the aging network. We have extended an open-door policy to anyone who expressed an interest in sharing their views and exchanging ideas in a constructive environment. We responded to what we heard; for example, we have retained the Eldercare Locator Service, a program which allows family members to find services for their loved ones, even if they are in a different part of the country. We retained a separate line-item of funding for the long-term-care ombudsman program, after hearing repeatedly of its significance in States across the Nation.

The bill I am introducing here today, along with my colleague from Kansas and the Chairman of our Committee, Senator KASSEBAUM, is a result of that process over the last year. It contains policy that was structured in response to excellent witnesses who testified both before our subcommittee and the House. These individuals brought their unique, grassroots perspective from the trenches to us here in Washington. Their comments had a tremendous value in this process, as their issues are real, not perceived. One provision we adopted on their advice was, for example, to permit States to institute cost-sharing provisions; however, we have ensured that these provisions will not prevent any senior from receiving services due to an inability to pay.

This bill responds to concerns and questions that were posed after we circulated a legislative proposal last December. It also incorporates a number of items raised by the administration and the Democratic members of the Labor Committee, both technical and substantive. These include: Retaining authority for the Assistant Secretary to make grants for preventive health activities, with priority given to medically underserved areas and locations with the greatest economic need; definition of low income at 150 percent of the Federal poverty line; and mandated State planning requirements for legal assistance and insurance-public benefit counseling.

The overall structure of this bill has also been changed. Like a house that had numerous additions over the years, the Older Americans Act had become disjointed. We have corrected that, restructuring the act so that it is logically based on service and oversight responsibilities, as opposed to program by program, fractionalized by seven titles. The four titles of this bill include one for Federal functions, one for State responsibilities, one for Area Agency on Aging authorities, and one title for native American programs.

This bill maximizes flexibility for service delivery at the State and local level, while still retaining protections over priority services, such as outreach and counseling, long-term care ombudsmen, and case management. The bill also rationalizes the funding formulas for both nutrition and supportive services as well as SCSEP, the Senior Community Service Employment Program. This is important because we must direct our limited Federal resources to where a real need exists. We must also be planning now for the future, and ensure that legislation that we pass today will be structured to respond to the needs of tomorrow and the 21st century.

In addition, we have directed funds to the administration, States, and localities as required for the purpose of administering these programs. While important functions are carried out with administrative dollars, when faced with a choice between administration and service, we have opted to meet the needs of our seniors wherever we can. To further promote quality service delivery, we have eliminated the artificial funding wall between home-delivered and congregate meals programs. We have also increased the transfer authority between nutrition programs and supportive services, which funds items such as transportation, in-home assistance, health screening and education, health insurance benefit options, crime prevention, and work on multipurpose senior center facilities.

This bill retains the authority and authorizes funding of research and demonstration grants in order to encourage innovative approaches to the delivery of the critical services provided for under this act. While, again, there is a limit on the number of dollars that can be provided for such activities, we also have seen some excellent programs emerge from these projects, and have attempted to find a way to continue them.

We maintained a number of provisions to protect the quality of the long-term-care ombudsman offices in each State by clarifying the minimal criteria for eligibility and providing conflict-of-interest safeguards. This bill ensures that particular attention continues to be paid to the needs of the minority elderly population. In addition, the legislation permits States to institute cost-sharing requirements as they see necessary under a self-declaration-of-income standard. Confidentiality standards are provided, and there is language which ensures that no one will be denied services due to an inability to pay.

It is time to reexamine the status quo for all Federal programs and make

improvements where necessary. And I think we have made an excellent start with this bill, the Older Americans Act. Again, I would like to thank Senators KASSEBAUM and MIKULSKI for their efforts on this bill. I believe the bill will allow seniors across the country to remain healthy, living in their own homes in their community, and supported in their endeavors to stay independent. And this bill does all of this by striving to maximize public-private partnership to supplement the limited Federal funds available—encouraging the Federal dollars to be used to leverage private funding, and by allowing priorities to be set at the grassroots level whenever possible.

Mrs. KASSEBAUM. Mr. President, I rise today as an original cosponsor of legislation to reauthorize the Older Americans Act of 1965. I am pleased that Senator GREGG has taken the lead in drafting a bill that grants States and local communities the authority and flexibility to tailor programs to best fit the needs of their aging citizens.

The original Older Americans Act was passed in 1965 with the intention of using joint Federal and State funds to provide a range of services for elder Americans. Since that time, the act has evolved into a comprehensive list of programs and services—ranging from legal and counseling services to transportation and employment services to, perhaps most importantly, nutrition services.

Every day thousands of seniors gather at congregate meal sites to obtain nutrition services, as well as enjoy the companionship these sites offer. Often, a nutrition site will serve as the point of entry for seniors to gain knowledge of other services available to them through their local communities or their area agency on aging. The congregate meal sites serve as a valuable socialization too, as well as often providing the only nutritious meal of the day for many seniors.

Through changes in the Older Americans Act, this legislation will provide maximum authority and flexibility to States and localities in the design and operation of their services for seniors, while protecting the integrity of certain priority programs including: outreach and counseling programs, case management, the long-term-care ombudsman, preventive health efforts, and elder abuse prevention programs. Mr. President, each State has very different needs. This bill allows each State to craft programs to fit their individual communities.

In addition, this proposal strives to maximize public-private partnership, recognizing that the Federal Government is not able to meet all the needs that exist among this growing population, but that Federal funds can form a basis of support for leveraging private dollars. Also important, I believe, is the retention of the authority and funding for research and demonstration projects which encourage the development of innovative approaches to the delivery of critical services for seniors.

As the population continues to age and as needs change, more pressure will be placed on providers to make sure that essential needs of the elderly are met. I am hopeful that our efforts will lead to a system of senior services that are not only more consumer driven but are also better designed to offer support to seniors in their endeavors to remain healthy and independent.

By Mr. BROWN (for himself, Mr. SIMON, Mr. GRASSLEY, and Mr. BAUCUS):

S. 1644. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania; to the Committee on Finance.

ROMANIA MOST-FAVORED-NATION STATUS LEGISLATION

Mr. BROWN. Mr. President, I rise today with several of my distinguished colleagues, including Senator PAUL SIMON, Senator CHUCK GRASSLEY, and Senator MAX BAUCUS, to introduce a historic measure, a bill to permanently restore nondiscriminatory treatment to the products of Romania. We are joined by Representatives PHIL CRANE, SAM GIBBONS, and BARBARA KENNELLY in the House who are also introducing this same bill in that body today.

On December 22, 1989, Romania emerged from years of brutal Communist dictatorship and began its careful journey toward democracy and free markets. By 1991, Romania had approved a new Constitution and elected a Parliament, laying a foundation for a modern parliamentary democracy. This year will mark the second nationwide Romanian Presidential election under the new Constitution.

Romania's economic legacy of extreme centralization, an oppressive Communist government and a stifling bureaucracy gave it one of the longest paths to reach a functioning market economy of any of the emerging democracies of Central Europe. Nonetheless, according to the U.S. Department of Commerce, after many years of difficult work, much of the necessary legislative framework for a market economy is in place. Romania's economic reforms include the establishment of a two-tier banking system, the introduction of a modern tax system, the freeing of most prices and elimination of most subsidies, the adoption of a tariff-based trade regime, and the privatization of nearly all Romanian agriculture and rapidly developing enterprises.

As I witnessed on my recent visit to Romania, the economic changes are remarkable. Romania's private sector currently accounts for 45 percent of gross domestic product, including more than 80 percent of agricultural property with 5 million. new landowners, more than half a million private firms, and 46,000 joint ventures with foreign capital.

American investment in Romania doubled from 1993 to 1994 and doubled again in 1995, with total foreign investment of $1.6 billion as of December 31, 1995. Romanian exports to the United States are growing rapidly, increasing by 27 percent through the third quarter of 1995 over the same period in 1994.

All in all, Romania's progress in instituting democratic reforms and a free market economy has earned it a permanent extension of most-favored-nation treatment. In addition, Romania has been found by President Clinton to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974. As I found during my recent visit, Romania is clearly making significant progress in rejoining the West. I urge the support of my colleagues for the earliest consideration of this important measure.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 1645. A bill to regulate United States scientific and tourist in Antarctica, to conserve Antarctic resources, and for other purposes; to the Committee on Commerce.

THE ANTARCTIC SCIENCE, TOURISM, AND CONSERVATION ACT OF 1996

• Mr. KERRY. Mr. President, today I am introducing the Antarctic Science, Tourism, and Conservation Act of 1996. The purpose of this legislation is to enable the United States to implement the Protocol on Environmental Protection to the Antarctic Treaty. The Protocol was negotiated by the parties of the Antarctic Treaty System and signed in October, 1991. The Senate gave its advice and consent to the Protocol on October 7, 1992. In August, 1993, I introduced the precursor to this bill and the Senate Commerce Committee reported it to the full Senate in early 1994. Unfortunately, continuing disagreements among scientists, conservation groups, and the administration about the legislative changes needed for the United States to carry out its responsibilities under the Protocol prevented further action on that bill.

Today, I am pleased to announce that the legislative impasse has come to an end. The bill Senator HOLLINGS and I are introducing is supported by all the parties engaged in this somewhat lengthy but ultimately successful consensus-building process.

Why are we concerned about implementing this particular international agreement? The protocol recognizes that Antarctica is a unique and fragile ecosystem that must be monitored and protected and it reaffirms the designation of Antarctica as a special conservation area. At the same time, the protocol encourages and supports the unparalleled research opportunities Antarctica offers for scientific study of both global and regional environmental processes. Finally, the protocol acknowledges and addresses the impact of the growing number of tourists who travel to the Antarctic to witness its wild beauty and bountiful marine life, but whose presence is responsible for increasing environmental stress.

The bill before us builds on the existing U.S. regulatory framework provided in the Antarctic Conservation Act to implement the protocol and to balance two important goals. The first goal is to conserve and protect the Antarctic environment and resources. the second is to minimize interference with scientific research. The bill amends the Antarctic Conservation Act to make existing provisions governing U.S. research activities consistent with the requirements of the Protocol. As under current law, the Director of the National Science Foundation [NSF] would remain the lead agency in managing the Antarctic science program and in issuing regulations and research permits. In addition, the bill calls for comprehensive assessment and monitoring of the effects of both governmental and nongovernmental activities on the fragile Antarctic ecosystem. It also would continue indefinitely a ban on Antarctic mineral resource activities. Finally, the bill amends the act to prevent pollution from ships to implement provisions of the protocol relating to protection of marine resources.

Before closing, I would like to thank Senator HOLLINGS, ranking Democrat on the Commerce Committee; the Department of State, especially Under Secretary for Global Affairs Tim Wirth and Tucker Scully of the Bureau of Oceans and International Environmental and Scientific Affairs; Dr. Neil Sullivan, Director of Polar Programs, and Larry Rudolph of the National Science Foundation; and other interested parties including Greenpeace, World Wildlife Fund, and especially the Antarctica Project and its director Beth Marks for their hard work and assistance in developing this bill.

As one of the founders of the Antarctic Treaty System, the United States has an obligation to enact strong implementing legislation, and our action to complete ratification of the protocol is long overdue. I urge my colleagues' support, and prompt action to enact the Antarctic Science, Tourism, and Conservation Act of 1996.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my statement.

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

S. 1645

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 ''Antarctic Science, Tourism, and Conservation Act of 1996''.

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively, and inserting before paragraph (4), as redesignated, the following:

''(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

''(2) more recently, interest of American tourists in Antarctica has increased;

''(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;'';

(2) by striking ''the Agreed Measures for the Conservation of antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation'' in paragraph (4), as redesignated, and inserting ''the Protocol establish a firm foundation for the conservation of Antarctic resources,'';

(3) by striking paragraph (5), as redesignated, and inserting the following:

''(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science.''.

(b) PURPOSE.—Section 2(b) of such Act (16 U.S.C. 2401(b)) is amended by striking ''Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII–3 of the Eighth Antarctic treaty Consultative Meeting'' and inserting ''Treaty and the Protocol''.

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2492) is amended to read as follows:

''SEC. 3. DEFINITIONS.

''For purposes of this Act—

''(1) the term 'Administrator' means the Administrator of the environmental Protection Agency;

''(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

''(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

''(4) the term 'Director' means the Director of the National Science Foundation;

''(5) the term 'harmful interference' means—

''(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

''(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

''(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

''(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

''(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

''(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

''(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

''(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

''(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an important within the meaning of the customs laws of the United States;

''(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(10) the term 'native invertebrate' means any terrestial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

''(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

''(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

''(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

''(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

''(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

''(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

''(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

''(18) the term 'Secretary' means the Secretary of Commerce;

''(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

''(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

''(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

''(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

''(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).''.

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

"SEC. 4. PROHIBITED ACTS.

''(a) IN GENERAL.—It is unlawful for any person—

''(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

''(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

''(3) to dispose of any prohibited waste in Antarctica;

''(4) to engage in open burning of waste;

''(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

''(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

''(7) to damage, remove, or destroy a historic site or monument;

''(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

''(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

''(10) to resist a lawful arrest or detention for any act prohibited by this section;

''(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

''(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

''(13) to attempt to commit or cause to be committed any act prohibited by this section.

''(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person, unless authorized by a permit issued under this Act—

''(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

''(A) disposing of any waste from land into the sea in Antarctica; and

''(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarcation or debarcation, other than through the use at remote field sites of incinerator toilets for human waste;

''(2) to introduce into Antarctica any member of a nonnative species;

''(3) to enter or engage in activities within any Antarctic Specially Protected Area;

''(4) to engage in any taking or harmful interference in Antarctica; or

''(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

''(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a) (1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.''.

SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

"SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

''(a) FEDERAL ACTIVITIES.—(1)(A) the obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

''(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term ''significantly affecting the quality of the human environment'' shall have the same meaning as the term ''more than a minor or transitory impact''.

''(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

''(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

''(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

''(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

''(4) For the purposes of this section, the term 'Federal activity' includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

''(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.—(1) For the purposes of this subsection, the term 'Antarctic joint activity' means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

''(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

''(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

''(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

''(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

''(c) NONGOVERNMENTAL ACTIVITIES.—(1)The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

''(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

''(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

''(2) Such regulations shall be consistent with Annex I to the Protocol.

''(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

''(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days before the commencement of the activity in Antarctica.

''(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

''(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

''(g) DECISIONS ON PERMIT APPLICATIONS.—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

''(h) PUBLICATION OF NOTICES.—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of

this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.''.

SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking ''section 4(a)'' and inserting in lieu thereof ''section 4(b)'';

(2) in subsection (c)(1)(B) by striking ''Special'' and inserting in lieu thereof ''Species''; and

(3) in subsection (e)—

(A) by striking ''or native plants to which the permit applies,'' in paragraph (1)(A)(i) and inserting in lieu thereof ''native plants, or native invertebrates to which the permit applies, and'';

(B) by striking paragraph (1)(A) (ii) and (iii) and inserting in lieu thereof the following new clause:

''(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;'';

(C) by striking ''within Antarctica (other than within any specially protected area)'' in paragraph (2)(A) and inserting in lieu thereof ''or harmful interference within Antarctica'';

(D) by striking ''specially protected species'' in paragraph (2) (A) and (B) and inserting in lieu thereof ''Specially Protected Species'';

(E) by striking ''; and'' at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof '', or'';

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

''(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and'';

(G) by striking ''with Antarctica and'' in paragraph (2)(A)(ii)(II) and inserting in lieu thereof ''within Antarctica are''; and

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

''(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

''(i) if the entry is consistent with an approved management plan, or

''(ii) if a management plan relating to the area has not been approved but—

''(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

''(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.''.

SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

''SEC. 6. REGULATIONS.

''(a) REGULATIONS TO BE ISSUED BY THE DIRECTOR.—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including 4(b)(2), (3), (4), and (5) of this Act. The Director shall designate as native species—

''(A) each species of the class Aves;

''(B) each species of the class Mammalia; and

''(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

''(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a) (1), (2), (3), and (4), and section 4(b)(1) of this Act.

''(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

''(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

''(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

''(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996.''.

SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

''SEC. 14. SAVING PROVISIONS.

''(a) REGULATIONS.—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

''(b) PERMITS.—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.''.

TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

(a) DEFINITIONS.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

''(1) 'Antarctica' means the area south of 60 degrees south latitude;

''(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;''; and

(3) by adding at the end the following new subsection:

''(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.''.

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''.

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'' in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''the MARPOL Protocol'';

(3) in subsection (b)(2)(A) by striking ''within 1 year after the effective date of this paragraph,''; and

(4) in subsection (b)(2)(A)(i) by inserting ''and of Annex IV to the Antarctic Protocol'' after ''the Convention''.

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol'';

(2) in subsection (e)(1) by inserting ''or the Antarctic Protocol'' after ''the Convention'';

(3) in subsection (e)(1)(A) by inserting ''or Article 9 of Annex IV to the Antarctic Protocol'' after ''the Convention''; and

(4) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''the MARPOL Protocol''.

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting ''Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in the second sentence of subsection (a)—

(A) by inserting ''or to the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''and Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(3) in subsection (b) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears;

(4) in subsection (c)(1) by inserting '', of Article 3 or Article 4 of Annex IV to the Antarctic Protocol.'' after ''to the Convention'';

(5) in subsection (c)(2) by inserting ''or the Antarctic Protocol'' after ''which the MARPOL Protocol'';

(6) in subsection (c)(2)(A) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol'';

(7) in subsection (c)(2)(B)—

(A) by inserting ''or the Antarctic Protocol'' after ''to the MARPOL Protocol''; and

(B) by inserting ''or Annex IV to the Antarctic Protocol'' after ''of the MARPOL Protocol'';

(8) in subsection (d)(1) by inserting '', Article 5 of Annex IV to the Antarctic Protocol,'' after ''Convention'';

(9) in subsection (e)(1)—

(A) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol''; and

(B) by striking ''that Protocol'' and inserting in lieu thereof ''those Protocols''; and

(10) in subsection (e)(2) by inserting '', of Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''.

(f)PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(2) in subsection (b)(1) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(3) in subsection (b)(2) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(4) in subsection (d) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol,'';

(5) in subsection (e) by inserting '', Annex IV to the Antarctic Protocol,'' after ''MARPOL Protocol''; and

(6) in subsection (f) by inserting ''or the Antarctic Protocol'' after ''MARPOL Protocol'' both places it appears.

SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking ''Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it'' and inserting in lieu thereof ''It''.

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5.●

● Mr. HOLLINGS. Mr. President, today I join with Senator KERRY in introducing the Antarctic Science, Tourism, and Conservation Act of 1996, which will implement the Protocol on Environmental Protection to the Antarctic Treaty. The protocol was signed by the United States 5 years ago and approved by the Senate in the 102d Congress; yet implementing legislation remains to be completed. In the 103d Congress, the Senate Commerce Committee reported implementing legislation, but differences among key agencies and interests prevented further action. Now that those differences have been reconciled, it is timely to complete the implementation effort.

I had the opportunity to visit Antarctica in 1988, and can attest both to its pristine beauty and to the unique scientific activities being conducted there. As many of my colleagues know, the activities of U.S. citizens and interests in Antarctica are almost exclusively those of federally sponsored scientific expeditions, together with their Federal logistics support. These activities are concentrated at the edge of the ice shelf and are based at the three U.S. research stations: McMurdo, South Pole, and Palmer. The peak of activity occurs at the height of the Antarctic summer, when there are about 1,200 personnel at McMurdo, 140 at South Pole, and 40 at Palmer. Occasional U.S. tourists visit as well, under the overall responsibility of the National Science Foundation [NSF]. NSF and the National Oceanic and Atmospheric Administration [NOAA] are the main scientific agencies, and the logistics and icebreaking support is provided by the Navy and Coast Guard.

The Antarctic provides scientists with a truly unique laboratory to conduct research that cannot be carried out anywhere else. During my visit I was impressed by a number of dedicated scientists operating under difficult circumstances to help us to understand better our global environment. I witnessed NOAA's ozone hole research at the South Pole, the sampling of ice cores at the Newell Glacier along the coast, and marine biology investigations at McMurdo. Much of this research has implications for the long term survival of human beings.

We must recognize, however, that such scientific endeavors need to be carried out with great care in an environment as fragile as Antarctica's. This is essential if Antarctica is to remain a natural reserve that is of great scientific value for generations to come. While much has been done in recent years to improve the environmental soundness of U.S. operations there, the Antarctic Science, Tourism, and Conservation Act of 1996 will help to ensure that present and future U.S. activities comply with the highest environmental standards. Implementation of the protocol is long overdue, and I am hopeful that we can enact this bill very soon.●

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 186, a bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes.

S. 358

At the request of Mr. HEFLIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1448

At the request of Mr. KERRY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1448, a bill to establish the National Commission on Gay and Lesbian Youth Suicide Prevention, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mrs. FEINSTEIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1568

At the request of Mr. HATCH, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

S. 1610

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1618

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1618, a bill to provide uniform standards for the award of punitive damages for volunteer services.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENTS SUBMITTED

THE PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1996

GORTON (AND MURRAY) AMENDMENT NO. 3565

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill (H.R. 1296) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; as follows:

SEC. 01. VANCOUVER NATIONAL HISTORIC RESERVE.

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this