

(b) PREEMPTION.—

(1) IN GENERAL.—This Act supersedes any State law (including any rule of procedure) applicable to the recovery of damages in an action brought against a nonprofit provider or practitioner for harm caused by a recycled prosthetic device.

(2) OTHER ISSUES.—Any issue that is not covered by this Act shall be governed by applicable Federal or State law.

SEC. . LIMITATION OF LIABILITY OF NONPROFIT PROVIDERS AND PRACTITIONERS.

(a) IN GENERAL.—Except as provided in paragraph (2), a nonprofit provider shall not be liable for harm to a claimant caused by a recycled prosthetic device.

(b) EXCEPTION.—A court shall find a nonprofit provider or practitioner liable for harm caused by a recycled prosthetic device only if the claimant establishes that, the nonprofit provider or practitioner engaged in an intentional wrongdoing (as determined under applicable State law) that was the proximate cause of such harm.

SEC. . PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST NONPROFIT PROVIDERS.

In any action that is subject to this Act, a nonprofit provider or practitioner who is a defendant in such action, may, at any time during which a motion to dismiss may be filed under applicable Federal or State law, move to dismiss the action.

PRESSLER AMENDMENTS NOS.

4850-4851

(Ordered to lie on the table.)

Mr. PRESSLER submitted two amendments intended to be proposed by him to the bill, S. 1936, *supra*; as follows:

AMENDMENT NO. 4850

Beginning on page 24, strike line 8 and all that follows through page 25.

AMENDMENT NO. 4851

Beginning on page 24, strike line 8 and all that follows through page 25, line 11, and insert the following:

“(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of sections 20109 and 31105 of title 49 United States Code. Qualified persons shall perform the inspection and testing of trains under the provisions of sections 215 and 232, Code of Federal Regulations, and shall be trained pursuant to the standard required by section 203(g).

“(g) TRAINING STANDARD.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require evidence of satisfaction of the applicable training standard before any individual may be employed in the removal or transportation of spent nuclear fuel and high-level radioactive waste.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997**SIMON AMENDMENT NO. 4852**

Mr. SIMON proposed an amendment to the bill, S. 1894, *supra*; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104-61; 109 Stat. 650), is amended under the heading “NATIONAL SECURITY EDUCATION TRUST FUND” by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

“(A) awarding scholarships to undergraduate students who—

“(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

“(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;” and

(2) in subparagraph (B)—

(A) in clause (i), by inserting “relating to the national security interests of the United States” after “international fields”; and

(B) in clause (ii)—

(i) by striking out “subsection (b)(2)” and inserting in lieu thereof “subsection (b)(2)(B)”; and

(ii) by striking out “work for an agency or office of the Federal Government or in” and inserting in lieu thereof “work for, and make their language skills available to, an agency or office of the Federal Government or work in”.

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out “, or of scholarships” and all that follows through “12 months or more,” and inserting in lieu thereof “or any scholarship”.

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

“(2) will—

“(A) not later than eight years after such recipient’s completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

“(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient’s foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

“(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

“(B) upon completion of such recipient’s education under the program, and in accordance with such regulations—

“(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient’s foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

“(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and”.

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.”.

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting “, including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities” before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out “Make recommendations” and inserting in lieu thereof “After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations”;

(B) in subparagraph (A), by inserting “and countries which are of importance to the national security interests of the United States” after “are studying”; and

(C) in subparagraph (B), by inserting “relating to the national security interests of the United States” after “of this title”;

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

“(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

“(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.”.

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

THE NUCLEAR WASTE POLICY ACT OF 1982 AMENDMENT ACT OF 1996

MURKOWSKI AMENDMENTS NOS. 4853-4882

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted 30 amendments intended to be proposed by him to the bill, S. 1936, supra; as follows:

AMENDMENT NO. 4853

On page 2, strike “TITLE II—INTEGRATED SPENT NUCLEAR FUEL MANAGEMENT SYSTEM” and insert “TITLE II—INTEGRATED MANAGEMENT SYSTEM”

AMENDMENT NO. 4854

On page 18, line 17, strike “plan” and insert “agreement”.

AMENDMENT NO. 4855

On page 20, line 3, strike “date” and insert “dated”.

AMENDMENT NO. 4856

On page 20, beginning on line 16, after “descriptions” insert “of”.

AMENDMENT NO. 4857

On page 22, line 5, strike “nuclear waste;” and insert “high level radioactive waste.”.

AMENDMENT NO. 4858

On page 22, line 22, after “waste for” insert “training for”.

AMENDMENT NO. 4859

Beginning on page 24, line 20, strike “(g) TRAINING STANDARD—” and all that follows through line 23 on page 25, and insert—

“(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. the regulation shall

require that evidence of satisfaction of the applicable training standard, through certification or other means, be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.”.

AMENDMENT NO. 4860

On page 38, line 12, strike “(d)(3)(A)” and insert “(e)(3)(A)”.

AMENDMENT NO. 4861

On page 39, line 20, strike “. No” and insert “no”.

AMENDMENT NO. 4862

Beginning on page 24, line 20, strike “(g) TRAINING STANDARD—” and all that follows through line 23 on page 25, and insert—

“(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that evidence of satisfaction of the applicable training standard, through certification or other means, be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.”.

AMENDMENT NO. 4863

At page 27, line 8, strike “by January 31, 1999” and insert “in accordance with subsection (b)”.

AMENDMENT NO. 4864

On page 27, line 11, strike “accepting” and insert “storing”.

AMENDMENT NO. 4865

On page 28, line 1, strike “size,” and insert “size”.

AMENDMENT NO. 4866

On page 29, line 21, strike “accepting” and insert “storing”.

AMENDMENT NO. 4867

On page 32, line 21, strike “subsection (a)” and insert “this section”.

AMENDMENT NO. 4868

On page 34, line 1, after “1996,” insert “as set forth in the Secretary’s annual capacity report dated March, 1995 (DOE/RW-0457),”.

AMENDMENT NO. 4869

On page 55, line after “system” insert “on”.

AMENDMENT NO. 4780

On page 57, beginning on line 24, strike “representatives” and insert “representatives”.

AMENDMENT NO. 4871

On page 58, line 5 strike “denied” and insert “implied”.

AMENDMENT NO. 4872

On page 60, line 22, strike “special conveyances referred to in paragraph (2)” and insert “of special conveyances referred to in subsection (b)”.

AMENDMENT NO. 4873

On page 72, beginning on line 1, strike “costs of the management” and all that follows through line 16, and insert the following—

“costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors as established under subsection (a).”

“(C) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors requiring management in the integrated management system.

“(D) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors as established under subsection (a).”.

AMENDMENT NO. 4874

On page 73, beginning on line 2, strike “from the Nuclear Waste Fund” and insert “for the integrated management system”.

AMENDMENT NO. 4875

On page 73, beginning on line 9, strike “205 and” and all that follows through “priority.” on line 13, and insert—

“204 and any associated storage and/or transport systems to be used in the integrated management system shall be accorded the highest priority, and

“(2) the licensing of the repository under section 205 shall be accorded the next highest priority.”.

AMENDMENT NO. 4876

On page 84, beginning on line 21, strike “(b) If the Secretary” and all that follows through “paragraph (a),” on line 25 and insert—

“(b) If the Secretary is unable to begin emplacement by November 30, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a).”.