

refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) PROHIBITION ON PENALTIES.—A group health plan may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (e)."

(b) CONFORMING AMENDMENTS.—

(1) Sections 9801(c)(1), 9805(b) (as redesignated by subsection (a)), 9805(c) (as so redesignated), 4980D(c)(3)(B)(i)(I), 4980D(d)(3), and 4980D(f)(1) of such Code are each amended by striking "9805" each place it appears and inserting "9806".

(2) The heading for subtitle K of such Code is amended to read as follows:

"Subtitle K—Group Health Plan Portability, Access, Renewability, and Other Requirements".

(3) The heading for chapter 100 of such Code is amended to read as follows:

"CHAPTER 100—GROUP HEALTH PLAN PORTABILITY, ACCESS, RENEWABILITY, AND OTHER REQUIREMENTS".

(4) Section 4980D(a) of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(c) CLERICAL AMENDMENTS.—

(1) The table of contents for chapter 100 of such Code is amended by redesignating the items relating to sections 9804, 9805, and 9806 as items relating to sections 9805, 9806, and 9807, and by inserting after the item relating to section 9803 the following new item:

"Sec. 9804. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations."

(2) The item relating to subtitle K in the table of subtitles for such Code is amended by striking "and renewability" and inserting "renewability, and other".

(3) The item relating to chapter 100 in the table of chapters for subtitle K of such Code

is amended by striking "and renewability" and inserting "renewability, and other".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

BOND AMENDMENT NO. 173

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

SEC. . The funds appropriated in Public Law 104-204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to States and federally recognized tribes for multimedia or single media pollution prevention, control and abatement and related activities, \$674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

BOND (AND OTHERS) AMENDMENT NO. 174

Mr. STEVENS (for Mr. BOND, for himself, Mr. LEVIN, and Mr. ABRAHAM) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban

Affairs be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, to conduct a markup on S. 462, the Public Housing Reform and Responsibility Act of 1997.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, to conduct a hearing to examine the issues surrounding the shredding of Holocaust era documents by the Union Bank of Switzerland.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 6, for purposes of conducting a hearing before the Full Committee which is scheduled to begin at 9:30 a.m. The Purpose of this hearing is to consider the nomination of Elizabeth Anne Moler to be Deputy Secretary of Energy.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Human Resources be authorized to meet for a Public Health and Safety Subcommittee Hearing on Protecting Public Health: CDC Project Grants for Preventable Health Services during the session of the Senate on Tuesday, May 6, 1997, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold an open confirmation hearing on the nomination of George J. Tenet to be Director of Central Intelligence.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Committee on the Judiciary be authorized to meet during the session of the

Senate on Tuesday, May 6, 1997, at 2 p.m. to hold a hearing on Fixing a Broken System: A Review of OJJDP Mandates.

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

ADDITIONAL STATEMENTS

FRANKLIN DELANO ROOSEVELT

• Mr. FEINGOLD. Mr. President, in the fall of 1940, Franklin Delano Roosevelt was attempting something audacious, unprecedented in American history—running for a third term as President. His opponent, Wendell Wilke of Indiana, a man with whom he would attempt to forge an alliance 4 years later, was gaining momentum. Roosevelt had waited until October to begin his formal campaign, but when he hit the trail, he did with characteristic gusto.

"I am an old campaigner," he told cheering audiences, "and I love a good fight."

Mr. President, it was the love of the fight, not in the sense of carrying a chip on one's shoulder, but more in the manner of relishing a challenge to one's ideas and abilities, that marked Franklin Roosevelt's character. That spirit motivated him in his fight against polio, sustained him during many a dark hour in the White House during the Depression and the Second World War and infused itself into his concept of a government that shrugged off old models of action—or inaction—and engaged in bold, persistent experimentation, seeking the best solutions for the pressing problems of the Nation.

His administration did many things considered audacious in Washington, including the creation of then-radical programs like Social Security. It is well-documented that one of the sources for some of Roosevelt's bold experimentation was the Progressive tradition in Wisconsin, which pioneered unemployment insurance and workers' compensation.

Mr. President, Franklin Roosevelt sometimes succeeded gloriously. Sometimes he failed. Sometimes he was helped by a fortuitous turn of events; other times, events frustrated his purposes. Through it all, however, he kept trying, kept experimenting, fueled by a restless intellect, guided by the constitutional responsibility of government to promote the general welfare of the people, and supported by a bedrock conviction that an honest attempt would, at the very least, yield a useful lesson and might well solve the problem.

Mr. President, last week we dedicated the Franklin Delano Roosevelt Memorial, a celebration of his memory, his accomplishments and, perhaps most importantly, his spirit. He was a man of enormous complexity and energy who embraced life and encouraged others to follow his example. His philoso-

phy of encouraging boldness and creativity in the service of the common good and his insistence on an inclusive, not exclusive politics will serve us well in any time.●

TRIBUTE TO JOSHUA GAGNON FOR BEING NEW HAMPSHIRE'S CHAMPION ACROSS AMERICA

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 10-year-old Joshua Gagnon from Merrimack, NH, for being chosen the New Hampshire champion by the Champions Across America Program of the Children's Miracle Network.

These champions are children who have triumphed over life-threatening health problems. Joshua, along with champions from other States, will represent the 7 million children treated at children's hospitals each year.

Joshua was only 3 years old when his family discovered his illness. An MRI revealed that he suffered from the Dandy Walker syndrome, which required an extensive shunt that extended from his brain to his stomach. In the past 7 years the shunt, which is susceptible to clogging, has required three replacements.

Another surgery Joshua had undergone was to correct a condition known as Streeter's dysplasia. The Genesis fund, which funds the National Birth Defects Center, made it possible for Joshua's webbed fingers and toes to be reshaped by a plastic/reconstructive surgeon. Even though he only has use of his ring finger and his pinky finger on his right hand, Joshua writes very well and loves to assemble model airplanes and cars.

Like any other boy his age, Joshua has many hobbies, such as reading, riding his mountain bike and playing basketball. He is very inquisitive and his sense of humor gives his mother many reasons to laugh.

Mr. President, I want to call attention to the uniqueness of children's health care and the importance of non-profit hospitals for children. Joshua is an inspiring example for children and their families to fight the battle and beat the odds. He and the other champions show children in New Hampshire and across the Nation how to pursue a happy life, despite their illness. I am proud to represent Joshua in the U.S. Senate.●

DR. NAN S. HUTCHISON BROWARD SENIOR HALL OF FAME INDUCTEES

• Mr. GRAHAM. Mr. President, today I would like to recognize and congratulate a group of outstanding citizens from Broward County. These men and women have each given a great gift to their communities—they have given of themselves.

Samuel Bonier, of Sunrise, has spent the last 4 years volunteering at the Daniel D. Cantor Senior Center. His activities include serving as an assistant

bookkeeper, mail clerk and needed friend to the center's residents. Samuel is also concerned about the community's children and has donated his time to help feed and bathe children in the Ann Storch Center. For his selfless actions Samuel was awarded the Volunteer of the Month Award in 1994 by the Cantor Center.

Pearl Canady, of Fort Lauderdale, imparted her wisdom to countless students as a teacher for over 30 years in the Broward County School System. Pearl continues to serve her community as a member of the Area Agency on Aging's Advisory Council. Pearl's generous spirit has enhanced the lives of many.

Daniel D. Cantor, of Tamarac, is one of Broward County's leading Jewish community leaders. Daniel has been active in countless Jewish organizations, including the Jewish National Fund, Israel Bonds and United Jewish Appeal. He was indispensable in the campaign to help resettle Russian Jewry in Israel and in the United States.

Marie Antoinette Capazzi, of Plantation, has served as Social Director for the Senior Club of Plantation for over 20 years. Marie has also worked with the Red Cross distributing food to the needy. Because of her service to the community, May 11, 1983 was declared Marie Capazzi day by the city of Plantation. Marie was also acknowledged as 1996 Citizen of the Year by the Plantation Elks Club.

Chris Franklin, of Pompano Beach, has been a tireless advocate for the elderly. Chris has been extremely active with the Florida Silver-Haired Legislature to insure that the rights of the elderly are protected. Later this year Chris will be a delegate to the National Congress of Silver-Hairs.

Rickey Pine Garber, of Tamarac, works to improve relations between seniors and the police. She is involved in several organizations including Seniors and Lawmen Together and the Citizens Observation Patrol. Rickey also works with the Area Agency on Aging assisting both seniors and the young who are experiencing financial and social distress.

Nat Geier, of Sunrise, volunteers his time to several organizations throughout Broward County. As a result of his efforts in the Area Agency's Seniors for Seniors Dollar Drive, Nat has raised over \$700 every year. In addition, Nat was instrumental in securing the first computers for Piper High School and Village Elementary.

David J. Mears, of Coral Springs, was instrumental in the founding of the city of Margate. David has been called the founding father of Margate because of his active role in developing the eastern section of the city. He has served as honorary mayor of Margate and is presently president of the Gold Coast Chapter of the National Association of Industrial and Office Parks.