

I ask unanimous consent that the text of the legislation be included in the RECORD.

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

S. 902

*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 "Prostate Testing Full Information Act".

#### SEC. 2. REQUIREMENT RELATING TO CERTAIN PHYSICIANS.

(a) REQUIREMENT.—If a covered physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

- (1) The patient is over 50 years of age.
- (2) The patient manifests clinical symptomatology.
- (3) The patient is at an increased risk of prostate cancer.

(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

(b) ENFORCEMENT.—The Secretary of Health and Human Services shall promulgate regulations that—

(1) require the reporting of covered physicians that violate subsection (a) to the Secretary; and

(2) provide for the application of sanctions to enforce the provisions of subsection (a).

(c) DEFINITION.—In this section, the term "covered physician" means a physician as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)) who has received any Federal payment or assistance under any program under—

- (1) the Public Health Service Act (42 U.S.C. 201 et seq.); or
- (2) the Social Security Act (42 U.S.C. 301 et seq.).

#### SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following:

##### "SEC. 713. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"(a) REQUIREMENT.—If a physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

- "(1) The patient is over 50 years of age.
- "(2) The patient manifests clinical symptomatology.
- "(3) The patient is at an increased risk of prostate cancer, as determined pursuant to regulations promulgated by the Secretary of Health and Human Services.

"(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

"(b) PROHIBITION ON LIMITATION.—The provision of information in accordance with subsection (a) may not be prohibited under the terms of—

"(1) any written contract or written agreement between the physician and any group

health plan, any health insurance issuer providing health insurance coverage in connection with a group health plan, or any related party with respect to a group health plan; or

"(2) any written statement from the plan, issuer, or related party to the physician.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan or a health insurance issuer providing health insurance coverage in connection with a group health plan to provide coverage for prostate specific antigen tests.

"(d) DEFINITION.—In this section, the term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Requirement relating to prostate specific antigen test."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 1998.

#### SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

##### "SEC. 2706. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"(a) REQUIREMENT.—If a physician, during a physical examination, examines the prostate gland of a patient, the physician shall provide information to the patient concerning the availability of appropriate diagnostic procedures, including the prostate antigen test, if any of the following conditions are present:

- "(1) The patient is over 50 years of age.
- "(2) The patient manifests clinical symptomatology.
- "(3) The patient is at an increased risk of prostate cancer, as determined pursuant to regulations promulgated by the Secretary of Health and Human Services.

"(4) The provision of the information to the patient is medically necessary, in the opinion of the physician.

"(b) PROHIBITION ON LIMITATION.—The provision of information in accordance with subsection (a) may not be prohibited under the terms of—

"(1) any written contract or written agreement between the physician and any group health plan, any health insurance issuer providing health insurance coverage in connection with a group health plan, or any related party with respect to a group health plan; or

"(2) any written statement from the plan, issuer, or related party to the physician.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan or a health insurance issuer providing health insurance coverage in connection with a group health plan to provide coverage for prostate specific antigen tests.

"(d) DEFINITION.—In this section, the term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 1998.

#### SEC. 5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborns' and Mothers' Health Protection Act of 1996) is amended by adding at the end the following new section:

##### "SEC. 2752. REQUIREMENT RELATING TO PROSTATE SPECIFIC ANTIGEN TEST.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 1998.

#### SEC. 6. RESEARCH AND EDUCATION REGARDING PROSTATE CANCER; CERTAIN PROGRAMS OF THE PUBLIC HEALTH SERVICE.

(a) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a-8(c)) is amended in the first sentence by striking "\$72,000,000" and all that follows and inserting the following: "\$90,250,000 for fiscal year 1998, \$108,500,000 for fiscal year 1999, \$126,500,000 for fiscal year 2000, and \$145,000,000 for fiscal year 2001."

(b) AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—Section 902 of the Public Health Service Act (42 U.S.C. 299a) is amended by adding at the end the following:

"(f) ACTIVITIES REGARDING PROSTATE CANCER.—The Administrator shall, with respect to prostate cancer—

"(1) conduct and support research on the outcomes, effectiveness, and appropriateness of health services and procedures; and

"(2) in carrying out section 912(a), provide for the development, periodic review, and updating of clinically relevant guidelines, standards of quality, performance measures, and medical review criteria."

#### ADDITIONAL COSPONSORS

S. 293

At the request of Mr. HATCH, the names of the Senator from Maryland [Mr. MIKULSKI], the Senator from Idaho [Mr. CRAIG], the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 371, a bill to amend title

XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 419

At the request of Mr. BOND, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 499

At the request of Mr. CHAFEE, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 499, a bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 563, a bill to limit the civil liability of business entities that donate equipment to nonprofit organizations.

S. 564

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 564, a bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations.

S. 565

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 565, a bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft.

S. 566

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 566, a bill to limit the civil liability of business entities that provide facility tours.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 738

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas [Mr. ROBERTS], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 738, a bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 775

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

S. 828

At the request of Mr. DURBIN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 828, a bill to provide for the reduction in the number of children who use tobacco products, and for other purposes.

S. 834

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 883

At the request of Mr. GREGG, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 883, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes.

## SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. ROBB], the Senator from Utah [Mr. BENNETT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Florida [Mr. MACK], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. NICKLES], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to "promote the science and art of medicine and the betterment of public health."

## SENATE RESOLUTION 98—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Mr. BYRD (for himself, Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUE,

Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, Mr. BURNS, Mr. CONRAD, Mr. GLENN, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, Mr. GORTON, Mr. HATCH, Mr. BREAUX, Mr. CLELAND, Mr. DURBIN, Mr. HUTCHINSON, Mr. JOHNSON, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH of Oregon, Mr. BENNETT, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRASSLEY, Mr. ALLARD, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 98

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as the "Convention"), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the countries of Eastern Europe and the Organization For Economic Co-operation and Development (OECD), including the United States, as "Annex I Parties", and the remaining 129 countries, including China, Mexico, India, Brazil, and South Korea, as "Developing Country Parties";

Whereas in April 1995, the Convention's "Conference of the Parties" adopted the so-called "Berlin Mandate";

Whereas the "Berlin Mandate" calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and establishes a negotiation process called the "Ad Hoc Group on the Berlin Mandate";

Whereas the "Berlin Mandate" specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Undersecretary of State for Global Affairs called for the first time for "legally binding" emission limitation targets and time-tables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 8, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for the Parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;