

Rights to cooperate with appropriate United Nations authorities in the restoration order in East Timor;

(11) urges the Government of Indonesia to allow unrestricted access to refugees and displaced persons in West Timor by UNHCR and other relief agencies and to guarantee their security; and

(12) calls upon the Government of Indonesia to hold accountable those responsible for the violence, human rights abuses and atrocities and to cooperate with the international community in establishing an international commission of inquiry to investigate human rights abuses in East Timor as a first step in bringing to justice those responsible.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

DURBIN AMENDMENT NO. 1803

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill (S. 1650) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the end of title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), \$200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000-2001.

MURRAY (AND OTHERS) AMENDMENT NO. 1804

Mrs. MURRAY (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WELLSTONE, Mr. DURBIN, Mr. TORRICELLI, Ms. MIKULSKI, Mr. KERRY, Mrs. BOXER, Mr. SARBANES, Mr. JOHNSON, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Mr. REED, and Mr. AKAKA) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 54 strike all after "Act" in line 18 through page 55 line 5 and insert the following: "\$3,086,634,000 of which \$1,151,550,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which \$1,439,750,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000-2001: *Provided*, That of the amount appropriated, \$335,000,000 shall be for Eisenhower professional development State grants under title II-B and up to \$750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That \$1,400,000,000 shall be available, notwithstanding any other provision of federal law, to carry out programs in accordance with Section 307 of 105-277, the class size reduction program.

"Further, a local education agency that has already reduced class size in the early

grades to 18 or fewer children can choose to use the funds received under this section for locally designed programs—

"(i) to make further class-size reductions in grades 1 through 3, including special education classes;

"(ii) to reduce class size in kindergarten or other grades, including special education classes; or

"(iii) to carry out activities to improve teacher quality, including recruiting, mentoring and professional development."

GORTON (AND LOTT) AMENDMENT NO. 1805

Mr. GORTON (for himself and Mr. LOTT) proposed an amendment to the bill, S. 1650, supra; as follows:

On page 55, line 2, strike all after "*Provided further*," to the period on line 5 and insert the following: "\$1,200,000,000 is appropriated for a teacher assistance initiative pending authorization of that initiative. If the teacher assistance initiative is not authorized by July 1, 2000, the 1,200,000,000 shall be distributed as described in Sec. 307(b)(1) (A and B) of the Department of Education Appropriation Act of 1999. School districts may use the funds for class size reduction activities as described in Sec. 307(c)(2)(A)(i-iii) of the Department of Education Appropriation Act of 1999 or any activity authorized in Sec. 6301 of the Elementary and Secondary Education Act that will improve the academic achievement of all students. Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section."

TORRICELLI AMENDMENT NO. 1806

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

LIMITATION

SEC. . None of the funds appropriated in this Act shall be used by the Bureau of Labor Statistics for the realigning of its New York City Regional Office as part of the reorganization of the Bureau's field management structure.

REID (AND OTHERS) AMENDMENT NO. 1807

Mr. REID (for himself, Mrs. BOXER, and Mr. KENNEDY) submitted an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, insert the following:

TITLE —NEEDLESTICK PREVENTION

SEC. .01. SHORT TITLE.

This title may be cited as the "Health Care Worker Needlestick Prevention Act".

SEC. .02. REQUIREMENTS.

(a) BLOODBORNE PATHOGENS STANDARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Labor, acting through the Occupational Safety and Health Administration, shall amend the bloodborne pathogens standard to require that—

(A) employers utilize needleless systems and sharps with engineered sharps injury protections in their work sites to prevent the spread of bloodborne pathogens; and

(B) to assist employers in meeting the requirement of subparagraph (A), non-manage-

rial direct care health care workers of employers participate in the identification and evaluation of needleless systems and sharps with engineered sharps injury protections.

(2) EXCEPTION.—The bloodborne pathogens standard requirements of paragraph (1) shall apply to any employer, except where the employer demonstrates, to the Secretary's satisfaction, that—

(A) there are circumstances in the employer's work facility in which the needleless systems and sharps with engineered sharps injury protections do not promote employee safety, interfere with patient safety, or interfere with the success of a medical procedure; or

(B) the needleless systems and sharps with engineered sharps injury protections required are not commercially available to the employer.

(b) STANDARD CONTENT.—For carrying out the requirement of subsection (a)(1) for needleless systems and sharps with engineered sharps injury protections, the amendment required by subsection (a) shall include the following:

(1) EXPOSURE CONTROL PLAN.—The employer shall include in their exposure control plan an effective procedure for identifying and selecting existing needleless systems and sharps with engineered sharps injury protections and other methods of preventing bloodborne pathogens exposure.

(2) SHARPS INJURY LOG.—In addition to the recording of all injuries from contaminated sharps on the OSHA Occupational Injuries and Illnesses 200 log or its equivalent, the employer shall maintain a separate contaminated sharps injury log containing the following information (to the extent such information is known to the employer) with regard to each exposure incident:

(A) Date and time of the exposure incident.

(B) Type and brand of sharp involved in the exposure incident.

(C) Description of the exposure incident which shall include—

(i) job classification of the exposed employee;

(ii) department or work area where the exposure incident occurred;

(iii) the procedure that the exposed employee was performing at the time of the incident;

(iv) how the incident occurred;

(v) the body part involved in the exposure incident;

(vi) if the sharp had engineered sharps injury protections—

(I) whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism, or after activation of the mechanism, if applicable; and

(II) whether the employee received training on how to use the device before use, and a brief description of the training;

(vii) if the sharp had no engineered sharps injury protections, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury, as well as the basis for the opinion; and

(viii) the employee's opinion about whether any other engineering, administrative, or work practice control could have prevented the injury as well as the basis for the opinion.

(3) TRAINING.—A requirement that all direct care health care workers shall be provided adequate training on the use of all needleless systems and sharps with engineered sharps injury protections which they may be required to use.

SEC. .03. NATIONAL CLEARINGHOUSE ON SAFER NEEDLE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institute for Occupational Safety and

Health shall establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections.

(b) **EVALUATION CRITERIA.**—The Director shall develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections.

(c) **TRAINING.**—The Director shall develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and shall (to the extent feasible) provide technical assistance to persons who request such assistance.

(d) **MONITORING.**—The Director shall establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence. In carrying out its duties under this subsection, the National Institute for Occupational Safety and Health shall have access to information recorded by employers on the sharps injury log as required by section 02(b)(2).

SEC. 04. DEFINITIONS.

For purposes of this title:

(1) **BLOODBORNE PATHOGENS.**—The term “bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include hepatitis B virus, hepatitis C virus, and human immunodeficiency virus.

(2) **CONTAMINATED.**—The term “contaminated” means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

(3) **DIRECT CARE HEALTH CARE WORKER.**—The term “direct care health care worker” means an employee responsible for direct patient care with potential occupational exposure to sharps related injuries.

(4) **EMPLOYER.**—The term “employer” means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(5) **ENGINEERED SHARPS INJURY PROTECTIONS.**—The term “engineered sharps injury protections” means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

(6) **NEEDLELESS SYSTEM.**—The term “needleless system” means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(7) **SHARP.**—The term “sharp” means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(8) **SHARPS INJURY.**—The term “sharps injury” means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(9) **SHARPS INJURY LOG.**—The term “sharps injury log” means a written or electronic record satisfying the requirements of section 02(b)(2).

SEC. 05. APPLICATION TO MEDICARE HOSPITALS.

The Secretary of Health and Human Services shall provide by regulation that, as a condition of participation under the Medicare program under title XVIII of the Social Security Act of a hospital that is not otherwise subject to the bloodborne pathogens standard amended under section 02(a) because it is exempt from regulation by the Occupational Safety and Health Administration, the hospital shall comply with the bloodborne pathogen standard amended under section 02(a) with respect to any employees of the hospital, effective at the same time as such amended standard would have applied to the hospital if it had not been so exempt.

SEC. 06. EFFECTIVE DATE.

This title shall become effective upon the date of its enactment, except that the Secretary of Labor shall take the action required by section 02 within 1 year of such date.

SMITH AMENDMENT NO. 1808

Mr. SMITH of New Hampshire proposed an amendment to the bill, S. 1650, supra; as follows:

At the appropriate place, add the following:

“SEC. . It is the sense of the Senate that the Conferees on H.R. 2466, the Department of Interior and Related Agencies Appropriations Act, shall include language prohibiting funds from being used for the Brooklyn Museum of Art unless the Museum immediately cancels the exhibit ‘Sensation,’ which contains obscene and pornographic pictures, a picture of the Virgin Mary desecrated with animal feces, and other examples of religious bigotry.”

BOXER (AND OTHERS) AMENDMENT NO. 1809

Mrs. BOXER (for herself, Mr. DURBIN, Mr. KENNEDY, Mr. KOHL, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) proposed an amendment to the bill, S. 1650, supra; as follows:

At the end of the title III, add the following:

21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), \$200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

GREGG AMENDMENT NO. 1810

Mr. GREGG proposed an amendment to amendment No. 1809, proposed by Mrs. BOXER to the bill, S. 1650, supra; as follows:

At the end of the amendment proposed strike the “,” and insert the following: “(which funds shall, notwithstanding any other provision of this title, be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in accordance with the require-

ments of such part, in lieu of being used to carry out part I of title X)”.

BOXER (AND OTHERS) AMENDMENT NO. 1811

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. JOHN-SON, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 1650, supra; as follows:

At the end of the amendment, add the following:

Notwithstanding any other provision of this Act the following shall apply:

SEC. . In addition to amounts otherwise appropriated under this title to carry out part I of title X of the Elementary and Secondary Act of 1965 (20 U.S.C. 8241 et seq.), \$200,000,000 which shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000–2001.

HUTCHINSON AMENDMENT NO. 1812

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 1650, supra; as follows:

At the end of title I, add the following:

TRANSFER OF FUNDS FOR THE CONSOLIDATED HEALTH CENTERS

SEC. . Notwithstanding any other provision of this Act, \$25,472,000 of the amounts appropriated for the National Labor Relations Board under this Act shall be transferred and utilized to carry out projects for the consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b).

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 30, 1999, in SR-328A at 9 a.m. The purpose of this meeting will be to discuss the administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Wednesday, September 29, 10 a.m., hearing room (SD-406).

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

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Wednesday, September 29, 1999, at 9:30 a.m., to hear testimony on