

coaches and supervisors of sports or other extracurricular activities, providers of day care, school bus drivers, lifeguards, attendants at public gatherings, coworkers, and other leaders within the community.

(8) The Federal Government should facilitate programs for the placement of AEDs in public buildings, including provisions regarding the training of personnel in CPR and AED use, integration with the emergency medical services system, and maintenance of the devices.

SEC. 3. RECOMMENDATIONS OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING PLACEMENT OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

“RECOMMENDATIONS REGARDING PLACEMENT OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN BUILDINGS

“SEC. 247. (a) RECOMMENDATION FOR FEDERAL BUILDINGS.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Cardiac Arrest Survival Act of 1999, the Secretary shall assist in providing for an improvement in the survival rates of individuals who experience cardiac arrest in Federal buildings by publishing in the Federal Register for public comment the recommendations of the Secretary with respect to placing automatic external defibrillators in such buildings. The Secretary shall in addition assist Federal agencies in implementing programs for such placement.

“(2) AGENCY ASSESSMENTS.—Not later than 180 days after the date on which the recommendations are published under paragraph (1), the head of each Federal agency that occupies a Federal building that meets the criteria described in subsection (a)(1) shall submit to the Secretary an assessment of the ability of each such agency to meet the goals described in subsection (c).

“(b) ADDITIONAL RECOMMENDATIONS.—The Secretary shall publish, as part of the recommendations referred to in subsection (a), recommendations with respect to the placement of automatic external defibrillators in buildings and facilities, or other appropriate venues, frequented by the public (other than the buildings referred to in subsection (a)). Such recommendations shall only be for information purposes for States and localities to consider in determining policy regarding the use or placement of such defibrillators in recommended buildings, facilities or venues.

“(c) CONSIDERATION OF CERTAIN GOALS FOR SURVIVAL RATES.—In carrying out this section, the Secretary shall consider the goals established by national public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings, including goals for minimizing the time elapsing between the onset of cardiac arrest and the initial medical response.

“(d) CERTAIN PROCEDURES.—The matters addressed by the Secretary in the recommendations under subsections (a) and (b) shall include the following:

“(1) Procedures for implementing appropriate nationally recognized training courses in performing cardiopulmonary resuscitation and the use of automatic external defibrillators.

“(2) Procedures for proper maintenance and testing of such devices, according to the guidelines of the manufacturer of the devices.

“(3) Procedures for ensuring direct involvement of a licensed medical professional and coordination with local emergency medical services in the oversight of training and no-

tification of incidents of the use of the devices.

“(4) Procedures for ensuring notification of an agent of the local emergency medical system dispatch center of the location and type of device.

“(e) CERTAIN CRITERIA.—In making recommendations under subsections (a) and (b), the Secretary shall determine the following:

“(1) Criteria for selecting the public buildings, facilities and other venues in which automatic external defibrillators should be placed, taking into account—

“(A) the typical number of employees and visitors in the buildings, facilities or venues;

“(B) the extent of the need for security measures regarding the buildings, facilities or venues;

“(C) buildings, facilities or other venues, or portions thereof, in which there are special circumstances such as high electrical voltage or extreme heat or cold; and

“(D) such other factors as the Secretary determines to be appropriate.

“(2) Criteria regarding the maintenance of such devices (consistent with the labeling for the devices).

“(3) Criteria for coordinating the use of the devices in public buildings, facilities or other venues with providers of emergency medical services for the geographic areas in which the buildings, facilities or venues are located.”.

SEC. 4. IMMUNITY FROM CIVIL LIABILITY FOR EMERGENCY USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 3 of this Act, is amended by adding at the end the following section:

“LIABILITY REGARDING EMERGENCY USE OF AUTOMATIC EXTERNAL DEFIBRILLATORS

“SEC. 248. (a) PERSONS USING AEDs.—Any person who provides emergency medical care through the use of an automated external defibrillator is immune from civil liability for any personal injury or wrongful death resulting from the provision of such care, except as provided in subsection (c).

“(b) OTHER PERSONS INVOLVED WITH AEDs; SPECIAL RULES FOR ACQUIRERS.—

“(1) IN GENERAL.—With respect to a personal injury or wrongful death to which subsection (a) applies, in addition to the person who provided emergency medical care through the use of the automated external defibrillator, the person described in paragraph (2) is with respect to the device immune from civil liability for the personal injury or wrongful death in accordance with such paragraph, except as provided in subsection (c).

“(2) PERSON DESCRIBED.—A person described in this paragraph is the person who acquired the device for use at a nonmedical facility (in this paragraph referred to as the ‘acquirer’). Such person shall be immune from liability as provided for in paragraph (1) if the following conditions are met:

“(A) The condition that the acquirer notified local emergency response personnel of the most recent placement of the device within a reasonable period of time after the device was placed.

“(B) The condition that, as of the date on which the emergency occurred, the device had been maintained and tested in accordance with the guidelines established for the device by the manufacturer of the device.

“(C) In any case in which the person who provided the emergency medical care through the use of the device was an employee or agent of the acquirer, and the employee or agent was within the class of persons the acquirer expected would use the device in the event of a relevant emergency, the condition that the employee or agent re-

ceived reasonable instruction in the use of such devices through a course approved by the Secretary or by the chief public health officer of any of the States.

“(c) INAPPLICABILITY OF IMMUNITY.—Immunity under subsections (a) and (b) does not apply to a person if—

“(1) the person engaged in gross negligence or willful or wanton misconduct in the circumstances described in such subsections that apply to the person with respect to automated external defibrillators; or

“(2) the person was a licensed or certified medical professional who was using the automated external defibrillator while acting within the scope of their license or certification, and within the scope of their employment as a medical professional.

“(d) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—The following applies with respect to this section:

“(A) This section is not applicable in any State that (before, on, or after the date of the enactment of the Cardiac Arrest Survival Act of 1999) provides through statute or regulations any degree of immunity for any class of persons for civil liability for personal injury or wrongful death arising from the provision of emergency medical care through the use of an automated external defibrillator.

“(B) This section does not waive any protection from liability for Federal officers or employees under—

“(i) section 224; or

“(ii) sections 1346(b), 2672 and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

“(C) This section does not require that an automated external defibrillator be placed at any building or other location.

“(D) CIVIL ACTIONS UNDER FEDERAL LAW.—

“(A) IN GENERAL.—The applicability of subsections (a) through (c) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

“(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.”.

TWENTY-FIRST CENTURY RESEARCH LABORATORIES ACT

HARKIN AMENDMENT NO. 2799

Ms. COLLINS (for Mr. HARKIN) proposed an amendment to the bill (S. 1268) to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; as follows:

On page 16, lines 14 and 15, strike “\$250,000,000 for fiscal year 2000, \$500,000,000” and insert “\$250,000,000”.

EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

THURMOND AMENDMENT NO. 2800

Ms. COLLINS (for Mr. THURMOND) proposed an amendment to the resolution (S. Res. 134) expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments; as follows:

Strike all after the *Resolved* clause and insert the following:

SECTION 1. SENSE OF THE SENATE THAT "SHOELESS JOE" JACKSON SHOULD BE RECOGNIZED FOR HIS BASEBALL ACCOMPLISHMENTS.

(a) FINDINGS.—The Senate finds the following:

(1) In 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to throw the 1919 World Series against the Cincinnati Reds.

(2) In 1921, a criminal court acquitted "Shoeless Joe" Jackson of charges brought against him as a consequence of his participation in the 1919 World Series.

(3) Despite the acquittal, Commissioner Landis banned "Shoeless Joe" Jackson from playing Major League Baseball for life without conducting a hearing, receiving evidence of Jackson's alleged activities, or giving Mr. Jackson a forum to rebut the allegations, issuing a summary punishment that fell far short of due process standards.

(4) During the 1919 World Series, Jackson's play was outstanding—his batting average was .375, the highest of any player from either team; he had 12 hits, setting a World Series record; he did not commit any errors; and he hit the only home run of the Series.

(5) Not only was Jackson's performance during the 1919 World Series unmatched, but his accomplishments throughout his 13-year career in professional baseball were outstanding as well—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time.

(6) "Shoeless Joe" Jackson's career record clearly makes him one of our Nation's top baseball players of all time.

(7) Because of his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame.

(8) "Shoeless Joe" Jackson passed away in 1951, and 80 years have elapsed since the 1919 World Series scandal erupted.

(9) Recently, Major League Baseball Commissioner Bud Selig took an important step by agreeing to investigate whether "Shoeless Joe" Jackson was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame.

(10) Courts have exonerated "Shoeless Joe" Jackson, the 1919 World Series box score stands as a witness of his record setting play, and 80 years have passed since the scandal erupted; therefore, Major League Baseball should appropriately honor the outstanding baseball accomplishments of Joseph Jefferson "Shoeless Joe" Jackson.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

GLACIER BAY FISHERIES ACT

BINGAMAN AMENDMENT NO. 2801

Mr. DASCHLE (for Mr. BINGAMAN) proposed an amendment to the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glacier Bay National Park Resource Management Act of 1999".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "local residents" means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term "outer waters" means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term "park" means Glacier Bay National Park;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer water of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105-277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources

of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act".

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NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999

MURKOWSKI AMENDMENT NO. 2802

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 348) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; as follows:

On page 2, after line 2, insert the following:

"TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999"

On page 6, after line 18, insert the following:

"(15) STATE.—The term "State" means the several states, except the State of Alaska."

On page 30, after line 11, insert the following:

"TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA"

SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—

Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission