

SEC. 5. STAFF OF THE COMMISSION.

(a) IN GENERAL.—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The staff director of the Commission shall be appointed from private life, and such appointment shall be subject to the approval of the Commission as a whole.

(b) COMPENSATION.—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(e) ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services shall furnish the Commission, on a nonreimbursable basis, any administrative and support services requested by the Commission consistent with this Act.

SEC. 6. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 7. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.±

The appropriate departments, agencies, and other entities of the United States Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 8. REPORTS.

(a) INTERIM REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit an interim report to the President and the Congress de-

scribing its activities since the date of enactment of this Act.

(b) FINAL REPORT.—Not later than September 11, 2002, the Commission shall submit a final report to the President and the Congress describing its activities since the date of enactment of this Act, together with a summary of the comprehensive assessment and recommendations made by the Commission under section 3(b).

SEC. 9. FUNDING.

Notwithstanding the provisions of the Act of September 18, 2001 (Public Law 107-38), amounts appropriated by that Act shall be available to carry out the provisions of this Act.

SEC. 10. TERMINATION OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall terminate 60 days after the date of the submission of the final report required by section 8(b).

(b) WIND UP ACTIVITIES.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to congressional committees concerning its final report and disseminating that report.

AMENDMENTS SUBMITTED AND PROPOSED—NOVEMBER 15, 2001

SA 2156. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table.

AMENDMENTS SUBMITTED AND PROPOSED—NOVEMBER 27, 2001

SA 2166. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table.

SA 2167. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry.

SA 2168. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

TEXT OF AMENDMENTS—NOVEMBER 15, 2001

SA 2156. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 2155 submitted by Mr. ENZI and intended to be proposed to the bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (1) of Sec. 6(c) and insert in lieu thereof the following:

“(1) ADOPTING STATES TO TRANSMIT.—Upon the 25th State becoming a signatory to the Compact, the adopting States shall transmit a copy of the Compact to Congress.”.

TEXT OF AMENDMENTS—NOVEMBER 27, 2001

SA 2166. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 10, to provide for pension reform, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2167. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes; which was referred to the Committee on Agriculture, Nutrition, and Forestry, as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2168. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following section:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. REID. 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 November 27, 2001, at 2:30 p.m., to conduct a markup on the nominations of Mr. Mark W. Olson, of Minnesota, to be a member of the Board of Governors of the Federal Reserve System; Dr. Susan Schmidt Bies, of Tennessee, to be a member of the Board of Governors of the Federal Reserve System; Mr. James Gilleran, of California, to be Director of the Office of Thrift Supervision; Mr. Allan I.

Mandelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board; Mr. Franz Leichter, of New York, to be a Director of the Federal Housing Finance Board; Mr. John Thomas Korsmo, of North Dakota, to be a Director of the Federal Housing Finance Board; and Mr. Randall Scott Kroszner, of Illinois, to be a member of the Council of Economic Advisors.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “The National Immunization Program: Is it Prepared for the Public Health Challenges of the 21st Century?” during the session of the Senate on Tuesday, November 27, 2001, at 10 a.m.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 27, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 691, a bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe; H.R. 223, a bill to amend the Clear Creek County, Colorado Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act; S. 1028, the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001; S. 1451, a bill to provide for the conveyance of certain public land in Clark County, Nevada for use as a shooting range; and S. 1240, the Timpanogos Interagency Land Exchange Act of 2001.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public law 107-12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: David E. Demag, of Vermont, and Thomas J. Scotto, of New York.

The Chair announces, on behalf of the Republican Leader, pursuant to Public Law 107-12, the appointment of the following individuals to serve as members of the Medal of Valor Review Board: Michael D. Branham, of Arizona, and Jimmy Houston, of Mississippi.

MEASURE INDEFINITELY POSTPONED—S. RES. 39

Mr. REID. Madam President, I ask unanimous consent that the following calendar item be indefinitely postponed: Calendar No. 15, S. Res. 39.

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

MEASURE READ THE FIRST TIME—S. 1732

Mr. REID. Madam President, it is my understanding that S. 1732, introduced earlier today by Senator DASCHLE, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 1732) to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

Mr. REID. Madam President, I now ask for its second reading and object to my own request on behalf of the Republicans.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

EXTENSION FOR COMPLIANCE WITH HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Mr. REID. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1684 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1684) to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1684) was read the third time and passed, as follows:

S. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1-YEAR EXTENSION OF DATE FOR COMPLIANCE BY CERTAIN COVERED ENTITIES WITH ADMINISTRATIVE SIMPLIFICATION STANDARDS FOR ELECTRONIC TRANSACTIONS AND CODE SETS.

(a) IN GENERAL.—Notwithstanding section 1175(b)(1)(A) of the Social Security Act (42

U.S.C. 1320d-4(b)(1)(A)) and section 162.900 of title 45 of the Code of Federal Regulations—

(1) a health care provider shall not be considered to be in noncompliance with the applicable requirements of subparts I through N of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003; and

(2) a health plan (other than a small health plan) or a health care clearinghouse shall not be considered to be in noncompliance with the applicable requirements of subparts I through R of part 162 of title 45 of the Code of Federal Regulations before October 16, 2003.

(b) SPECIAL RULES.—

(1) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(A) as modifying the October 16, 2003, date for compliance of small health plans with subparts I through R of part 162 of title 45 of the Code of Federal Regulations; or

(B) as modifying—

(i) the April 14, 2003, date for compliance of a health care provider, a health plan (other than a small health plan), or a health care clearinghouse with subpart E of part 164 of title 45 of the Code of Federal Regulations; or

(ii) the April 14, 2004, date for compliance of a small health plan with subpart E of part 164 of title 45 of the Code of Federal Regulations.

(2) APPLICABILITY OF PRIVACY REQUIREMENTS TO CERTAIN TRANSACTIONS PRIOR TO STANDARDS COMPLIANCE DATE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during the period that begins on April 14, 2003, and ends on October 16, 2003, a health care provider or, subject to subparagraph (C), a health care clearinghouse, that transmits any health information in electronic form in connection with a transaction described in subparagraph (B) shall comply with the then applicable requirements of subpart E of part 164 of title 45 of the Code of Federal Regulations without regard to section 164.106 of subpart A of such part or to whether the transmission meets any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(B) TRANSACTIONS DESCRIBED.—The transactions described in this subparagraph are the following:

(i) A health care claims or equivalent encounter information transaction.

(ii) A health care payment and remittance advice transaction.

(iii) A coordination of benefits transaction.

(iv) A health care claim status transaction.

(v) An enrollment and disenrollment in a health plan transaction.

(vi) An eligibility for a health plan transaction.

(vii) A health plan premium payments transaction.

(viii) A referral certification and authorization transaction.

(ix) A transaction with respect to a first report of injury.

(x) A transaction with respect to health claims attachments.

(C) APPLICATION TO HEALTH CARE CLEARINGHOUSES.—For purposes of this paragraph, during the period described in subparagraph (A), an entity that would otherwise meet the definition of health care clearinghouse that processes or facilitates the processing of information in connection with a transaction described in subparagraph (B) shall be deemed to be a health care clearinghouse notwithstanding that the entity does not process or facilitate the processing of such information into any standard formats required by part 162 of title 45 of the Code of Federal Regulations.

(c) DEFINITIONS.—In this section—