

S. 2393

*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 "Mental Health Patients' Rights Act".

**SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.**

Subpart 1 of part B of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended by adding at the end the following:

**"SEC. 2745. LIMITATION ON PREEXISTING CONDITION EXCLUSION PERIOD AND PREMIUMS WITH RESPECT TO MENTAL HEALTH.**

"(a) LIMITATION ON PREEXISTING CONDITION EXCLUSION PERIOD.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a health insurance issuer that offers health insurance coverage in the individual market in a State may, with respect to an individual or dependent of such individual, impose a preexisting condition exclusion relating to a preexisting mental health condition only if—

"(A) such exclusion relates to a mental health condition, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the 6-month period ending on the enrollment date;

"(B) such exclusion extends for a period of not more than 12 months after the enrollment date; and

"(C) the period of any such preexisting condition exclusion is reduced by the aggregate of the periods of creditable coverage (if any, as defined in paragraph (3)(A)) applicable to the individual or dependent of such individual as of the enrollment date.

"(2) DEFINITIONS.—In this section:

"(A) PREEXISTING MENTAL HEALTH CONDITION.—The term 'preexisting mental health condition' means, with respect to coverage, a mental health condition, including all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, that was present before the date of enrollment of such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.

"(B) OTHER TERMS.—The terms 'preexisting condition exclusion', 'enrollment date', and 'late enrollee' shall have the meanings given such terms in section 2701 as relating to individual health insurance coverage.

"(3) CREDITING PREVIOUS COVERAGE.—For purposes of subsection (a), the term 'creditable coverage' has the meaning given such term in section 2701(c) and includes coverage of the individual under any of the following:

"(A) A college-sponsored health plan, or a plan under which health benefits are offered by or through an institution of higher education (as defined in section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)) in relation to students at the institution (not including benefits offered to such a student as a participant or beneficiary in a group health plan).

"(B) Title XXI of the Social Security Act.

"(C) A State or local employee health plan.

"(b) PROHIBITION ON INCREASED PREMIUMS BASED ON PREEXISTING MENTAL HEALTH CONDITION.—A health insurance issuer that offers health insurance coverage in the individual market in a State may not, with respect to an individual or dependent of such individual, require any individual (as a condition of enrollment or continued enrollment) with a preexisting mental health condition to pay a premium or contribution which is greater than a premium or con-

tribution for an individual without a preexisting mental health condition based solely on the determination that such individual has a preexisting mental health condition, as such term is defined in subsection (a)(2)(A).

"(c) NONAPPLICABILITY OF ACCEPTABLE ALTERNATIVE MECHANISMS.—The provisions of section 2741(a)(2) shall not apply to a health insurance issuer that offers health insurance coverage in the individual market in a State, but only with respect to an individual, or dependent of such individual, with a preexisting mental health condition desiring to enroll in such individual health insurance coverage."

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3381. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 3381.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

**DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND MISCELLANEOUS TRADE PROVISIONS****TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES****SEC. 4101. GENERALIZED SYSTEM OF PREFERENCES.**

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(c) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—

(A) ENTRY OF CERTAIN ARTICLES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—In this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

**SEC. 4002. AMENDMENTS TO GENERALIZED SYSTEM OF PREFERENCES.**

(a) INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and";

(3) by adding at the end the following new subparagraph:

"(F) a prohibition on discrimination with respect to employment and occupation."; and

(4) by amending subparagraph (D) to read as follows:

"(D) a minimum age for the employment of children, and a prohibition on the worst forms of child labor, as defined in paragraph (6);".

(b) REVIEW OF ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 503, the following new section:

**"SEC. 503A. REVIEWS.**

"(a) ONGOING REVIEWS.—Notwithstanding any other provision of law, the President shall conduct on an ongoing basis a review of the eligibility criteria with respect to any country or article designated as eligible under this title. Such reviews, in addition to the reviews conducted pursuant to part 2007 of title 15, Code of Federal Regulations (as in effect on January 1, 2002), shall form the basis for any withdrawal, suspension, or limitation of benefits under section 502(d)(1) or section 503(c)(1).

"(b) WORKER RIGHTS REVIEWS.—

"(1) IN GENERAL.—In reviewing the eligibility criteria set forth in sections 502(b)(2)(G), 502(b)(2)(H), and 502(c)(7) as part of an ongoing review described in subsection (a) or as part of a specific request for review under part 2007 of title 15, Code of Federal Regulations, the President shall give special consideration to the findings of the International Labor Organization (or committees thereof) concerning the country under review.

"(2) REGULATIONS.—Not later than 180 days after the date of enactment of the Trade Act of 2002, the President shall promulgate regulations establishing guidelines for giving special consideration to the findings of the International Labor Organization (or committees thereof) as required by paragraph (1)".

(2) CONFORMING AMENDMENT.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 503, the following new item:

"Sec. 503A. Reviews.

**TITLE XLII—MISCELLANEOUS TRADE PROVISIONS****SEC. 4201. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.**

Section 310(a)(1) of the Trade Act of 1974 (19 U.S.C. 2420(a)(1)) is amended by striking "Within 180 days after the submission in calendar year 1995 of the report required by section 181(b)" and inserting "Within 30 days after the submission of the report required by section 181(b)".

**AUTHORITY FOR COMMITTEES TO MEET****SELECT COMMITTEE ON INTELLIGENCE**

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, April 29, 2002, at 6:30 p.m. to hold a closed business meeting.

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

## PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent the privilege of the floor be granted to Tiffany McCullen, a Department of Commerce employee detailed to my staff on the Finance Committee, and to Elliott Langer, an intern from the Finance Committee for the duration of the Senate consideration of trade bills.

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. As in executive session, Mr. President, I ask unanimous consent that at 12 noon on Tuesday, April 30, the Senate proceed to executive session to consider Calendar Nos. 778 and 779, with the time until 12:30 equally divided and controlled between Senators LEAHY and HATCH or their designees; that upon the use or yielding back of the time, the Senate stand in recess until 2:15 p.m.; further, at 2:15 p.m., the Senate proceed to vote on Calendar No. 778, to be followed immediately by a vote on Calendar No. 779; that upon completion of the votes, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays on the nominations, with one show of hands for a sufficient second.

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

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following promotions reported out earlier today by the Senate Armed Services Committee: Lt. Gen. Leon J. LaPorte to be general; and Adm. Thomas B. Fargo to be admiral; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon be printed in the RECORD, and the Senate return to legislative session, without any intervening action or debate.

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

The nominations considered and confirmed are as follows:

## ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Leon J. LaPorte, 0000.

## NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Adm. Thomas B. Fargo, 0000.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR TUESDAY, APRIL 30, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Tuesday, April 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 3009, the Andean Trade Act, with the time until 12 noon equally divided between the proponents and opponents of the motion; that the time during the adjournment of the Senate, the debate time, and the votes thereafter on the two judges be counted against cloture, and that the recess of the Senate tomorrow be counted against the cloture time; further, that the Senate recess from 12:30 to 2:15 tomorrow for our weekly party conferences.

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

Mr. REID. We appreciate the patience of the Presiding Officer.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Tuesday, April 30, 2002, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 29, 2002:

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALBERTO FAUSTINO TREVINO, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SUSAN M. WACHTER, RESIGNED.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

ELIAS ADAM ZERHOUNI, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE HAROLD VARMUS, RESIGNED.

## IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL ALAN D. BELL, 0000  
BRIGADIER GENERAL JAMES A. CHEATHAM, 0000  
BRIGADIER GENERAL CHARLES E. GORTON, 0000  
BRIGADIER GENERAL ROBERT L. HEINE, 0000  
BRIGADIER GENERAL LAWRENCE J. JOHNSON, 0000  
BRIGADIER GENERAL DAVID E. KRATZER, 0000  
BRIGADIER GENERAL DENNIS J. LAICH, 0000  
BRIGADIER GENERAL COLLIS N. PHILLIPS, 0000

*To be brigadier general*

COLONEL STEVEN R. APT, 0000  
COLONEL RITA M. BROADWAY, 0000  
COLONEL MICHAEL J. DIAMOND, 0000  
COLONEL JAMES P. EGGLETON, 0000  
COLONEL JAMES A. HASBARGEN, 0000  
COLONEL ROSEMARY R. LOPER, 0000  
COLONEL JOHN Y. H. MA, 0000  
COLONEL MATTHEW C. MATIA, 0000  
COLONEL MICHAEL W. MEANS, 0000  
COLONEL JAMES E. PAYNE III, 0000  
COLONEL ROBERT A. POLLMANN, 0000  
COLONEL JAMES W. RAFFERTY, 0000  
COLONEL JAMES F. REYNOLDS, 0000  
COLONEL THOMAS D. ROBINSON, 0000  
COLONEL JOSE M. ROSADO, 0000  
COLONEL DEAN G. SIENKO, 0000  
COLONEL JAMES L. SNYDER, 0000

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPTAIN ROBERT J. COX, 0000  
CAPTAIN DERWOOD C. CURTIS, 0000  
CAPTAIN PETER H. DALY, 0000  
CAPTAIN KENNETH W. DEUTSCH, 0000  
CAPTAIN MARK T. EMERSON, 0000  
CAPTAIN JEFFREY L. FOWLER, 0000  
CAPTAIN JOHN S. GODLEWSKI, 0000  
CAPTAIN GARRY E. HALL, 0000  
CAPTAIN LEENDERT R. HERING, 0000  
CAPTAIN ALAN B. HICKS, 0000  
CAPTAIN DEBORAH A. LOEWER, 0000  
CAPTAIN CARL V. MAUNEY, 0000  
CAPTAIN WILLIAM J. MCCARTHY, 0000  
CAPTAIN BERNARD J. MCCULLOUGH III, 0000  
CAPTAIN MICHAEL H. MILLER, 0000  
CAPTAIN ALLEN G. MYERS, 0000  
CAPTAIN MARC L. PURCELL, 0000  
CAPTAIN JAMES W. STEVENSON JR., 0000  
CAPTAIN WILLIAM G. TIMME, 0000  
CAPTAIN JOSEPH A. WALSH, 0000  
CAPTAIN MELVIN WILLIAMS JR., 0000  
CAPTAIN JAMES A. WINNEFELD JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. GREGORY R. BRYANT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. ANDREW M. SINGER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. DAVID J. VENLET, 0000

## IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

SHAIN BOBBITT, 0000  
BARBARA LOCKBAUM, 0000

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 622:

*To be major*

MICHAEL J. COLBURN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

WILLIAM P. MCCLANE, 0000