

House Bill

Section 401 of H.R. 4658 requires the Secretary to establish and maintain an inventory of medical waste management activities in VA medical facilities and submit a report on such activities by April 15, 2005.

Senate Bill

The Senate bill contains no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the House language, except that the required report would be due on June 30, 2005.

SEC. 603—INCLUSION OF ALL ENROLLED VETERANS AMONG PERSONS ELIGIBLE TO USE CANTEENS OPERATED BY VETERANS' CANTEEN SERVICE

Current Law

Section 7803 of title 38, United States Code, defines those persons eligible to use the Veterans' Canteen Service.

House Bill

Section 201 of H.R. 4768, as amended, would expand the definition of persons eligible to use the Veterans' Canteen Service to include all individuals enrolled in VA health care under section 1705 of title 38, United States Code, or such individuals' families, and persons employed at VA facilities.

Senate Bill

The Senate bill contains no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the House language.

SEC. 604—ANNUAL REPORTS ON WAITING TIMES FOR APPOINTMENTS FOR SPECIALTY CARE

Current Law

No similar provision exists under current law.

House Bill

The House bills contain no comparable provision.

Senate Bill

Section 207 of S. 2485, as reported, would require VA to report annually on patient appointment waiting times, including specialty and primary care services.

Compromise Agreement

Section 604 of the Compromise Agreement requires the Secretary to report, not later than January 31 of each year through 2007, on veterans waiting more than 3 months for scheduled appointments in specialty care clinics and on the reasons for such delays. Further, the Compromise Agreement requires the Comptroller General to certify the accuracy of the report submitted under this section.

SEC. 605—TECHNICAL CLARIFICATION

Current Law

Section 8111 of title 38, United States Code, requires the Secretary and the Secretary of Defense to enter into agreements and contracts for the mutually beneficial sharing of health care resources. Section 8111 also establishes a fund, known as the "DOD-VA Health Care Sharing Incentive Fund," to provide incentives to enter into such sharing initiatives.

House Bill

Section 6 of H.R. 4231, as amended, makes the established DOD-VA Health Care Sharing Incentive Fund available for any purpose authorized by section 8111.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the House language.

Mr. FRIST. Mr. President, I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Veterans' Affairs Committee then be discharged from further consideration of H.R. 3936, and the Senate proceed to its immediate consideration. I further ask consent that all after the enacting clause be stricken, and the text of S. 2485, as amended, be inserted in lieu thereof; the bill, as amended, be read a third time and passed, the amendment to the title, as amended, be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

I ask unanimous consent that S. 2485 be returned to the calendar.

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

The amendment (No. 4048) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment, as amended, was agreed to.

The bill (H.R. 3936), as amended, was read the third time and passed.

The amendment (No. 4049) was agreed to, as follows:

AMENDMENT NO. 4049

Amend the title so as to read: "A bill to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes."

GRANTING A FEDERAL CHARTER TO THE NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 788, S. 2938.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2938) to grant a Federal charter to the National American Indian Veterans, Incorporated.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, all with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

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

The bill (S. 2938) was read the third time and passed, as follows:

S. 2938

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

SECTION 1. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following new chapter:

"CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

"Sec.

"150401. Organization.

"150402. Purposes.

"150403. Membership.

"150404. Board of directors.

"150405. Officers.

"150406. Nondiscrimination.

"150407. Powers.

"150408. Exclusive right to name, seals, emblems, and badges.

"150409. Restrictions.

"150410. Duty to maintain tax-exempt status.

"150411. Records and inspection.

"150412. Service of process.

"150413. Liability for acts of officers and agents.

"150414. Failure to comply with requirements.

"150415. Annual report.

"§ 150401. Organization

"The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (in this chapter referred to as the 'corporation'), is a federally chartered corporation.

"§ 150402. Purposes

"The purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws, and include a commitment—

"(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian, Alaska Native, and Native Hawaiian Nations;

"(2) to unite under one body all American Indian, Alaska Native, and Native Hawaiian veterans who served in the Armed Forces of United States;

"(3) to be an advocate on behalf of all American Indian, Alaska Native, and Native Hawaiian veterans without regard to whether they served during times of peace, conflict, or war;

"(4) to promote social welfare (including educational, economic, social, physical, cultural values, and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

"(5) to serve as an advocate for the needs of American Indian, Alaska Native, and Native Hawaiian veterans, their families, or survivors in their dealings with all Federal and State government agencies;

"(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between the American Indian, Alaska Native, and Native Hawaiian veterans and American society; and

"(7) to provide technical assistance to the 12 regional areas without veterans committees or organizations and programs by—

"(A) providing outreach service to those Tribes in need; and

"(B) training and educating Tribal Veterans Service Officers for those Tribes in need.

"§ 150403. Membership

"Subject to section 150406 of this title, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and by-laws of the corporation.

"§ 150404. Board of directors

"Subject to section 150406 of this title, the board of directors of the corporation, and the

responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

“§ 150405. Officers

“Subject to section 150406 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

“§ 150406. Nondiscrimination

“In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

“§ 150407. Powers

“The corporation shall have only those powers granted the corporation through its articles of incorporation and its constitution and bylaws which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

“§ 150408. Exclusive right to name, seals, emblems, and badges

“(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names ‘National American Indian Veterans, Incorporated’ and ‘National American Indian Veterans’, and such seals, emblems, and badges as the corporation may lawfully adopt.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to interfere or conflict with established or vested rights.

“§ 150409. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of the charter granted by this chapter.

“(2) Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

“(c) LOANS.—The corporation shall not make any loan to any officer, director, member, or employee of the corporation.

“(d) NO FEDERAL ENDORSEMENT.—The corporation shall not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of its activities.

“§ 150410. Duty to maintain tax-exempt status

“The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

“§ 150411. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete books and records of accounts;

“(2) minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors; and

“(3) at its principal office, a record of the names and addresses of all members having the right to vote.

“(b) INSPECTION.—(1) All books and records of the corporation may be inspected by any member having the right to vote, or by any

agent or attorney of such member, for any proper purpose, at any reasonable time.

“(2) Nothing in this section shall be construed to contravene the laws of the jurisdiction under which the corporation is incorporated or the laws of those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

“§ 150412. Service of process

“With respect to service of process, the corporation shall comply with the laws of the jurisdiction under which the corporation is incorporated and those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

“§ 150413. Liability for acts of officers and agents

“The corporation shall be liable for the acts of the officers and agents of the corporation when such individuals act within the scope of their authority.

“§ 150414. Failure to comply with requirements

“If the corporation fails to comply with any of the restrictions or provisions of this chapter, including the requirement under section 150410 of this title to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

“§ 150415. Annual report

“(a) IN GENERAL.—The corporation shall report annually to Congress concerning the activities of the corporation during the preceding fiscal year.

“(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b) of this title.

“(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by insert after the item relating to chapter 1503 the following new item:

“1504. National American Indian Veterans, Incorporated 150401”.

MEASURE PLACED ON THE CALENDAR—S. 2949

Mr. FRIST. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2949) to amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize the Act, and for other purposes.

Mr. FRIST. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR SUNDAY, OCTOBER 10, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it ad-

journal until 10:30 a.m. on Sunday, October 10. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of the conference report to accompany H.R. 4520, the FSC/ETI JOBS bill; provided that the time until 1 p.m. be equally divided between the two managers, with the exception of 20 minutes under the control of Senator BYRD, who will speak as in morning business.

Mr. REID. Mr. President, if I could ask the majority leader to modify his request to the Chair and include therein that Senators GRASSLEY and BAUCUS would be recognized from 12:30 to 1 o'clock, and Senator BYRD from 12:10 to 12:30, Senator LANDRIEU from 11:40 to 12:10, and that the remaining time be allocated to the minority, with Senator HARKIN for 5 minutes, Senator KENNEDY for 5 minutes, and Senator DORGAN for 5 minutes.

Mr. FRIST. Yes. And provided further that if cloture is invoked, Senator LANDRIEU be recognized immediately following the vote to speak for up to 1 hour.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration, in an unusual session on Sunday, of the FSC/ETI JOBS conference report. Under the previous order, we will vote at 1 p.m. on cloture of the FSC bill. I hope cloture is invoked and that we could then reach an agreement for a time certain for passage.

In addition, moments ago I filed cloture on two appropriations matters: Military Construction and Homeland Security. Both are very important bills. It was necessary to file cloture because of the obstruction that has played out over the last 2 days from the other side of the aisle. The votes will likely occur on Monday.

We have those three remaining issues prior to our adjournment. When we complete action on the FSC/ETI bill and the two appropriations bills, then we will have concluded our work that was set out by the Democratic leader and myself days ago; we will be finished.

It has been a tough several days, with a very unusual session today, a full day on Saturday, with votes. Because of these cloture votes, which have certain time limits, we are really forced to come back tomorrow in order to complete our business. It looks like we will be going into the holiday on Monday as well, which is mutually agreed upon between both sides of the aisle in order to complete our business. The bills before us, such as Homeland Security, we need to get through this body. A lot of people watching are wondering, why in the world can't the Senate move more quickly? I hope we can do so.