

amended by striking "and in effect on the date of enactment of this section".

SEC. 4. CLARIFICATION OF FACILITIES' RESPONSIBILITY TO RETAIN MAMMOGRAM RECORDS.

Section 354(f)(1)(G) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)) is amended by striking clause (i) and inserting the following:

"(i) a facility that performs any mammogram—

"(I) except as provided in subclause (II), maintain the mammogram in the permanent medical records of the patient for a period of not less than 5 years, or not less than 10 years if no additional mammograms of such patient are performed at the facility, or longer if mandated by State law; and

"(II) upon the request of or on behalf of the patient, forward the mammogram to a medical institution or a physician of the patient; and".

SEC. 5. SCOPE OF INSPECTIONS.

Section 354(g)(1)(A) of the Public Health Service Act (42 U.S.C. 263b(g)(1)(A)) is amended in the first sentence—

(1) by striking "certified"; and

(2) by inserting "the certification requirements under subsection (b) and" after "compliance with".

SEC. 6. CLARIFICATION OF AUTHORITY TO DELEGATE INSPECTION RESPONSIBILITY TO LOCAL GOVERNMENT AGENCIES.

Section 354 of the Public Health Service Act (42 U.S.C. 263b) is amended—

(1) in subsections (a)(4), (g)(1), (g)(3), and (g)(4), by inserting "or local" after "State" each place it appears;

(2) in the heading of subsection (g)(3), by inserting "OR LOCAL" after "STATE"; and

(3) in subsection (i)(1)(D)—

(A) by inserting "or local" after "State" the first place it appears; and

(B) by inserting "or local agency" after "State" the second place it appears.

SEC. 7. PATIENT NOTIFICATION CONCERNING HEALTH RISKS.

(a) REQUIREMENT.—Section 354(h) of the Public Health Service Act (42 U.S.C. 263b(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) PATIENT INFORMATION.—If the Secretary determines that the quality of mammography performed by a facility (whether or not certified pursuant to subsection (c)) was so inconsistent with the quality standards established pursuant to subsection (f) as to present a significant risk to individual or public health, the Secretary may require such facility to notify patients who received mammograms at such facility, and their referring physicians, of the deficiencies presenting such risk, the potential harm resulting, appropriate remedial measures, and such other relevant information as the Secretary may require."

(b) CIVIL MONEY PENALTY.—Section 354(h)(3) of the Public Health Service Act (42 U.S.C. 263b(h)(3)), as so redesignated, is amended—

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

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) each failure to notify a patient of risk as required by the Secretary pursuant to paragraph (2), and"

SEC. 8. REQUIREMENT TO COMPLY WITH INFORMATION REQUESTS.

Section 354(i)(1)(C) of the Public Health Service Act (42 U.S.C. 263b(i)(1)(C)) is amended—

(1) by inserting after "Secretary", the first place it appears "(or of an accreditation body approved pursuant to subsection (e))"; and

(2) by inserting after "Secretary", the second place it appears "(or such accreditation body or certifying entity)".

SEC. 9. ADJUSTMENT TO SEVERITY OF SANCTIONS.

Section 354(i)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(i)(2)(A)) is amended by striking "makes the finding" and all that follows and inserting the following: "has reason to believe that the circumstance of the case will support one or more of the findings described in paragraph (1) and that—

"(i) the failure or violation was intentional, or

"(ii) the failure or violation presents a serious risk to human health."

SEC. 10. TECHNICAL AMENDMENT.

Section 354(q)(4)(B) of the Public Health Service Act (42 U.S.C. 263b(q)(4)(B)) is amended by striking "accredited" and inserting "certified".

UNANIMOUS-CONSENT AGREEMENTS—S. 1216 AND S. 629

Mr. SESSIONS. I ask unanimous consent that S. 1216, as reported by the Finance Committee, be referred to the Commerce Committee for the consideration of matters within its jurisdiction for a period not to exceed 10 calendar days. I further ask consent if the bill is not reported at that time, the bill be immediately discharged and placed on the calendar.

I further ask unanimous consent that S. 629 be discharged from the Commerce Committee and that the bill then be referred to the Senate Finance Committee.

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

DAVID DYER FEDERAL COURTHOUSE

J. ROY ROWLAND COURTHOUSE

Mr. SESSIONS. Mr. President, I ask unanimous consent the Environmental and Public Works Committee be discharged from further consideration of the H.R. 1479 and H.R. 1484, and further, the Senate proceed to their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1479) to designate the Federal building and United States courthouse located at 300 Northeast Frist Avenue in Miami, Florida, as the "David W. Dyer Federal Building and United States Courthouse."

A bill (H.R. 1484) to redesignate the United States courthouse located at 100 Franklin Street in Dublin, Georgia, as the "J. Roy Rowland United States Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bills?

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

Mr. SESSIONS. Mr. President, I further ask unanimous consent the bills

be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bills (H.R. 1479 and H.R. 1484) were passed.

AMENDING THE NATIONAL DEFENSE AUTHORIZATION ACT

Mr. SESSIONS. I ask unanimous consent the Senate now proceed to consideration of S. 1507, introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1507) to amend the National Defense Authorization Act for fiscal year 1998 to make certain technical corrections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. SESSIONS. I ask unanimous consent that bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1507) was read the third time and passed, as follows:

S. 1507

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

SECTION 1. TECHNICAL CORRECTIONS.

(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) Section 2302c(a)(1) of title 10, United States Code, is amended by inserting "of section 2303(a) of this title" after "paragraphs (1), (5) and (6)".

(2) The amendment made by paragraph (1) shall take effect as if included in the amendment to section 2302c of title 10, United States Code, made by section 850(f)(3)(A) of the National Defense Authorization Act for Fiscal Year 1998 to which the amendment made by paragraph (1) relates.

(b) COMMEMORATION OF 50TH ANNIVERSARY OF KOREAN CONFLICT.—(1) Section 1083(f) of the National Defense Authorization Act for Fiscal Year 1998 is amended by striking out "\$100,000" and inserting in lieu thereof "\$1,000,000".

(2) the amendment made by paragraph (1) shall take effect as if included in the provisions of the National Defense Authorization Act for Fiscal Year 1998 to which such amendment relates.

AMENDING SECTION 3165 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1511, introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1511) to amend section 3165 of the National Defense Authorization Act for fiscal year 1998 to clarify the authority in the section.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. SESSIONS. I ask unanimous consent that the bill be deemed read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 1511) was deemed read the third time, and passed, as follows:

S. 1511

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

SECTION 1. CLARIFICATION OF AUTHORITY.

(a) CLARIFICATION.—Section 3165 of the National Defense Authorization Act of Fiscal Year 1998 is amended—

(1) in subsection (b)(1), by striking out “under the jurisdiction” and all that follows through “Los Alamos National Laboratory” and inserting in lieu thereof “under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory”; and

(2) in subsection (e), by striking out “, the Secretary of the Interior” and all that follows through the end and inserting in lieu thereof “but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 3165 of the National Defense Authorization Act for Fiscal Year 1998 to which such amendments relate.

ELIGIBLE TELECOMMUNICATIONS CARRIERS ACT OF 1997

Mr. SESSIONS. I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 289, S. 1354.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1354) to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 1354) was considered read the third time, and passed, as follows:

S. 1354

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

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking “(2) or (3)” in paragraph (1) and inserting “(2), (3), or (6)”;

(2) by striking “interstate services,” in paragraph (3) and inserting “interstate services or an area served by a common carrier to which paragraph (6) applies.”;

(3) by inserting “(or the Commission in the case of a common carrier designated under paragraph (6))” in paragraph (4) after “State commission” each place such term appears;

(4) by inserting “(or the Commission under paragraph (6))” in paragraph (5) after “State commission”; and

(5) by inserting after paragraph (5) the following:

“(6) COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.”.

DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1604 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan, pursuant to dockets 18-E, 58, 364, and 18-R before the Indian Claims Commission.

AMENDMENTS NOS. 1625 AND 1627, EN BLOC

Mr. SESSIONS. Mr. President, I send two amendments, en bloc, to the desk on behalf of Mr. MURKOWSKI and Mr. INOUE and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. MURKOWSKI and Mr. INOUE, proposes amendments numbered 1625 and 1627, en bloc.

Mr. SESSIONS. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1625

(Purpose: To limit the number of health care contracts and compacts that the Indian Health Service may execute for the Ketchikan Gateway Borough)

At the appropriate place, insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway Borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

SECTION 2. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term “Alaska Native” has the meaning given the term “Native” in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term “Alaska native village or regional or village corporation” means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(3) CONTRACT; COMPACT.—The terms “contract” and “compact” mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

SEC. 3. LIMITATION.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting through the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

AMENDMENT NO. 1627

(Purpose: To provide for a technical correction to Section 2 concerning the Sault Ste. Marie)

On page 2, line 7, of Section 2, delete the word “Tribe” and insert the word “Band”.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1625 and 1627) were agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place.