

the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(b)).

(c) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

**SEC. 3403. DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.**

(a) DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic, the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

**SEC. 3404. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.**

(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) REQUIREMENT FOR REMELTING BY DOMESTIC FERROALLOY PRODUCERS.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) may be sold only for remelting by a domestic ferroalloy producer.

(c) DOMESTIC FERROALLOY PRODUCER DEFINED.—For purposes of this section, the term "domestic ferroalloy producer" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade manganese ores of metallurgical grade or manganese ferro; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

**SEC. 3405. EXCESS DEFENSE-RELATED MATERIALS: TRANSFER TO STOCKPILE AND DISPOSAL.**

(a) TRANSFER AND DISPOSAL.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following:

"EXCESS DEFENSE-RELATED MATERIALS: TRANSFER TO STOCKPILE AND DISPOSAL

"SEC. 17. (a) The Secretary of Energy, in consultation with the Secretary of Defense, shall transfer to the stockpile for disposal in accordance with this Act uncontaminated materials that are in the inventory of Department of Energy materials for production of defense-related items, are excess to the requirements of the department for that purpose, and are suitable for transfer to the stockpile and disposal through the stockpile.

"(b) The Secretary of Defense shall determine whether materials are suitable for transfer to the stockpile under this section, are suitable for disposal through the stockpile, and are uncontaminated."

(b) CONFORMING AMENDMENT.—Section 4(a) of such Act (50 U.S.C. 98c(a)) is amended by adding at the end the following:

"(10) Materials transferred to the stockpile under section 17."

**TITLE XXXV—PANAMA CANAL COMMISSION**

**SEC. 3501. SHORT TITLE.**

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1996".

**SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1996.

(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than \$50,741,000 for administrative expenses, of which not more than—

(1) \$15,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) \$10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) \$45,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama) at a cost per vehicle of not more than \$19,500. A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission.

**EXECUTIVE AND OTHER COMMUNICATIONS**

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1407. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on retail fees and services of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-1408. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on the profitability of credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-1409. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report under the Multifamily Property Disposition Reform Act of 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-1410. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to savings asso-

ciations; to the Committee on Banking, Housing, and Urban Affairs.

EC-1411. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Banking, Housing, and Urban Affairs.

**REPORTS OF COMMITTEES**

The following reports of committees were submitted:

By Mr. GRAMM, from the Committee on Appropriations, with amendments:

H.R. 2076. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104-139).

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 1232. A bill to amend the Internal Revenue Code of 1986 to exclude length of service awards to volunteers performing fire fighting or prevention services, emergency medical services, or ambulance services from the limitations applicable to certain deferred compensation plans, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI:

S. 1233. A bill to assure equitable coverage and treatment of emergency services under health plans; to the Committee on Labor and Human Resources.

By Mr. HARKIN:

S. 1234. A bill to reduce delinquencies and to improve debt-collection activities Government wide and for other purposes; to the Committee on Finance.

**SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS**

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 170. A resolution to appoint various Chairmen for the 104th Congress; considered and agreed to.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Mr. D'AMATO:

S. 1232. A bill to amend the Internal Revenue Code of 1986 to exclude length of service awards to volunteers performing fire fighting or prevention services, emergency medical services, or ambulance services from the limitations applicable to certain deferred compensation plans, and for other purposes; to the Committee on Finance.

**VOLUNTEER FIREFIGHTERS LEGISLATION**

● Mr. D'AMATO. Mr. President, today I am introducing legislation to exclude Length of Service Award Programs [LOSAP's] for volunteers performing firefighting or prevention services, emergency medical services, or ambulance services from section 457 of the

Internal Revenue Code. In addition, the legislation would exempt LOSAP's from FICA and Medicare taxation. This corrective legislation would support the vital role that volunteer firefighters and rescue personnel play in small towns and rural areas across America.

I am very proud to say that I am a volunteer firefighter, and have been for about 30 years. And I was never more proud than to witness the efforts of the 1,500 or so volunteers who vigorously fought the recent fire we had on Long Island. There are approximately 150,000 volunteer firefighters in about 37 States who receive nominal awards, averaging \$250 per year, under LOSAP's from their governmental or tax-exempt fire districts. Volunteers earn awards under a LOSAP, on the basis of years of service, while performing volunteer services. However, not until after retiring from volunteer service are volunteers actually disbursed cash from the LOSAP's. There are similar award programs for volunteers performing other emergency medical services, such as rescue personnel and ambulance drivers.

These nonqualified plans are covered under Internal Revenue Code section 457. Participants in these plans normally report for tax purposes any compensation deferred and any income attributable to the amounts when it is actually received, similar to qualified pension plans. Under section 457, one requirement to delay taxation is to limit such deferred amounts to a percentage of compensation paid. Generally, most volunteer firefighters and rescue personnel receive no regular pay, or only nominal amounts to cover expenses. Section 457 is in the code to prevent governmental and tax-exempt entities from setting aside excessive amounts of tax-deferred income for highly compensated employees, while at the same time being able to avoid the nondiscrimination rules that are applicable to qualified plans. Volunteers are far from being highly compensated, so the legislation does not undermine this policy.

However, applying the current limitations, on the amounts set aside as LOSAP's for retirement, may result in a tax liability for volunteers with zero or minimal pay at the time the amounts vest with the volunteer. This could result even though it may be years before the volunteer will actually receive any funds.

This proposal would provide that the LOSAP's are excluded from the provisions of section 457. The result would be deferral of taxation until the LOSAP awards are paid. It would also exempt the amounts awarded under LOSAP's from FICA and Medicare payroll taxes. The latter provision is similar to other payroll tax exclusions permitted in the tax law, such as exempting Peace Corps allowances paid to volunteers, as well as other plans established by the Government for deferral of compensation.

Mr. President, the proposal would foster volunteerism in the United States. This is especially important because in many parts of the country it is not economically or geographically feasible to provide fire protection and emergency medical services through paid career personnel.

I urge my colleagues to support this sensible legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1232

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

**SECTION 1. TREATMENT OF LENGTH OF SERVICE AWARDS TO VOLUNTEERS PERFORMING FIRE FIGHTING OR PREVENTION SERVICES, EMERGENCY MEDICAL SERVICES, OR AMBULANCE SERVICES.**

(a) IN GENERAL.—Paragraph (11) of section 457(e) of the Internal Revenue Code of 1986 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended to read as follows:

“(11) CERTAIN PLANS EXCLUDED.—

“(A) IN GENERAL.—The following plans shall be treated as not providing for the deferral of compensation:

“(i) Any bona fide vacation leave, sick leave, compensatory time, severance pay, disability pay, or death benefit plan.

“(ii) Any plan paying solely length of service awards to bona fide volunteers (or their beneficiaries) on account of qualified services performed by such volunteers.

“(B) SPECIAL RULES APPLICABLE TO LENGTH OF SERVICE AWARD PLANS.—An individual shall be treated as a bona fide volunteer for purposes of subparagraph (A)(ii) if the only compensation received by such individual for performing qualified services is in the form of—

“(i) reimbursement for (or a reasonable allowance for) reasonable expenses incurred in the performance of such services, or

“(ii) reasonable benefits (including length of service awards), and nominal fees for such services, customarily paid by eligible employers in connection with the performance of such services by volunteers.

“(C) QUALIFIED SERVICES.—For purposes of this paragraph, the term ‘qualified services’ means fire fighting and prevention services, emergency medical services, and ambulance services.”

(b) EXEMPTION FROM SOCIAL SECURITY TAXES.—(1) Subsection (i) of section 3121 of such Code is amended by adding at the end the following new paragraph:

“(6) VOLUNTEERS PERFORMING FIRE AND MEDICAL SERVICES.—For purposes of this chapter, the term ‘wages’ shall not include—

“(A) any amount deferred under a plan described in section 457(e)(11)(A)(ii) and maintained by an eligible employer (as defined in section 457(e)(1)), and

“(B) any payment from such a plan.”

(2) Section 209 of the Social Security Act is amended by adding at the end the following new subsection:

(2) Section 209 of the Social Security Act is amended by adding at the end the following new subsection:

“(1) For purposes of this title, the term ‘wages’ shall not include—

“(1) any amount deferred under a plan described in section 457(e)(11)(A)(ii) of the Internal Revenue Code of 1986 and maintained by an eligible employer (as defined in section 457(e)(1) of such Code), and

“(2) any payment from such a plan.”

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to remuneration paid after the date of the enactment of this Act.●

By Ms. MIKULSKI:

S. 1233. A bill to assure equitable coverage and treatment of emergency services under health plans; to the Committee on Labor and Human Resources.

THE ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1995

● Ms. MIKULSKI. Mr. President, today, I am introducing the Access to Emergency Medical Services Act of 1995. This bill prohibits health plans from denying coverage and payment for emergency room visits.

Currently, payment for emergency room services may be denied because a patient does not have pre-authorization for treatment; the diagnosis after reaching the emergency room determined the condition was not an emergency; or the health plan may not have a contract with the hospital rendering the emergency service. Denial of payment places a significant burden on the patient, who now has higher health care costs and is more cautious about seeking medical treatment. This is a significant health risk. A patient thinks twice about going to an emergency room and receiving emergency medical treatment for conditions that really pose a serious health problem.

Federal law requires physicians and hospitals to render emergency services immediately for an injury or sudden illness. The law also requires that emergency services not be delayed until the health insurance status of a patient has been determined. However, too often patients are not receiving treatment until their health plan has given authorization for services. This bill would prohibit health plans from denying coverage and payment for services because of a lack of authorization from the health plan. The bill also requires health plans to pay emergency physicians and hospital emergency departments for emergency services rendered in compliance with Federal law.

Most importantly, the Access to Emergency Medical Services Act provides a uniform definition of emergency. This definition would base payment upon a patient's symptoms and not upon the doctor's diagnosis. Therefore, health plans could not deny coverage and payment for medical services after a diagnosis is given. The State of Maryland has established a uniform definition of emergency, as have Virginia and Arkansas. The Maryland law giving a uniform definition of emergency was enacted in 1993. Since the enactment of the bill, complaints to the Maryland Insurance Administration have decreased by 90 percent. In

addition, patients are able to have urgent symptoms treated in the emergency rooms without any problems regarding pre-authorization from the health plan. There has not been a denial of coverage or payment for services even if the final diagnosis is different from the symptoms.

The Maryland law has proven to be cost-effective to patients and to the health plans. Providing a uniform definition of emergency allows persons to be treated for their symptoms even if the final diagnosis determines the medical problem causing the symptoms was not an emergency. This policy is able to prevent much more serious health problems. By not denying coverage and prohibiting persons from receiving treatment in the emergency department, more serious illnesses are prevented or detected sooner. This will allow for medical treatment for existing conditions that prevent the onset of a life threatening illness for which a person may have to be hospitalized. Let me give an example. A person has chest pains but believes he is having a heart attack. The emergency room diagnosis determines that the person is not having a heart attack. However, if the person had not received treatment for the chest pains, he could have later had a heart attack requiring hospital admission. The cost for treatment in the emergency department is less than if the person had to be admitted to the hospital for any length of time. The Access to Emergency Medical Services Act of 1995 saves money for patients and for health plans.

Health plans that deny emergency care coverage are taking a deadly toll on American families. We, as lawmakers, have an obligation to protect our constituents and end this very real problem. I urge my colleagues to support the Access to Emergency Medical Service Act of 1995.●

#### ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 483

At the request of Mr. HATCH, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 483, a bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Fed-

eral law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 852

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 852, a bill to provide for uniform management of livestock grazing on Federal land, and for other purposes.

S. 978

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of antitrust laws to charitable gift annuities, and for other purposes.

S. 1037

At the request of Mr. FORD, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1037, a bill to amend title 49, United States Code, to provide that the requirement that U.S. Government travel be on U.S. carriers excludes travel on any aircraft that is not owned or leased, and operated, by a U.S. person.

S. 1086

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

AMENDMENT NO. 2471

At the request of Ms. MOSELEY-BRAUN the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Washington [Mrs. MURRAY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of amendment No. 2471 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2488

At the request of Mr. BREAUX the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KOHL], the Senator from Maine [Ms. SNOWE], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of amendment No. 2488 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2490

At the request of Mr. BREAUX the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of amendment No. 2490 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2511

At the request of Mr. ABRAHAM the name of the Senator from Ohio [Mr.

DEWINE] was added as a cosponsor of amendment No. 2511 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2518

At the request of Mr. DEWINE the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of amendment No. 2518 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2562

At the request of Mr. ASHCROFT the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of amendment No. 2562 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2565

At the request of Mr. BRYAN the names of the Senator from Nebraska [Mr. KERREY], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of amendment No. 2565 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2575

At the request of Mr. DOMENICI the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Louisiana [Mr. BREAUX], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of amendment No. 2575 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2671

At the request of Mr. DASCHLE the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of amendment No. 2671 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

#### SENATE RESOLUTION 170—TO APPOINT VARIOUS CHAIRMEN FOR THE 104TH CONGRESS

Mr. DOLE submitted the following resolution: which was considered and agreed to:

S. RES. 170

*Resolved*, That the following Senators are named Chairmen of the following committees for the 104th Congress, or until their successors are appointed: William Roth, of Delaware, Finance Committee; Ted Stevens, of Alaska, Government Affairs Committee; and John Warner, of Virginia, Rules and Administration Committee.

#### NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small