

“(i) it is not possible for the recipient to meet that obligation or make that payment;

“(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

“(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

“(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

“(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.”.

(c) REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.—Section 206 of the Indian Health Care Improvement Act (16 U.S.C. 1621e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “Except as provided” and inserting “(a) RIGHT OF RECOVERY.—Except as provided”;

(ii) by striking “the reasonable expenses incurred” and inserting “the reasonable charges billed”;

(iii) by striking “in providing” and inserting “for providing”;

(iv) by striking “for such expenses” and inserting “for such charges”;

(B) in paragraph (2), by striking “such expenses” each place it appears and inserting “such charges”;

(2) in subsection (b), by striking “(b) Subsection (a)” and inserting “(b) RECOVERY AGAINST STATE WITH WORKERS’ COMPENSATION LAWS OR NO-FAULT AUTOMOBILE ACCIDENT INSURANCE PROGRAM.—Subsection (a)”;

(3) in subsection (c), by striking “(c) No law” and inserting “(c) PROHIBITION OF STATE LAW OR CONTRACT PROVISION IMPEDIMENT TO RIGHT OF RECOVERY.—No law”;

(4) in subsection (d), by striking “(d) No action” and inserting “(d) RIGHT TO DAMAGES.—No action”;

(5) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking “(e) The United States” and inserting “(e) INTERVENTION OR SEPARATE CIVIL ACTION.—The United States”;

(B) by striking paragraph (2) and inserting the following new paragraph:

“(2) while making all reasonable efforts to provide notice of the action to the individual to whom health services are provided prior to the filing of the action, instituting a civil action.”;

(6) in subsection (f), by striking “(f) The United States” and inserting “(f) SERVICES COVERED UNDER A SELF-INSURANCE PLAN.—”;

(7) by adding at the end the following new subsections:

“(g) COSTS OF ACTION.—In any action brought to enforce this section, the court shall award any prevailing plaintiff costs, including attorneys’ fees that were reasonably incurred in that action.

“(h) RIGHT OF RECOVERY FOR FAILURE TO PROVIDE REASONABLE ASSURANCES.—The United States, an Indian tribe, or a tribal organization shall have the right to recover damages against any fiduciary of an insurance company or employee benefit plan that is a provider referred to in subsection (a) who—

“(1) fails to provide reasonable assurances that such insurance company or employee benefit plan has funds that are sufficient to

pay all benefits owed by that insurance company or employee benefit plan in its capacity as such a provider; or

“(2) otherwise hinders or prevents recovery under subsection (a), including hindering the pursuit of any claim for a remedy that may be asserted by a beneficiary or participant covered under subsection (a) under any other applicable Federal or State law.”.

SEC. 17. REVOCATION OF CHARTER OF INCORPORATION OF THE MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION ACT.

The request of the Minnesota Chippewa Tribe to surrender the charter of incorporation issued to that tribe on September 17, 1937, pursuant to section 17 of the Act* * *

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands to consider five miscellaneous land bills. The first is S. 901, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects. The subcommittee will also consider S. 1169 to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, ID, S. 590, a land exchange for the relief of Matt Clawson, and S. 985, to exchange certain lands in Gilpin County, CO. The last bill to be considered is S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, ID.

The hearing will take place Tuesday, November 7, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 16, 1995 at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify

the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O’Toole of the subcommittee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 31, 1995, at 3:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 31, 1995, at 10:00 a.m. to hold a hearing on The Aftermath of Waco: Changes in Federal Law Enforcement.

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

COMMITTEE ON SMALL BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate Committee on Small Business be authorized to meet during the session of the Senate for a joint hearing with the House Committee on Small Business on Tuesday, October 31, 1995, at 10:00 a.m., in room G50 of the Dirksen Senate Office Building, to conduct a hearing focusing on The Cost of Federal Regulations on Small Business.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 31, 1995 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, October 31 and Wednesday, November 1, 1995 to hold hearings on Global Proliferation of Weapons of Mass Destruction.

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

ADDITIONAL STATEMENTS

VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS

• Mr. ABRAHAM. Mr. President, I would like to take this time to explain some of the votes I cast during consideration of the VA, HUD, independent agencies appropriations bill on September 27, 1995.

Senator BUMPERS offered an amendment to reduce the appropriation for implementing the space station program with the intent of terminating the program. The Bumpers amendment raised the question as to what the United States fundamental goals and needs are in exploring space. While it is clear that the space station has spurred technological and scientific development unrelated to space, I am not convinced that these developments justify the enormous taxpayer expense of the space station. Therefore, at this time, I supported Senator BUMPERS' amendment. Since the amendment failed, however, we will most likely continue to fund the space station for fiscal year 1996, and as we spend more on this program we will come closer to a point at which it would no longer be wise to discontinue funding. I believe we are near that point and will review this budget request again next year to determine whether eliminating funding for the space station would benefit taxpayers.

Senator ROCKEFELLER offered two amendments regarding benefits for veterans. One involved compensation for mentally incompetent service-related disabled veterans and the other would have increased funding for the general veterans medical account. My opposition to these amendments was not based on their content, but rather on the fact that the funding mechanism for both of these amendments involved waiving the Budget Act. More than any veteran-specific funding we can provide, balancing the budget will benefit veterans and their children. Any amendment which increases spending and puts our country further from achieving a balanced budget ought to be rejected. And while I do not doubt that Senator ROCKEFELLER's amendments have merit, his inability to find other spending offsets made them impossible for me to support.

Senator LAUTENBERG also proposed to waive provisions of the Budget Act in order to provide more funding for the Superfund Program. While I share Mr.

LAUTENBERG's concern for the environment, very few Americans familiar with the Superfund Program would disagree that it is in need of reform. We have spent billions of dollars on the Superfund Program already, and the results have been minimal. Superfund has resulted in more lawsuits, more paperwork, extreme cleanup mandates, and few cleanups. This is a classic attempt to throw good tax dollars after bad. Without meaningful reform of the program, I am not convinced that Superfund dollars are being well-spent, making it impossible for me to support this amendment.

Senator MIKULSKI offered an amendment which would have restored \$425 million in funding for the Corporation for National and Community Service. While I applaud her efforts to encourage Americans to provide more service to their communities, this program costs \$26,000 per participant per year—a level which cannot be sustained in the current budget environment.

Furthermore, I could not support funding for this program upon learning that \$14 million out of last year's AmeriCorps funds were used to fund Federal agencies. While the administration claims it is cutting staff, they are actually playing a shell game with taxpayers' dollars by using AmeriCorps workers in the Federal Government. I am confident that the original supporters of this program did not intend for these volunteers to choose Federal employment as their community service.

Forty percent of the dollars currently spent on AmeriCorps is used for administrative purposes by the Federal Government. These funds would be more efficiently and effectively spent on a local rather than a national level.

Another amendment which touched on an important social issue was the Sarbanes amendment to transfer \$360 million from section 8 contract renewals to homeless assistance grants to increase funding for Federal homeless programs. Most Americans share a common concern regarding the plight of the homeless and agree that the Government should play a role in the solution. Nevertheless, I voted against this amendment for two reasons.

First, the underlying bill provides \$760 million for homeless grants, with an additional \$297 million in homeless grants funding available from the earlier rescission bill, which deferred this funding from fiscal year 1995 to fiscal year 1996. In total, homeless programs will have \$1.057 billion to spend in fiscal year 1996. The Sarbanes amendment would not increase this funding by one penny. All the funds he proposes to transfer would not be available until fiscal year 1997. In other words, this amendment would not have helped one homeless person next year.

Second, I was concerned that an unintended consequence of this amendment would be to increase homelessness. The bill provides \$4.35 billion in funding for section 8 contract renewal. Section 8 subsidizes the construction and operation of apartment buildings,

provided the owner agrees to rent a certain percentage of those apartments to low-income people. Currently, 1.5 million units are subsidized in this fashion, and many of these contracts are due to expire. If they are not renewed, many of the tenants will lose their homes.

In order to pay for the increase in homeless funding, Senator SARBANES would have reduced funding for renewing section 8 contracts. By taking away from this account, this amendment threatens to put people currently housed under the section 8 program on the street. The Federal Government has a role to play in helping the homeless, and in this case the underlying bill fills this role by addressing the needs of people already living on the streets as well as ensuring we don't encourage additional families to join them.

Overall I believe we have produced a solid appropriations bill, one which stays within the budget limitations necessary to balance the budget by the year 2002, delegates much of the funding to States in the form of block grants so that spending is more effective, and revises or eliminates programs that simply have not been working. I was proud to support final passage of this legislation.●

NATIONAL ENDOWMENT FOR DEMOCRACY

• Mr. GRAHAM. Mr. President, on October 20, a letter from four former National Security Advisers was sent to the chairman and ranking member of the Committee on Foreign Relations expressing their support for the work of the National Endowment for Democracy [NED]. According to these four distinguished experts, NED "has served our national interest well through its timely support of those who advance the cause of democracy."

As we make the difficult budgetary choices that will help guarantee for us and our children a prosperous future, it is essential that we not discard those programs—particularly those that are cost-effective—which enhance our long-term security. As the following letter from Messrs. Allen, Brzezinski, Carlucci, and Scowcroft points out, the National Endowment for Democracy is such a program.

I ask that the letter be printed in the RECORD. The letter follows:

OCTOBER 20, 1995.

Hon. JESSE HELMS,
Hon. CLAIBORNE PELL,
Senate Foreign Relations Committee Washington, DC.

Hon. BENJAMIN GILMAN,
Hon. LEE HAMILTON,
House International Relations Committee, Washington, DC.

As former National Security Advisers to the President, we are familiar with the work of the National Endowment for Democracy (NED). In our assessment, NED, established under President Reagan as an instrument in