

potential concern that has been brought to my attention by some states. The Medicaid program is explicitly covered by HIPAA, but there are many other state programs with health components that may or may not be covered. Before states go through the potentially unnecessary work of submitting compliance plans that may not be needed, I feel strongly that HHS should provide guidance to states about what other plans are required. In addition, HHS should provide technical assistance as to what resources states can use for developing the compliance plans called for by the House bill. States should submit their plans for the Medicaid program and receive guidance from the HHS before submitting state plans that deal with other programs. Only with the appropriate and critical information can HHS and the states create a successful partnership.

Mr. DORGAN. I thank the Senator for raising this important concern. I agree that HHS should provide states with the necessary guidance. I also want to note that when Senator CRAIG and I first introduced legislation on this issue it was our intention not to affect the implementation of the medical privacy regulation. I'm pleased that this bill accomplishes that goal, and the medical records privacy rule will not be delayed or affected in any way.

Mr. CRAIG. I, too, am glad that we have been able to protect the privacy rule, and I want to make one final point in that regard. Nothing in this bill is designed to create any new covered entities under the privacy rule. Our intention in safeguarding the privacy rule was to keep it intact but not to expand the class of covered entities currently contemplated by it.

Mr. DORGAN. In closing, I thank Senator CRAIG for his long and hard work on this issue, as well as Senators BAUCUS, GRASSLEY, KENNEDY, and the many cosponsors of our original legislation, for their help in reaching enactment of this bill.

#### EXPRESSING THE SENSE OF CONGRESS REGARDING TUBEROUS SCLEROSIS

Mr. REID. I ask unanimous consent that the health committee be discharged from further consideration of H. Con. Res. 25, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 25) expressing the sense of the Congress regarding tuberous sclerosis.

There being no objection, the Senate proceeded to the immediate consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements be printed in the

RECORD, with no intervening action or debate.

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

The resolution (H. Con. Res. 25) was agreed to.

The preamble was agreed to.

#### DISTRICT OF COLUMBIA COLLEGE ACCESS IMPROVEMENT ACT OF 2001

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 244, H.R. 1499.

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

The legislative clerk read as follows:

A bill (H.R. 1499) to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "District of Columbia College Access Improvement Act of 2001".*

##### SEC. 2. PUBLIC SCHOOL PROGRAM.

*Section 3(c)(2) of the District of Columbia College Access Act of 1999 is amended by striking subparagraphs (A) through (C) and inserting the following:*

*"(A)(i) for individuals who begin an undergraduate course of study within 3 calendar years (excluding any period of service on active duty in the armed forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education; or*

*"(ii) for all other individuals and for those applicants re-enrolling after more than a 3-year break in their post-secondary education, has been domiciled in the District of Columbia for at least 5 consecutive years at the date of application;*

*"(B)(i) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;*

*"(ii) for applicants that did not graduate from a secondary school or receive a recognized equivalent of a secondary school diploma, is accepted for enrollment as a freshman at an eligible institution on or after January 1, 2002; or*

*"(iii) for applicants who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2001;*

*"(C) meets the citizenship and immigration status requirements described in section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5));"*

##### SEC. 3. PRIVATE SCHOOL PROGRAM.

*Section 5(c)(1)(B) of the District of Columbia College Access Act of 1999 is amended by striking "The main campus of which is located in the State of Maryland or the Commonwealth of Virginia".*

##### SEC. 4. GENERAL REQUIREMENTS.

*Section 6 of the District of Columbia College Access Act of 1999 is amended—*

*(1) by striking subsection (b) and inserting the following:*

*"(b) ADMINISTRATIVE EXPENSES.—*

*"(1) IN GENERAL.—The Mayor of the District of Columbia may not use more than 7 percent of the total amount of Federal funds appropriated for the program, retroactive to the date of enactment of this Act (the District of Columbia College Access Act of 1999), for the administrative expenses of the program.*

*"(2) DEFINITION.—In this subsection, the term 'administrative expenses' means any expenses that are not directly used to pay the cost of tuition and fees for eligible students to attend eligible institutions."*

*(2) by redesignating subsections (e) and (f) as subsections (f) and (g);*

*(3) by inserting after subsection (d) the following:*

*"(e) LOCAL FUNDS.—It is the sense of Congress that the District of Columbia may appropriate such local funds as necessary for the Program.";* and

*(4) by inserting at the end the following:*

*"(h) DEDICATED ACCOUNT FOR THE RESIDENT TUITION SUPPORT PROGRAM.—The District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal years. The funds in this dedicated account may be used to help pay the cost of tuition and fees for eligible students to attend eligible institutions if the fiscal year appropriation for that year is insufficient to cover the cost of tuition and fees for that year."*

Amend the title so as to read: "An Act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes."

Mr. REID. There is a Lieberman amendment at the desk, and I ask it be agreed to, the committee substitute amendment, as amended, be agreed to, and the motion to reconsider be laid upon the table, that the bill, as amended, be read the third time, passed, and the motion to reconsider be laid on the table, with no intervening action or debate, that any statements related thereto be printed in the RECORD, and that the title amendment be agreed to.

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

The amendment (No. 2515) was agreed to, as follows:

(Purpose: To clarify the intended inclusion of certain individuals)

In subparagraph (A) of section 3(c)(2) of the District of Columbia College Access Act of 1999, as added by section 2—

(1) in clause (i), strike "or" after the semicolon;

(2) redesignate clause (ii) as clause (iii); and

(3) insert after clause (i) the following:

*"(ii) for individuals who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, and is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2001, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education; or"*

The committee amendment in the nature of a substitute, as amended, was agreed to.