

“(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer’s or employee’s duties, from acting without compensation as agent or attorney for, or otherwise representing—

“(A) any person who is the subject of disciplinary, loyalty, or personnel administration proceedings in connection with those proceedings; or

“(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization’s or groups’s members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

“(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

“(A) is a claim under subsection (a)(1) or (b)(1);

“(B) is a judicial or administrative proceeding where the organization or group is a party; or

“(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.”.

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 18, United States Code is amended by adding at the end the following:

“(i) Nothing in this section prevents an employee from acting pursuant to—

“(1) chapter 71 of title 5;

“(2) section 1004 or Chapter 12 of title 39;

“(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

“(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

“(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.”.

On motion of Mr. CANADY, said Senate amendment was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

¶99.25 J. PHIL CAMPBELL CONSERVATION CENTER

Mr. ALLARD, by unanimous consent, called up the bill (H.R. 3387) to designate the Southern Piedmont Conservation Research Center located at 1420 Experimental Station Road in Watkinsville, Georgia, as the “J. Phil Campbell Senior Natural Resource Conservation Center”.

When said bill was considered and read twice.

The bill was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶99.26 RELEASE OF REVERSIONARY INTEREST IN MICHIGAN PROPERTY

On motion of Mr. ALLARD, by unanimous consent, the Committee of the

Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2670) to provide for the release of the reversionary interest held by the United States in certain property located in the county of Iosco, Michigan.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Agriculture, was then agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. RELEASE OF REVERSIONARY INTEREST REGARDING CERTAIN PROPERTY IN IOSCO COUNTY, MICHIGAN.

(a) RELEASE REQUIRED.—The Secretary of Agriculture shall release the reversionary interest of the United States in the parcel of real property described in subsection (b), which was retained by the United States when the property was conveyed to the County of Iosco, Michigan, in 1960 pursuant to a deed recorded at Liber 144, beginning page 58, in the lands records of the County.

(b) DESCRIPTION OF PROPERTY.—The parcel of real property referred to in subsection (a) consists of 1.92 acres in the County of Iosco, Michigan, and is described as follows:

That part of the N.W. ¼ of the S.E. ¼ of Section 11, T.22 N.R. 8 East., Baldwin Township, Iosco County, Michigan described as follows: Commencing at the Center of said Section 11, thence South 89 degrees, 15’ 41” East, along the East-West ¼ Line of said Section 11, 102.0 feet, thence South 00 degrees 08’ 07” East, along an existing fence line, 972.56 feet, thence North 89 degrees 07’ 13” W. 69.70 feet to a point in the North-South ¼ Line, thence North 02 degrees 02’ 12” West, along said North-South ¼ Line, 973.42 feet to the Point of Beginning.

(c) ADDITIONAL TERMS.—The Secretary may require such terms or conditions in connection with the release under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) INSTRUMENT OF RELEASE.—The Secretary shall execute and file in the appropriate office of offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

The bill was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶99.27 BOUNDARY ADJUSTMENT IN MISSOURI

On motion of Mr. ALLARD, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 3464) to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Agriculture, was then agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. BOUNDARY ADJUSTMENT, DEVILS BACKBONE WILDERNESS, MARK TWAIN NATIONAL FOREST, MISSOURI.

The boundary of the Devils Backbone Wilderness established by section 201(d) of Public Law 96-560 (16 U.S.C. 1132 note) in the Mark Twain National Forest, Missouri, is hereby modified to exclude from the area encompassed by the Devils Backbone Wilderness a parcel of real property consisting of approximately two acres in Ozark County, Missouri, and containing a garage, well, mailbox, driveway, and other improvements, as depicted on a map entitled “Devils Backbone Wilderness Boundary Modification”, dated June 1996. The map shall be retained with other Forest Service maps and legal descriptions regarding the Devils Backbone Wilderness and shall be made available for public inspection as provided in section 202 of Public Law 96-560 (94 Stat. 3274).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶99.28 WAIVING A REQUIREMENT OF CLAUSE 4(B) WITH RESPECT TO A CERTAIN RESOLUTION

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 500):

*Resolved*, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to a resolution reported before August 2, 1996, providing for consideration or disposition of a conference report to accompany the bill (H.R. 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term services and coverage, to simplify the administration of health insurance, and for other purposes.

When said resolution was considered.

After debate,

On motion of Mr. GOSS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶99.29 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 3103

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 502):

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use

of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mr. GOSS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶99.30 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3675. An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3675) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. SHELBY, Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Ms. MIKULSKI, and Mr. REID, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the Committee on Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3603) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes."

¶99.31 SUBMISSION OF CONFERENCE REPORT—H.R. 3845

Mr. BONILLA submitted a conference report (Rept. No. 104-740) on the bill (H.R. 3845) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶99.32 HEALTH CARE REFORM

Mr. ARCHER, pursuant to House Resolution 502, called up the following conference report (Rept. No. 104-736):

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 3103), to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes, having met, after full and free conference, and agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Health Insurance Portability and Accountability Act of 1996".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—HEALTH CARE ACCESS, PORTABILITY, AND RENEWABILITY**  
Subtitle A—Group Market Rules

**PART 1—PORTABILITY, ACCESS, AND RENEWABILITY REQUIREMENTS**

Sec. 101. Through the Employee Retirement Income Security Act of 1974.

**"PART 7—GROUP HEALTH PLAN PORTABILITY, ACCESS, AND RENEWABILITY REQUIREMENTS**

"Sec. 701. Increased portability through limitation on preexisting condition exclusions.

"Sec. 702. Prohibiting discrimination against individual participants and beneficiaries based on health status.

"Sec. 703. Guaranteed renewability in multiemployer plans and multiple employer welfare arrangements.

"Sec. 704. Preemption; State flexibility; construction.

"Sec. 705. Special rules relating to group health plans.

"Sec. 706. Definitions.

"Sec. 707. Regulations.

Sec. 102. Through the Public Health Service Act.

**"TITLE XXVII—ASSURING PORTABILITY, AVAILABILITY, AND RENEWABILITY OF HEALTH INSURANCE COVERAGE**

**"PART A—GROUP MARKET REFORMS**

**"SUBPART 1—PORTABILITY, ACCESS, AND RENEWABILITY REQUIREMENTS**

"Sec. 2701. Increased portability through limitation on preexisting condition exclusions.

"Sec. 2702. Prohibiting discrimination against individual participants and beneficiaries based on health status.

**"SUBPART 2—PROVISIONS APPLICABLE ONLY TO HEALTH INSURANCE ISSUERS**

"Sec. 2711. Guaranteed availability of coverage for employers in the group market.

"Sec. 2712. Guaranteed renewability of coverage for employers in the group market.

"Sec. 2713. Disclosure of information.

**"SUBPART 3—EXCLUSION OF PLANS; ENFORCEMENT; PREEMPTION**

"Sec. 2721. Exclusion of certain plans.

"Sec. 2722. Enforcement.

"Sec. 2723. Preemption; State flexibility; construction.

**"PART C—DEFINITIONS; MISCELLANEOUS PROVISIONS**

"Sec. 2791. Definitions.

"Sec. 2792. Regulations.

Sec. 103. Reference to implementation through the Internal Revenue Code of 1986.

Sec. 104. Assuring coordination.

**Subtitle B—Individual Market Rules**

Sec. 111. Amendment to Public Health Service Act.

**"PART B—INDIVIDUAL MARKET RULES**

"Sec. 2741. Guaranteed availability of individual health insurance coverage to certain individuals with prior group coverage.

"Sec. 2742. Guaranteed renewability of individual health insurance coverage.

"Sec. 2743. Certification of coverage.

"Sec. 2744. State flexibility in individual market reforms.

"Sec. 2745. Enforcement.

"Sec. 2746. Preemption.

"Sec. 2747. General exceptions.

**Subtitle C—General and Miscellaneous Provisions**

Sec. 191. Health coverage availability studies.

Sec. 192. Report on medicare reimbursement of telemedicine.

Sec. 193. Allowing Federally-qualified HMOs to offer high deductible plans.

Sec. 194. Volunteer services provided by health professionals at free clinics.

Sec. 195. Findings; severability.

**TITLE II—PREVENTING HEALTH CARE FRAUD AND ABUSE; ADMINISTRATIVE SIMPLIFICATION; MEDICAL LIABILITY REFORM**

Sec. 200. References in title.

**Subtitle A—Fraud and Abuse Control Program**

Sec. 201. Fraud and abuse control program.

Sec. 202. Medicare integrity program.

Sec. 203. Beneficiary incentive programs.

Sec. 204. Application of certain health anti-fraud and abuse sanctions to fraud and abuse against Federal health care programs.

Sec. 205. Guidance regarding application of health care fraud and abuse sanctions.

**Subtitle B—Revisions to Current Sanctions for Fraud and Abuse**

Sec. 211. Mandatory exclusion from participation in medicare and State health care programs.

Sec. 212. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from medicare and State health care programs.

Sec. 213. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.

Sec. 214. Sanctions against practitioners and persons for failure to comply with statutory obligations.

Sec. 215. Intermediate sanctions for medicare health maintenance organizations.

Sec. 216. Additional exception to anti-kick-back penalties for risk-sharing arrangements.

Sec. 217. Criminal penalty for fraudulent disposition of assets in order to obtain medicare benefits.

Sec. 218. Effective date.

**Subtitle C—Data Collection**

Sec. 221. Establishment of the health care fraud and abuse data collection program.

**Subtitle D—Civil Monetary Penalties**

Sec. 231. Social security act civil monetary penalties.