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Correspondence - SLT - Incoming - 9/97 - FASA [Federal Acquisition Streamlining Act] Letters

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CORR - SCT -
Incomings 4/97
FASA Letters

Office of HIV/AIDS Policy

Office of Public Health & Science
Offfice of the Secretary
200 Independence Avenue, S.W., Room 736-E
Washington, D.C. 20201

Deliver To: Sandy

Fax: ( ) 632-1096

Phone: ( ) -

From: Deborah von Zinkernagel
Senior Policy Analyst
Phone: (202) 690-5560
Fax: (202) 690-7560
E-mail: DvonZinkernagel@osophs.dhhs.gov

Date: / /

This fax contains 12 page(s) + cover

If transmission problems occur, please call: Shellie Abramson @ (202) 690-5560

Comments: Did you already see this?

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP
ATTORNEYS AT LAW
SIXTH FLOOR
1001 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004-2505

TELEPHONE	TELEX	FACSIMILE	CABLE
(202) 347-0066		(202) 624-7222 Groups 1,2,3 Compatible	PGFM

FACSIMILE TRANSMISSION COVER SHEET **Date: September 25, 1997**

TO:	Sandy Thurman	Facsimile No.:	202-986-1096
	Deborah von Zinkernagel		202-690-7560

FROM: Julie Rocchio

Our File No.: C05305.0008
Attorney No.: 3190

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 12
Please notify us immediately if total noted above is not received properly

Thank you,

Facsimile Operator
Ext.

Comments:

POWELL, GOLDSTEIN, FRAZER & MURPHY LLP

Date: September 25, 1997

MEMORANDUM

To: Sandy Thurman
Deborah von Zinkernagel

From: Julie Rocchio

Re: Continuing Threats to the FASA Program

File #: C05305.0008

On behalf of the National Association of Public Hospitals & Health Systems, we have been fighting threats to repeal Section 1555 of the Federal Acquisition Streamlining Act of 1994 in the Fiscal Year 1998 Treasury, Postal Service, and General Government Appropriations bill over the past few months. We have also been working closely with AIDS service organizations in our efforts to protect Section 1555.

As you are aware, Section 1555 of FASA creates an option for federal vendors to open up their multiple award contracts -- including their discounted prices -- to state and local agencies, including public hospitals and State AIDS Drug Assistance Programs. This program was a key feature of the Vice President's National Performance Review (NPR), which concluded that greater volume-buying achieved lower costs, generated savings to taxpayers, and promoted intergovernmental cooperation. This recommendation by the NPR became law in 1994. But as it stands today, the Senate's FY 1998 Treasury/Postal Appropriations bill will eliminate this provision, never allowing its potential benefits to be realized. There was also repeal language in the House bill that was stricken on the floor.

Now that the bill has reached conference, we hope you can help make the Administration's compromise position on FASA a high priority. The Administration's position is outlined in the attached Statement of Administration Policy (SAP) on the FY 1998 Treasury/Postal Appropriations bill. The SAP endorses permitting state and local purchasing for a limited number of specified product categories in demand by state and local governments and whose affected producers have not objected. Also attached is a letter from the Vice President to Representative Dennis Kucinich, which describes his support for cooperative purchasing.

Section 1555 of FASA also faces a potential threat from a recently introduced House Veterans' Affairs Committee bill (HR 2197, which is attached). This bill would repeal Section 1555 for pharmacueticals only, which would directly impact public hospitals and ADAPs. It is possible that HR 2197 will be offered as an amendment to an unrelated VA bill that is heading for floor action in the near future. We welcome any assistance you can offer in our efforts to oppose HR 2197.

Thank you for your attention to these matters. Please call me at (202) 624-7255 if you have any questions.

::ODMA\PCDOCS\WSH\55923\1

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 28, 1997

THE DIRECTOR

The Honorable Steny H. Hoyer
Subcommittee on Treasury, Postal Service,
and General Government Appropriations
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Hoyer:

The purpose of this letter is to provide the Administration's views on the Treasury, Postal Service, and General Government Appropriations Bill, FY 1998, as reported by the Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Subcommittee bill provides requested funding for many of the Administration's priorities. However, as discussed below, the Administration will seek restoration of certain of the Subcommittee's reductions to the President's request. We recognize that it will not be possible in all cases to attain the Administration's full request and will work with the Committee toward achieving acceptable funding levels. The Administration is committed to working with the Committee to identify reductions in the bill in order to find offsets for the restoration of funds that the Administration seeks. We urge the Committee to reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding for programs of higher priority.

Federal Election Commission

The Administration appreciates Subcommittee action to provide the President's request of $34 million for the Federal Election Commission (FEC). However, funds have not been provided to support enforcement actions and audits of the 1996 campaign as requested in the President's April 7th budget amendment. Instead, the Subcommittee has provided funding for accelerating various modernization initiatives. While modernization improvements are welcome, and are part of the FEC's long-term agenda, the immediate need is for staff and resources to address the workload generated by the 1996 election cycle.

The Administration strongly objects to the limitations included in appropriations language that would condition the availability of $4.2 million of the funding on filling all current Commission vacancies and on enactment of legislation prohibiting the reappointment of Commissioners. Both of these restrictions would place unwarranted and intrusive limitations on the Commission's ability to meet its current workload demands and are unrelated to the

Commission's current performance. These provisions would amend underlying law without the benefit of hearings or debate. Therefore, we urge the Committee to drop these restrictions and amendments to underlying Federal Election Campaign law.

Internal Revenue Service

The Administration requests restoration of the Subcommittee's $73 million reduction to the requests for the Internal Revenue Service's (IRS's) Processing, Assistance, and Management and Tax Law Enforcement accounts. The Subcommittee bill would not provide the funding necessary for the inflationary increases requested in the President's budget. At this reduced level, we project that IRS would have to reduce FTE funded through these two accounts by approximately 1,500. This would lead to reduced taxpayer service assistance and an IRS projected five-year revenue loss of $1.1 billion.

The Administration urges the House to fund the IRS Year 2000 needs without jeopardizing other critical information technology projects. The absence of funding for these projects would undermine the IRS's ability to improve customer service and compliance.

"Winstar" Funding

The Administration is very concerned that the Subcommittee bill does not include the President's request to authorize the Secretary of Treasury to transfer $33.7 million from the Federal Deposit Insurance Corporation's FSLIC Resolution Fund to the Department of Justice for expenses related to the ongoing Winstar litigation. This funding is vital to the Government's defense in this litigation, which involves over 120 cases and potential claims against the Government of about $20 billion. Without sufficient litigation support, the taxpayers are likely to be held liable for much larger damages.

Bureau of Alcohol, Tobacco and Firearms

The Administration requests restoration of $19 million to avoid compromising the Bureau of Alcohol, Tobacco and Firearms' (ATF's) ability to combat the Nation's most violent criminals. The reductions made by the Subcommittee would force ATF to make FTE reductions at the same time that it is responding to recent congressional and Administration initiatives such as the Brady Law, church fires, Youth Crime Gun Interdiction, arson and bombing investigations, criminal firearms trafficking, and other anti-violent crime initiatives.

Consistent with Department of Justice security guidelines, the Administration believes that the ATF headquarters relocation is a high priority, which will be addressed when the design process is more fully underway.

Secret Service

The Administration strongly objects to the Subcommittee's $15.5 million reduction to the request for White House security funding (in the Secret Service Salaries and Expenses account and the Violent Crime Reduction Trust Fund). This funding is needed to implement fully all of the security requirements identified in the White House Security Review. We also request restoration of the $12 million reduction to the President's request for funds to ensure the ability of the U.S. Secret Service to continue providing adequate Presidential and dignitary protection, as well as maintain financial crime enforcement efforts.

Government Agency Provision of Commercially Available Goods and Services

The Administration understands that an amendment may be offered that would insert bill language requiring cost comparisons and benchmarks for inter-agency support agreements. The Administration would oppose such language. The Administration fully supports cost comparison requirements in an agency's decision to obtain commercially available goods and services. This support is amply demonstrated in the recently issued Revised Supplemental Handbook to OMB Circular No. A-76, which requires cost comparisons for the conversion of work to or from in-house or contract (private sector) performance. In addition, inter-service support agreements (ISSAs) between agencies are also subject to cost comparison requirements, except for consolidations of work prior to October 1, 1997. Over 40,000 FTE are currently under OMB Circular No. A-76 review in the Department of Defense alone. As a result of constrained discretionary budget resources, we expect this effort to expand in the near future.

By codifying a requirement for OMB to prescribe regulations stipulating cost comparison requirements (and cost and performance benchmarks) in the provision of property or services by one Government agency to another, this amendment, if adopted, could very well result in a significant new level of litigation. Such litigation would be caused by the conversion of what are currently management implementation decisions (already guided by the cost comparison requirement of OMB Circular No. A-76) into a statutory obligation that could be subject to judicial review. Rather than increasing contracting out to the private sector, the potential litigation resulting from this unnecessary codification could well impede both the current large-scale cost-comparison efforts in the Department of Defense and the anticipated increase in cost-comparison competitions throughout the Federal Government.

We urge the Committee not to include this language in its version of the bill.

Cooperative Purchasing

The Administration opposes the repeal of section 1555 of the Federal Acquisition Streamlining Act (FASA) of 1994. This section would allow State and local governments, nonprofit organizations, and Indian tribes to buy products off of the General Services Administration's Federal supply schedule contracts, often at advantageous prices. We urge the

Committee to support a compromise provision that would permit such purchases for a limited number of specified product categories in demand by State and local governments and whose affected producers have not objected. We would further urge that this authority include a limited pilot program for pharmaceuticals, beginning with drugs used to treat HIV and HIV-related conditions and, following a study on the impact of this pilot, possible expansion to drugs used to treat other life-threatening conditions. GSA's total collection of administrative fees will not increase by more than the incremental increase in the cost of administering the program.

Office of National Drug Control Policy

The Administration appreciates the Subcommittee's support for the Office of National Drug Control Policy's (ONDCP's) national media campaign to prevent drug abuse among America's youth. However, we are concerned that the funding level provided is not adequate to accomplish our goals. Prohibiting the obligation during FY 1998 of $46 million of the $195 million appropriated to the media campaign would limit available funding for the campaign to $149 million. The Administration's request for $175 million is based upon recommendations from experts in the field and is the amount necessary to fund four media exposures per week to the 9-17 age group. Funding the campaign at significantly lower levels than requested would limit the number of media exposures or restrict the scope of the campaign, thus hindering its success.

In addition, the Administration is particularly concerned about the legislative veto provisions in the bill that seek to condition the obligation of funds provided for the national media campaign upon the approval of a strategy by the Appropriations Committees. Such consultation with Congress can be achieved without this specific language.

Finally, the bill would create two new High Intensity Drug Trafficking Areas. The designation of High Intensity Drug Trafficking Areas in the appropriations bill would undermine ONDCP's statutory authority to designate such areas based on its review of the larger picture of drug use, availability, and trafficking in specified areas of the country, in consultation with other Federal and State officials.

Executive Office of the President

The Subcommittee bill fences funds for information technology for the White House and several other Executive Office of the President accounts pending the submission of an information technology architectural blueprint. The Office of Administration has devoted significant personnel and fiscal resources to complying with the wishes of the Congress. A plan has been submitted that we believe will fully satisfy the Appropriations Committees' requirements.

Unanticipated Needs

The Subcommittee bill fails to provide the requested $1 million to enable the President to meet unanticipated needs in furtherance of the national interest, security, or defense. We urge the House to include this amount to ensure that the President has the same ability to meet such needs as previous Presidents have had.

Infringement on Executive Authority

There are several provisions in the Subcommittee bill that purport to require congressional approval before Executive Branch execution of aspects of the bill. The Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS vs. Chadha.

Additional Administration concerns with the Senate bill are contained in the enclosure. We look forward to working with the House to address our mutual concerns.

Sincerely,

Franklin D. Raines
Director

Enclosure

Identical Letter Sent to The Honorable Bob Livingston, The Honorable David R. Obey, The Honorable Jim Kolbe, and The Honorable Steny H. Hoyer

Enclosure
(House Committee)

ADDITIONAL CONCERNS
TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, FY 1998
(AS MARKED UP BY THE HOUSE SUBCOMMITTEE)

The Administration looks forward to working with the Committee to address the following additional concerns:

Department of the Treasury

- Departmental Offices. The Administration is concerned that funding for the Treasury's Departmental Offices, at $3 million below the request of $116 million, would adversely affect the Secretary's policy and analytical capacity. High priority workload demands include: GSE privatization, law enforcement oversight; international affairs operations, Electronic Funds Transfer, and the preparation of government-wide financial statements. Major policy analysis needs include: entitlements reform, tax simplification, and pension reform and retirement security.

- Treasury Forfeiture Fund. The Administration is concerned about the earmarking of $17.3 million in the Treasury Forfeiture Fund. These earmarks would undercut the Secretary's discretionary authority to route available funds to critical law enforcement priorities, such as the Youth Crime Gun Interdiction Initiative.

- United States Customs Service. The reduction of $18.2 million from the President's request for Customs drug interdiction resources would impair Customs' ability to improve the inspection of cargo and passengers and achieve more effective interdiction. Customs would be unable to deploy 119 additional cargo inspectors along the southern border, would have to delay installation of reliable data terminals for flagging suspicious passengers, and would have to leave 115 positions, mostly at the borders, unfilled.

- Office of Inspector General. The Administration opposes the transfer of $26,034 from the Treasury Office of Inspector General to the Departmental Offices appropriation to reimburse Secret Service agents for legal costs incurred during a review by the Treasury Office of Inspector General. The Administration is concerned about the precedent that would be created by congressional action requiring an Office of Inspector General to pay these legal costs.

THE VICE PRESIDENT
WASHINGTON

September 23, 1997

The Honorable Dennis Kucinich
U.S. House of Representatives
1730 Longworth House Office Building
Washington, DC 20515

Dear Dennis:

Thank you for your strong support for the use of cooperative purchasing authority for state and local governments. The Administration opposes repeal of this authority in the Treasury-Postal Appropriations Act for 1998 and would support the House's position in conference.

In 1993, as part of my work on reinventing government, I recommended to the President that General Services Administration be granted the authority to allow states and localities to purchase items from the federal supply schedules so they could enjoy the same advantageous prices GSA is often able to negotiate under contracts it has set up for the federal government's use. Used in appropriate circumstances, this cooperative purchasing authority might result in significant savings to the American taxpayer. Congress agreed and in 1994, gave GSA cooperative purchasing authority in the historic Federal Acquisition Streamlining Act.

It is surprising that efforts are underway to repeal this authority without the benefit of congressional hearings or other opportunities to assess the advantages of this program for taxpayers. The General Accounting Office studied this issue and concluded that the provision, if managed effectively, would not harm the federal government. As a result, the Administration opposes this attempt to repeal the provision because it could deny state and local taxpayers the opportunity to share in the savings the Federal Government is able to negotiate as a large buyer of commercial items.

However, if the repeal cannot be stricken in Conference, the Administration is willing to work with the Congress on a compromise to permit such purchases for a number of specified product categories in demand by State and local governments and whose affected producers have not objected. We would further urge that this authority include a limited pilot program for pharmaceuticals used to treat life-threatening conditions, beginning with drugs used to treat HIV. We also urge the retention of GSA's authority to make any of the services its provides to Federal agencies available to a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act. GSA's total collection of administrative fees will not increase by more than the incremental increase in the cost of administering the program.

September 23, 1997

As a former mayor, you appreciate more than most that taxpayers do not make much distinction between the federal, state, and local governments when they pay taxes. They want the benefit of savings and efficiency, from whatever level of government. If we do not work together to make this happen, we will never be able to restore the public's confidence in government. The cooperative purchasing program is an important example of how we need to use common sense to save tax dollars and do the right thing for all Americans.

Again, thank you for your leadership in this good fight.

Sincerely yours,

Al Gore

AG/jmk

I

105TH CONGRESS
1ST SESSION

H. R. 2197

To amend title 38, United States Code, to specify the entities eligible to purchase pharmaceutical products from the Federal Supply Schedule.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1997

Mr. STEARNS (for himself, Mr. GUTIERREZ, Mr. STUMP, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to specify the entities eligible to purchase pharmaceutical products from the Federal Supply Schedule.

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

SECTION 1. PURCHASES OF PHARMACEUTICAL PRODUCTS.

Section 8125 of title 38, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) A drug, pharmaceutical product, or hematology-related product that is listed on the pharmaceutical supply schedule described in section 8126(a) of this title may only be procured or ordered from that supply schedule by or for any entity specified in paragraph (2), notwithstanding any other provision of law (whether enacted before, on, or after the date of the enactment of this subsection).

"(2) An entity specified in this paragraph is (A) any agency or instrumentality of the Federal Government, or (B) any other entity that is specified in Federal law or regulation, as in effect before July 1, 1997, as eligible to procure or order drugs, pharmaceutical products, or hematology-related products from such pharmaceutical supply schedule.".

○

July 18, 1997

The Honorable William Jefferson Clinton
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to express our grave concern about legislative efforts currently underway to repeal Section 1555 of the Federal Acquisition Streamlining Act (FASA) through the appropriations process. We represent people living with HIV and AIDS, and state and local entities, which provide health care, prescription drugs and social services to individuals living with HIV/AIDS and other uninsured and vulnerable Americans. FASA, which was passed in 1994 as part of Vice President Gore's reinventing government initiative, holds the promise of offering public hospitals, state AIDS Drug Assistance Programs, community health centers and other Ryan White funded entities important opportunities to purchase HIV drugs at deep discounts, thereby allowing them to expand access to these drugs to more individuals. We need the Administration's help in stopping the legislative effort to repeal FASA so that these opportunities can be realized.

The Senate Treasury-Postal Appropriations bill now pending Senate floor action contains language to repeal the FASA law. Repeal language is likely to be added to the House Treasury – Postal Appropriations bill through amendment as early as next week. The Administration opposed FASA repeal language, which was contained in the supplemental appropriations bill earlier this year. We have been working closely with key Senators on a compromise alternative to the repeal which would allow prescription drugs for life-threatening diseases to move forward on the discount drug schedule. This compromise closely resembles compromise language offered to the Senate Treasury-Postal Appropriations Subcommittee by the Office of Management and Budget.

Our efforts to develop an amendment strategy with this compromise language have been thwarted by untested and unsubstantiated arguments that expanding access to drug discounts to state and local entities will undermine the drug discounts now enjoyed by the Veterans Administration (VA) health care system. We have concerns that these arguments may, in fact, have originated with the Veteran's Administration itself as well as with veterans advocacy groups. Even Senators who are very sympathetic to the need to reduce the prices of prescription drugs for individuals with life-threatening illnesses are hesitant to be characterized as threatening the quality of veteran health care.

There is no evidence that expanding access to federal discounts will raise drug prices for the Veteran's Administration health care system. Moreover, the guidance governing the implementation of this program can be structured to ensure that the VA's drug discounts are protected. This is clearly a political weapon being utilized by the pharmaceutical industry to ensure the repeal of FASA. We respectfully request that the Administration take action immediately to communicate its position on FASA to the Congress through the Veteran's Administration. This position should articulate the Administration's support for FASA,

Office of HIV/AIDS Policy

Office of Public Health & Science
Offfice of the Secretary
200 Independence Avenue, S.W., Room 736-E
Washington, D.C. 20201

Deliver To: Sandy

Fax: (____)_____-__________

Phone: (____)_____-__________

From: Deborah von Zinkernagel
Senior Policy Analyst
Phone: (202) 690-5560
Fax: (202) 690-7560
E-mail: DvonZinkernagel@osophs.dhhs.gov

Date: ____/____/____

This fax contains 10 page(s) + cover

If transmission problems occur, please call: Shellie Abramson @ (202) 690-5560

Comments: Stuff on FASA

Administration. This position should articulate the Administration's support for FASA, especially for expedited implementation of the discounted prescription drug schedule for drugs which treat life-threatening diseases, as well as a clear message that FASA will not hurt the nation's veterans or their health care.

The need for this kind of Administration action is urgent. The Senate is likely to pass the Treasury-Postal Appropriations bill on Monday with the repeal language intact. The only recourse at this late stage is to include language that would exempt life-threatening pharmaceuticals in the managers' package negotiated by Senators Campbell and Kohl – the Chair and Ranking Member of the Treasury, General Government and Civil Service Appropriations Subcommittee. Several Senators have weighed for this exemption including Senators Wyden, Kerry and Boxer. We urge you to coordinate with these interested parties to ensure the inclusion of this exemption.

We cannot afford to allow programs, which could reduce the price of HIV drugs to be eliminated by the self-interested political actions of the pharmaceutical industry. We need leadership from your Administration to protect the very existence of this program, and we need that leadership now.

Sincerely,

AIDS Action Council
AIDS Policy Center for Children, Youth & Families
National Alliance of State and Territorial AIDS Directors
National Association of Counties
National Association of County Health Officials
National Association of Public Hospital and Health Systems
National League of Cities
Public Hospital Pharmacy Coalition
U.S. Conference of Mayors

cc: The Honorable Albert Gore, Vice President
Franklin Raines, OMB
Nancy-Ann Min DeParle, HCFA
Sandy Thurman, White House
Bruce Reed, White House
Josh Gotbaum, OMB
Richard Thurman, OMB
Steve Kelman, OMB
Jesse Brown, Veteran's Administration
Chris Jennings, White House
Donna Shalala, HHS
Sen. Herb Kohl
Sen. Ron Wyden
Sen. BarbaraBoxer
Sen. John Kerry

Office of Senator Herb Kohl
Wisconsin

330 Hart Senate Office Building
Washington, D.C. 20510-4903
(202) 224-5653

FAX TRANSMISSION COVER SHEET

Date: July 22, 1997

To: Ms. Julie Rochio -- Powell, Goldstein, Frazer & Murphy LLP

Mr. Seth Kilbourn -- Human Rights Campaign

Mr. Julio Abreu -- AIDS Action Council

Re: Statement for the Record

Sender: Eden Allswang
Tel. 202-224-9732
Fax 202-224-9787

Just wanted to let you all know that Senator Kohl contributed the following statement for the record today. Thanks for your assistance with some of the language. I believe this final product accurately expresses Senator Kohl's position. It has been a pleasure working with you so far and I hope the pilot program is realized in the near future.

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (202) 224-5653

Statement of Senator Herb Kohl
In Support of a Pilot Program for Affordable Drugs for the Terminally Ill
July 22, 1997

Mr. President, I rise to address a critical need in our society, the need for affordable health care for the terminally ill. Today, in the FY 1998 Treasury and General Government Appropriations bill, a bill which I otherwise supported, I believe we did a disservice to those suffering from the HIV virus, cancer, and other terminal diseases. We failed to authorize a pilot program which might have severely reduced the cost of essential, and at this time very expensive, drugs which significantly prolong patients' lives and enhance their quality of life.

The Treasury and General Government Appropriations bill includes a repeal of Sec. 1555 of the Federal Acquisition Streamlining Act of 1994. This so-called "cooperative purchasing" provision would have allowed local governments to purchase items from the schedule of prices established by the Government Services Administration (GSA) for the federal government. On the face of it, this provision had some appeal, as a measure that might save money for local governments. However, many argued that Sec. 1555 would bankrupt small businesses, increase all prices in the long term, and undermine the reliability and safety provided by a local manufacturing and distribution network. The concern about Sec. 1555 was widespread and profound and, therefore, I supported a repeal of the provision. However, I favored one exception, which would address a critical need and give us a chance to observe the effects of Sec. 1555. I favored the authorization of a carefully-defined pilot program in "cooperative purchasing" of drugs for terminally-ill patients.

Public hospitals in cities and countries throughout the United States are desperate to reduce the cost of health care for the terminally ill. Last year, the nation's largest city, county and state hospitals lost an average of $86 million per year by providing care to uninsured and underinsured patients. To avoid closure or bankruptcy, many of these institutions have to limit their more expensive services, such as the new generation of life-prolonging AIDS drugs. At the same time, many AIDS patients are deprived of adequate care because they cannot afford $15,000 per year for AIDS drug therapy. State and local programs must purchase these drugs for them.

The Department of Health and Human Services has agreed to coordinate a pilot program which would enable state and local governments to benefit from federal government rates when they purchase drugs for life-threatening conditions. Recent studies suggest that this could save public hospitals more than 25 percent of their current expenditures on these essential drugs. These savings would, in turn, make it possible for hospitals to help more Americans battling against terminal illness.

I think we all agree that the terminally ill and those who serve them deserve our support in making their medical care more affordable and available. At the same time, I am acutely aware of the concern of veterans' groups and others that this kind of program could eventually result in higher health care costs for all. Therefore, this pilot program would be narrowly focused and of finite length. I encourage concerned groups to contribute suggestions as we define those program constraints. Furthermore, I acknowledge that this pilot program may fail. If so, we will have learned from our error. If the program works, however, if it truly brings down the costs of life-prolonging and potentially life-saving drugs, could we live with ourselves if we refused to give it a chance?

LEGI-SLATE Report for the 105th Congress Mon, July 21, 1997 1:19pm (EDT

BILL TEXT Report for S.1023
As placed on the Senate Legislative calendar, July 16, 1997, Senate Report No. 105-49
Showing the Full Text of Each Item
Limited to Item(s): 83

S.1023 As placed on the Senate Legislative calendar, July 16, 1997, Senate Repc

Item 83: (58) General Provisions--General Services Administration

General Provisions--General Services Administration

Sec. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

Sec. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

Sec. 403. Funds in the Federal Buildings Fund made available for fiscal year 1998 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

Sec. 404. No funds made available by this Act shall be used to transmit a fiscal year 1999 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 1999 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

Sec. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

Sec. 406. Section 10 of the General Services Administration General

Sec. 407. Funds provided to other Government agencies by the Information Technology Fund, GSA, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

Sec. 408. The Administrator of the General Services is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse facade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure that the Annex will not endanger the National Landmark status of the Savannah historic district.

Sec. 409. (a) The Act approved August 25, 1958, as amended (Public Law 85-745; 3 U.S.C. 102 note), is amended by striking section 2.

(b) Section 3214 of title 39, United States Code, is amended--

(1) in subsection (a) by striking "(a) Subject to subsection (b), a" and inserting "A"; and

(2) by striking subsection (b).

Sec. 410. Section 201(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) as amended to read as follows:

"(b) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in chapter 91 of title 31, United States Code), or the District of Columbia, upon its request.".

Press ENTER to return to MAIN MENU:

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LEGI-SLATE Report for the 105th Congress Mon, July 21, 1997 1:14pm (EDT)

Search of 251 Committee Reports to Find 1...

Limited to S.Rept.105-49
AND Selected from outline items found

Text of Items

Senate Committee on Appropriations..............................7/16/97
S. 1023, Appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and Certain Independent Agencies, Fiscal Year 1998, Provision [S.Rept. 105-49; 4,896 lines]

ITEM 153: (29) GSA GENERAL PROVISIONS

GSA GENERAL PROVISIONS

The Committee has recommended the inclusion of the following general provisions:

Section 401 authorizes GSA to credit accounts with certain funds received from Government corporations.

Section 402 authorizes GSA to use funds for the hire of passenger motor vehicles.

Section 403 authorizes GSA to transfer funds within the Federal buildings fund for meeting program requirements.

Section 404 modifies the provision which limits funding for courthouse construction which does not meet certain standards of a capital improvement plan.

Section 405 continues the provision providing no funds may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided, to any agency which does not pay the requested rate.

Section 406 includes a new provision repealing section 10 of Public Law 100-440 which sets a limit on the number of employees in the FPS.

Section 407 includes a new provision which allows pilot information technology projects to be repaid from the information technology fund.

Section 408 continues the provision ensuring the materials used for the facade on the U.S. Courthouse Annex, Savannah, GA, project are compatible with the existing building.

... section 6 of Public Law 1(

123.

Section 410 includes a new provision to repeal section 1555 of Public Law 103-355.