

9643. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Popcorn Crop Insurance Regulations, and Common Crop Insurance Regulations, Popcorn Crop Insurance Provisions (RIN: 0563-AB48) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9644. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Growers' Referendum Results [Docket No. TB-97-16] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9645. A letter from the Assistant Secretary of State for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State, the Annual Report on the Panama Canal Treaty for Fiscal Year 1997, pursuant to 22 U.S.C. 3871; to the Committee on National Security.

9646. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Antiterrorism Training [DFARS Case 96-D016] received June 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9647. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Distribution to Defense Finance and Accounting Service Offices [DFARS Case 97-D039] received June 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9648. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Use of Nonimmigrant Aliens-Guam [DFARS Case 97-D318] received June 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9649. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Private Organizations on DoD Installations [DoD Instruction 1000.15] (RIN: 0790-AG53) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9650. A letter from the Under Secretary for Personnel and Readiness, Secretary of Defense, transmitting the report on sexual harassment complaints filed pursuant to Section 591(a), along with the results and timeliness of investigations concerning those complaints; to the Committee on National Security.

9651. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 1997, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking and Financial Services.

9652. A letter from the Deputy Under Secretary of Defense, International and Commercial Programs, Department of Defense, transmitting describing the activities of the Defense Production Act (DPA) Title III fund for Fiscal Year 1997; to the Committee on Banking and Financial Services.

9653. A letter from the Acting Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting notice of the Final Funding Priorities for Fiscal Years 1998-1999 for three Rehabilitation Research and Training Centers and four Rehabilitation Engineering Research Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9654. A letter from the Acting Assistant General Counsel for Regulations, Depart-

ment of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 1998-1999 for Certain Centers—received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9655. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Safety Of Nuclear Explosive Operations [DOE O 452.2A] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9656. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Departmental Materials Transportation And Packaging Management [DOE O 460.2-1] received June 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9657. A letter from the CFO & Plan Administrator, First South Production Credit Association, transmitting the annual report of the Production Credit Association Retirement Plan for the year ending December 31, 1997, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

9658. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Voluntary Early Retirement Authority (RIN: 3206-A125) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9659. A letter from the Secretary of Transportation, transmitting a report on Air Cargo Security, pursuant to Public Law 104-264; to the Committee on Transportation and Infrastructure.

9660. A letter from the Chair, Medicare Payment Advisory Commission, transmitting the report entitled "Context for a Changing Medicare Program"; jointly to the Committees on Ways and Means and Commerce.

58.8 PRIVATE CALENDAR

The SPEAKER pro tempore, Mr. EWING, directed the Private Calendar to be called.

When,

58.9 BILLS PASSED

The bills of the following titles were severally considered, read twice, ordered to be engrossed and read a third time, were severally read a third time by title, and passed:

H.R. 375. A bill for relief of Margarito Domantay.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

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

SECTION 1. PAYMENT OF CLAIM AGAINST THE UNITED STATES FOR ERRONEOUS COMPUTATION OF RETIRED PAY.

The Secretary of the Treasury shall pay, out of any funds in the Treasury not otherwise appropriated, to Petty Officer Margarito Domantay, United States Navy (retired), of Tampa, Florida, the sum of \$6,386.30, such amount representing the amount of retired pay (with interest) that Petty Officer Domantay would have received for the period beginning on June 8, 1979, and ending on March 12, 1985, had that retired pay been properly computed based upon pay grade E-5 second class (rather than pay grade of E-4, third class, with which such retired pay was computed due to administrative error).

SEC. 2. LIMITATION ON AGENT AND ATTORNEY FEES.

It shall be unlawful for an amount exceeding 10 percent of the amount paid pursuant to section 1 to be paid to, or received by, any agent or attorney for any service rendered in connection with the claim described in such section. Any person who violates this section shall be guilty of an infraction, and shall be subject to a fine in the amount provided in title 18, United States Code.

H.R. 1949. A bill for relief of Nuratu Olarewaju Abeke Kadiri.

Amendment in the nature of a substitute offered by the Committee on the Judiciary:

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

SECTION 1. PERMANENT RESIDENT STATUS FOR NURATU OLAREWAJU ABEKE KADIRI.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nuratu Olarewaju Abeke Kadiri shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nuratu Olarewaju Abeke Kadiri enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Nuratu Olarewaju Abeke Kadiri, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Nuratu Olarewaju Abeke Kadiri shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

Motions severally made to reconsider the votes whereby each bill on the Private Calendar was disposed of today were, by unanimous consent, laid on the table.

58.10 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. EWING, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 15, 1998.

Hon. NEWT GINGRICH,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 15, 1998 at 4:01 p.m. and said to contain a message from the President whereby he transmits to the Congress a report required by Condition (4)(A) of the resolution of advice and consent to ratification of the Chemical Weapons Convention.

With warm regards,

ROBIN H. CARLE,  
Clerk.

¶58.11 CHEMICAL WEAPONS CONVENTION  
COST-SHARING

The Clerk then read the message from the President, as follows:

*To the Congress of The United States:*

Attached is a report to the Congress on cost-sharing arrangements, as required by Condition (4)(A) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 15, 1998.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations.

¶58.12 CONGRESSIONAL MEDAL TO  
NELSON R. MANDELA

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 3156) to present a congressional gold medal to Nelson Rolihlala Mandela.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. CASTLE and Ms. WATERS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

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

¶58.13 FASTENER QUALITY IN AIRCRAFT

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3824) amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft; as amended.

The SPEAKER pro tempore, Mr. EWING, recognized Mr. SENSEN-

BRENNER and Mr. BARCIA, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. EWING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

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

¶58.14 TELEMARKETING FRAUD  
PREVENTION

Mr. GOODLATTE moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Telemarketing Fraud Prevention Act of 1997".

**SEC. 2. CRIMINAL FORFEITURE OF FRAUD PROCEEDS.**

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating the second paragraph designated as paragraph (6) as paragraph (7); and

(B) by adding at the end the following:

"(8) The Court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—

"(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and

"(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense."; and

(2) in subsection (b)(1)(A), by striking "(a)(1) or (a)(6)" and inserting "(a)(1), (a)(6), or (a)(8)".

**SEC. 3. PENALTY FOR TELEMARKETING FRAUD.**

Section 2326 of title 18, United States Code, is amended by striking "may" each place it appears and inserting "shall".

**SEC. 4. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.**

Section 2326 of title 18, United States Code, is amended by inserting ", or a conspiracy to commit such an offense," after "or 1344".

**SEC. 5. CLARIFICATION OF MANDATORY RESTITUTION.**

Section 2327 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "for any offense under this chapter" and inserting "to all victims of any offense for which an enhanced penalty is provided under section 2326"; and

(2) by striking subsection (c) and inserting the following:

"(c) VICTIM DEFINED.—In this section, the term 'victim' has the meaning given that term in section 3663A(a)(2)."

**SEC. 6. AMENDMENT OF FEDERAL SENTENCING GUIDELINES.**

(a) DEFINITION OF TELEMARKETING.—In this section, the term "telemarketing" has the

meaning given that term in section 2326 of title 18, United States Code.

(b) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall—

(1) promulgate Federal sentencing guidelines or amend existing sentencing guidelines (and policy statements, if appropriate) to provide for substantially increased penalties for persons convicted of offenses described in section 2326 of title 18, United States Code, as amended by this Act, in connection with the conduct of telemarketing;

(2) submit to Congress an explanation of each action taken under paragraph (1) and any additional policy recommendations for combating the offenses described in that paragraph.

(c) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) and any recommendations submitted thereunder reflect the serious nature of the offenses;

(2) provide an additional appropriate sentencing enhancement if offense involved sophisticated means, including but not limited to sophisticated concealment efforts, such as perpetrating the offense from outside the United States;

(3) provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims, including but not limited to victims described in section 2326(2) of title 18, United States Code, are affected by a fraudulent scheme or schemes;

(4) ensure that guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) are reasonably consistent with other relevant statutory directives to the Commission and with other guidelines;

(5) account for any aggravating or mitigating circumstances that might justify upward or downward departures;

(6) ensure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and

(7) take any other action the Commission considers necessary to carry out this section.

(d) EMERGENCY AUTHORITY.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than 120 days after the date of enactment of the Telemarketing Fraud Prevention Act of 1997, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

**SEC. 7. FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.**

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

"Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', 'U.S.M.S.', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner