

(H) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

(I) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(J) violate a treaty or international agreement.

(3) APPLICATION OF EXEMPTIONS.—

(A) **IN GENERAL.**—In applying the exemptions listed in subparagraphs (B) through (J) of paragraph (2), there shall be a presumption that the public interest in the release of Nazi war criminal records will be served by disclosure and release of the records. Assertion of such exemption may only be made when the agency head determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary of the Senate and the Committee on Government Reform and Oversight of the House of Representatives. The exemptions set forth in paragraph (2) shall constitute the only authority pursuant to which an agency head may exempt records otherwise subject to release under paragraph (1).

(B) **APPLICATION OF TITLE 5.**—A determination by an agency head to apply an exemption listed in subparagraphs (B) through (I) of paragraph (2) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(4) **LIMITATION ON APPLICATION.**—This subsection shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of that office.

(C) **INAPPLICABILITY OF NATIONAL SECURITY ACT OF 1947 EXEMPTION.**—Section 701(a) of the National Security Act of 1947 (50 U.S.C. 431) shall not apply to any operational file, or any portion of any operational file, that constitutes a Nazi war criminal record under section 3 of this Act.

SEC. 4. EXPEDITED PROCESSING OF FOIA REQUESTS FOR NAZI WAR CRIMINAL RECORDS.

(a) **EXPEDITED PROCESSING.**—For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any requester of a Nazi war criminal record shall be deemed to have a compelling need for such record.

(b) **REQUESTER.**—For purposes of this section, the term “requester” means any person who was persecuted in the manner described under section 3(a)(1) of this Act who requests a Nazi war criminal record.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

SMITH AMENDMENT NO. 2783

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. ISSUANCE OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301(a) of title 38, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”;

(3) by adding at the end the following:

“(3) deceased individual who—

“(A) was serving as a member of the Selected Reserve (as described in section 10143 of title 10) at the time of death;

“(B) had served at least one enlistment, or the period of initial obligated service, as a member of the Selected Reserve and was discharged from service in the Armed Forces under conditions not less favorable than honorable; or

“(C) was discharged from service in the Armed Forces under conditions not less favorable than honorable by reason of a disability incurred or aggravated in line of duty during the individual’s initial enlistment, or period of initial obligated service, as a member of the Selected Reserve.”.

THOMAS (AND ENZI) AMENDMENTS NOS. 2784–2785

(Ordered to lie on the table.)

Mr. THOMAS (for himself and Mr. ENZI) submitted two amendments intended to be proposed by them to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2784

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) **PROHIBITION.**—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) **DEFINITIONS.**—In this section:

(1) **ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.**—The term “entity controlled by a foreign government” has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) **VETERANS MEMORIAL OBJECT.**—The term “veterans memorial object” means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

AMENDMENT NO. 2785

On page 268, between lines 8 and 9, insert the following:

SEC. 1064. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) **PROHIBITION.**—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for

purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) **DEFINITIONS.**—In this section:

(1) **ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.**—The term “entity controlled by a foreign government” has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) **VETERANS MEMORIAL OBJECT.**—The term “veterans memorial object” means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces;

(C) caused, or contributed to bringing about, the death in combat or combat-related duties of members of the United States Armed Forces; and

(D) was brought to the United States from abroad as a memorial of combat abroad.

HUTCHISON AMENDMENTS NOS. 2786–2787

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted two amendments intended to be proposed by her to the bill, S. 2057, supra; as follows:

AMENDMENT NO. 2786

On page 222, below line 21, add the following:

SEC. 1031. REPORT ON REDUCTION OF INFRASTRUCTURE COSTS AT BROOKS AIR FORCE BASE, TEXAS.

(a) **REQUIREMENT.**—Not later than December 31, 1998, the Secretary of Defense shall, in consultation with the Secretary of the Air Force, submit to the congressional defense committees a report on means of reducing significantly the infrastructure costs at Brooks Air Force Base, Texas, while also maintaining or improving the support for Department of Defense missions and personnel provided through Brooks Air Force Base.

(b) **ELEMENTS.**—The report shall include the following:

(1) A description of any barriers (including barriers under law and through policy) to improved infrastructure management at Brooks Air Force Base.

(2) A description of means of reducing infrastructure management costs at Brooks Air Force Base through cost-sharing arrangements and more cost-effective utilization of property.

(3) A description of any potential public partnerships or public-private partnerships to enhance management and operations at Brooks Air Force Base.

(4) An assessment of any potential for expanding infrastructure management opportunities at Brooks Air Force Base as a result of initiative considered at the Base or at other installations.

(5) An analysis (including appropriate data) on current and projected costs of the ownership or lease of Brooks Air Force Base under a variety of ownership or leasing scenarios, including the savings that would accrue to the Air Force under such scenarios and a schedule for achieving such savings.

(6) Any recommendations relating to reducing the infrastructure costs at Brooks Air Force Base that the Secretary considers appropriate.

AMENDMENT NO. 2787

On page 342, below line 22, add the following:

SEC. 2827. CONVEYANCE OF UTILITY SYSTEMS, LONE STAR ARMY AMMUNITION PLANT, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey all right, title, and interest of the United States in and to any utility system, or part thereof, including any real property associated with such system, at the Lone Star Army Ammunition Plant, Texas, to the redevelopment authority for the Red River Army Depot, Texas, in conjunction with the disposal of property at the Depot under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit or otherwise limit the Secretary from conveying any utility system referred to in that subsection under any other provision of law, including section 2688 of title 10, United States Code.

(c) UTILITY SYSTEM DEFINED.—In this section, the term "utility system" has the meaning given that term in section 2688(g) of title 10, United States Code.

ADDITIONAL STATEMENTS

THE NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT OF 1998

• Mr. DODD. Mr. President, with this week's defeat of S. 1415, the National Tobacco Policy and Youth Smoking Reduction Act of 1998, the Senate has for the time being lost a unique opportunity to create a better future for our nation's children. Cloaked in a procedural vote, the Republican leadership of this body voted to override the will of a majority of our colleagues and scuttle an historic effort to protect our children from the ravages of tobacco. In the end, a determined minority of Republican Senators was more responsible to the wishes of the tobacco industry than the needs of America's children.

Preventing the devastation that tobacco wreaks on our children was the impetus for the considerable work that went into the drafting of this bill over the past several months. It is also the reason why many of us have been willing to devote a significant portion of the Senate's time—almost four weeks—to this cause.

We know that ninety-five percent of all adult smokers begin smoking as children. An estimated 3,000 youth start to smoke each day—a number that has been increasing for the last five years. One thousand of those children will die early as a result of taking up this deadly habit. Provisions in this legislation would have reduced by two-thirds the number of children who smoke.

Those who voted to abandon this effort have chosen to allow our children to continue purchasing over 256 million packs of cigarettes per year, providing over \$500 million in revenues to tobacco companies. They have chosen to do nothing to prevent sickness and death that are certain to befall millions of children who become addicted to tobacco.

This bill would have been a tremendous step in the right direction. As originally drafted it would have comprehensively addressed the epidemic of youth smoking by funding anti-smoking campaigns and smoking cessation programs, reducing the ability of young people to buy cigarettes, and limiting the ability of tobacco manufacturers to market to children. There were also a number of other improvements offered to the bill during debate on the floor, which I was proud to support.

In particular, I was pleased to see two amendments incorporated into the bill that would have provided strong disincentives for tobacco manufacturers to continue to market to America's children. The first provision would have ensured that tobacco companies would be penalized if they marketed to children by denying them the ability to claim a tax deduction for those advertising expenses. A second amendment would require the tobacco industry to pay stiffer lookback penalties if youth smoking reduction targets were not met.

Public health and economic experts agree that the cornerstone of any effort to reduce youth smoking is a steep increase in the price of tobacco over a short time. That is why I strongly supported an amendment to increase the price of cigarettes by \$1.50 per pack, the minimum amount of increase that experts agree is needed to reduce youth smoking. This price increase would have reduced the number of children smoking by 60% in one year, kept 2.7 million kids from starting smoking, and would have saved 800,000 lives. While I was disappointed that the proposal was defeated, I was encouraged that a majority of the Senate resoundingly rejected an attempt to strip from the bill the original \$1.10 per pack increase—one of the bill's strongest weapons against youth smoking.

I was also proud to support a provision that would have improved the quality of child care and made it more affordable and accessible to all Americans. By setting aside for child care 50 percent of the federal portion of tobacco funds going to states, this provision would have provided a solid foundation and a concrete commitment to the future health and safety of our children.

There were also a number of amendments to this legislation which I opposed out of concern that they would have significantly weakened its impact. First, I was unable to support an amendment that would have denied tobacco manufacturers any limitation on annual liabilities. Like the Administration, I believe that some limitations on liability were necessary in order to maximize our chances of passing a bill that would actually succeed in curbing youth smoking. Without such provisions, members of the industry were prepared to argue that their First Amendment rights were violated. They would have tied the legislation up in courts for decades, while leaving America's children unprotected.

Several amendments concerning limits on lawyers fees were also considered as part of the debate on this bill. While the lowest proposed limit would have perhaps inadvertently limited access by individuals to attorneys willing to take their cases, I supported subsequent amendments which offered less onerous limitations on the amount attorneys can charge to bring suit against the misdeeds of the tobacco industry.

I was troubled by efforts of some Members to divert the funds dedicated in this bill for public health purposes. For instance, while I have been a staunch supporter of anti-drug legislation, I was unable to support an amendment that would have gutted anti-tobacco public health programs in the bill in favor of poorly crafted anti-drug provisions. This amendment would have diverted public education funds to private-school vouchers for victims of school violence. A main flaw in this concept is that it offers assistance only after a student has been victimized, but does nothing to prevent crimes against children before they happen. This amendment would have also overridden the collective bargaining rights of employees of the Customs Service, undermining a successful anti-drug program developed through cooperative labor-management relations. It would have also barred Federal funds and limited non-federal funds for needle exchange programs—programs that have effectively helped control the spread of the deadly AIDS virus in our communities. Not surprisingly, this amendment was opposed by several law enforcement entities.

In contrast, the Democratic alternative, which I did support, would not have jeopardized funding for public health. This alternative would have included tough money laundering provisions, not present in the Coverdell amendment, which would have provided critical assistance to law enforcement to combat drug problems. Rather than weakening the Customs Service, it would have increased the drug interdiction budget for the agency as well as for the Coast Guard and the Department of Defense, using general revenues. In addition, the Democratic alternative would have created financial incentives for states to report on and improve the safety of schools.

I also felt compelled to vote against the marriage penalty amendment offered by the Republicans because, in my view, the amendment did not provide targeted relief to those who need it most. In fact, 60 percent of the tax cut in the provision would have gone to couples who currently enjoy a marriage bonus. Moreover, this amendment was a costly measure—costing 50 percent more in the first 10 years than the Democratic alternative that was offered, which I was pleased to support. In addition, the Republican amendment would have been partially funded