SENATE—*Tuesday, September 8, 1998*

(Legislative day of Monday, August 31, 1998)

The Senate met at 10:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we fall on the knees of our hearts. You are our righteous, holy Father. You have given us Your absolutes in the Ten Commandments. Without these absolutes, the fiber of our culture becomes torn and loses its strength. The greatness of our Nation is rooted in faith and obedience to Your sovereignty. Yet, each generation has had to make its own commitment to You. Renewing our dedication to You is a daily discipline we dare not neglect.

Bless the Senators and all of us who are privileged to work with them with an acute awareness of Your evaluation of all that we say and do. We report to You. That is why we need Your grace when we miss the mark and Your courage to make each day a new beginning. Most of all, we want to be faithful to You and to Your values. You do not change; You are our solid Anchor in the storms of life. Thank You for giving us the power to change and to be all You meant us to be. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, last week, the Senate made good progress, and I want to express my appreciation for the cooperation. We did pass the military construction appropriations conference report, the first appropriations conference report of the year. We also completed action on two other appropriations bills, the foreign operations appropriations bill and the Treasury-Postal Service. In addition to that, we completed action on the Texas Compact legislation and got started on debate on bankruptcy reform. So I think we made good use of our time. There were also some very interesting hearings that occurred last week. I hope we can continue that pace this week.

We will have a period of morning business until 12:30 today. Following morning business, the Senate will recess until 2:15 to allow for the weekly party caucuses to meet. When we reconvene after the party caucuses, it is my intention for the Senate to begin consideration of the Interior appropriations bill. That will be the 11th appropriations bill to be considered for the year, leaving only D.C. appropriations and the Labor, HHS and Education appropriations bill. We have not quite a month, but we only have the three remaining bills to get done. With a little cooperation, we can complete them. Hopefully, we will begin to see two or three conference reports cleared each week for the balance of this month.

Members are encouraged to come to the floor and offer amendments if they have amendments on the Interior appropriations bill so that we can have debate and votes and make substantial progress on it. We would expect to have rollcall votes this afternoon and into the evening, perhaps, on the Interior bill amendments or any legislative or executive items that may be cleared.

Also, as a reminder to all Members, there will be two cloture votes on Wednesday. The first will be on national missile defense. We voted on this a few months ago. Cloture failed by just one vote. I believe, in view of what has been happening around the world—the uncertainty in Russia, the actions by North Korea, and the problem in Iraq—for us not to have a national missile defense, to not have a plan, to not have commitment, is indefensible. I would not want to be on record as not supporting this. The American people expect it of us. If we don't act now, the year 2010 will come and we still will not have a missile defense. With a lot of dangerous people, chances of rogue or accidental launch is there. We should not take it for granted.

After we vote on cloture and hopefully complete action on the national missile defense bill, we will then turn to the Consumer Bankruptcy Protection Act. We hope we will get cloture on that. Because of objections from Senator KENNEDY of Massachusetts, we had to file cloture on a motion to proceed. If we get cloture on that, then we would move immediately to cloture on the bill itself, if necessary. But I hope we get cloture on the motion to proceed. Then we can work out a way to consider this legislation and Senators would have a chance or chances to offer amendments, if they would like to.

This could be a busy week. It could be a productive week. We also will probably file cloture sometime this week, perhaps Wednesday, on the child custody bill, but we will make that decision as we see how the week is proceeding and progressing. We will make that call probably Wednesday.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Under the previous order, there will now be a period for the transaction of morning business.

WEAPONS INSPECTIONS IN IRAQ

Mr. THURMOND. Mr. President, last Thursday the Armed Services and foreign Relations Committees held a joint hearing to hear testimony from a courageous and dedicated American—Major Scott Ritter. Major Ritter began his opening statement by saying,

> Last week I resigned my position with UNSCOM out of frustration because the U.N. Security Council, and the United States, as its most significant supporter, were failing to enforce the post-Gulf War resolutions designed to disarm Iraq. I sincerely hope that my actions might help to change things . . .

For nearly three hours, Major Ritter responded to Senators' questions, describing how U.S. policies in support of United Nations Security Council resolutions were not being honestly implemented. He also expressed his views regarding the dangers associated with Iraq's continuing pursuit of weapons of mass destruction and how this Nation's victory in the Persian Gulf war was being squandered.

Major Ritter served as an intelligence officer in the Marine Corps during the Persian Gulf War to liberate Kuwait from Iraq. He became a United Nations inspector in 1991 and acted under international law created by the United States and the United Nations. His job as an inspector was to plan and conduct inspections to eliminate illegal weapons of mass destruction in Iraq. Major Ritter was deeply dedicated to his duties. He explained that his duty as a weapons inspector represented a vital continuation of what many Americans had fought and died for during the Gulf War. Finding and destroying these dangerous weapons is critically important to the United States and our allies. These weapons of mass destruction could one day be used again by Saddam Hussein to attack his neighbors, dominate the region and threaten vital interests of the United

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

States. Major Ritter was dedicated to reducing the threat from such weapons. He earned a reputation as a tough, demanding inspector. Saddam Hussein feared his perseverance and tried to get him removed from UNSCOM and Iraq. I regret that he has resigned. I felt better knowing Major Ritter was on the job. However, Major Ritter found that he was repeatedly and systematically hindered from performing his duties. The very laws he was asked to enforce were not now being supported by the U.N. Security Council nor his own government.

Major Ritter's resignation from his position as an UNSCOM inspector was a selfless and patriotic act. However, his resignation and the reason for his resignation deserve our immediate attention and action. I hope that his personal sacrifice will spur the Congress and the Administration to act with the same courage and urgency as Major Ritter.

During the hearing, Major Ritter was asked all the most difficult questions to challenge his judgment and veracity. His challengers were unsuccessful. He simply told the truth, and the truth is a National embarrassment. Although Major Ritter had the courtesy not to say it, his message was clear. "Congress, I have done my job. It is now time to do yours." Our job in Congress requires the same courage Major Ritter displayed last week and for the past nine years as a weapons inspector for the United Nations. I am deeply disappointed that such a brave and bright young American was forced into choosing to resign from his duties because of his principles. His actions clearly send us a message. "This Nation's actions must be consistent with its policies."

I believe that our Nation and the world are far less safe as a result of Saddam Hussein's programs of weapons of mass destruction. We must insist that UNSCOM be allowed to do its job. We in government must say what we mean, and do as we say. We have not been doing this recently in our foreign and national defense policies.

Mr. President, it is now Congress' responsibility to ensure that this happens.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Mr. President, I understand that my Democratic leader has time, and I wish to use some of that time.

The PRESIDING OFFICER. Under the previous order, we are in morning business until 12:30. The Democrat leader has time until 11:30 a.m.

Mrs. BOXER. Mr. President, I ask to address the Chamber without time restraint.

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

PRIVATE AND PUBLIC MORALITY

Mrs. BOXER. Mr. President, I hope all my colleagues had a good Labor Day at home with their constituents. I want to say that I had the real pleasure of being with hundreds of people all over the great State of California with the Lieutenant Governor this Labor Day. And it was very uplifting to be with the people who are moving our country forward, because every day they get up and put one foot in front of the other, and they work, they take care of their families, and they build this country.

So it was, indeed, a very good day, and I think a day that gave a lot of us perspective as to why we are here and what our real interests should be in terms of making sure that this economic expansion continues, and that every child, regardless of station, has a chance at the American dream.

Mr. President, last week, Senator LIEBERMAN made a very thoughtful speech on the Senate floor in which he expressed his "deep disappointment and personal anger" concerning the President's improper behavior.

Senator LIEBERMAN then laid out the process by which the Senate can go on record in an official expression of disapproval.

When I was asked how I felt about that, I expressed agreement with Senator LIEBERMAN and with his understanding of the options that are before this body.

I would like to reiterate today what I have said about this matter since January. At that time I put my faith in the process, which I said would lead to the truth. The process is in fact leading to the truth, and the process is continuing.

In 1983, when I served in the House of Representatives, we had such a process in place when I voted to censure two colleagues—one a Democrat and one a Republican—for relationships that involved interns; we had a process in place in 1990, again, when a House colleague was reprimanded for his conduct.

Unfortunately, we did not have such a process in place in 1991, when a Supreme Court nominee was about to be confirmed with not so much as a look at allegations of sexual harassment. And in 1995, the integrity of the Senate process was being compromised to keep such charges by 18 women secret, rather than following the normal course of open public hearings. We also learned that the military routinely ignored similar complaints.

So despite the difficulty of all of those incidents—and they were all very difficult—I am proud that many women in Congress have worked to make sure that improper relationships in the workplace are no longer swept under the rug. We certainly know about the President's relationship. It was wrong. It was indefensible, and as Senator LIEBERMAN has said, the relationship was immoral. The President has now agreed with that assessment. I fervently wish he had seen it that way before the relationship started. And in any case, he should have taken responsibility much earlier.

This President has led us out of the worst recession since the Great Depression. He has led us to a balanced budget—the first one in 30 years. And in my home State we have seen 1.4 million new jobs, 100,000 new businesses, and a decline in crime of 28 percent.

I will always be grateful to the President for his visionary public policy in so many areas, and so will the people of California. I fervently hope that while the process moves forward we can continue to work with President Clinton to keep the country moving in the right direction. The people want us to do that, and I think we should do that.

I don't believe there are differences in this body about the immorality of the President's relationship with an intern.

As I said, the President himself agreed with Senator LIEBERMAN's comments.

We have a process in place to deal with the President's morality as it relates to an improper relationship. I would like to ask us today to also set our agenda to deal with public policy morality.

I want to explain what I mean by that.

Is it moral for an HMO to deny a child desperately needing care?

I spoke at a press conference the other day about one of my constituents, a little girl, who is undergoing chemotherapy treatment. She is very sick and she has severe nausea and vomiting from the procedure. The HMO denied the parents $54 for a prescription to take away her nausea and vomiting while the CEO of that company was drawing down tens of millions of dollars in salary. I don't think that is moral.

I want to see us pass a Patients' Bill of Rights with teeth in it to deal with that.

Is it moral that 14 children every day die from gunshot wounds in America? Fourteen children every day. Let's pass sensible gun laws that do not infringe on people's rights but make our country safer.

Is it moral not to fund three out of four approved NIH grants? That is what happens today. The NIH budget is squeezed. We need to do more. Our people are sick. They worry about cancer, Alzheimer's—all the diseases that plague us today. Let's double the Federal commitment to help research

within the context of a balanced budget, and then tell our people we are doing all we can. That would be the moral thing to do.

Is it moral for special interests to give unlimited funds of money to a political campaign? We could stop that. Let's pass the McCain-Feingold campaign finance reform laws. That would help solve the problem.

Is it moral to have children attending schools where ceiling tiles fall on their heads?

I just visited such a school in Sacramento—an old school. I had to run out of there literally choking on the must and the mildew in the room. We need an education plan to help all of our children learn.

Is it moral to leave our kids at home in empty houses or to join gangs because they are so lonely after school? We know the juvenile crime rate goes just straight up like this after school, and we know that afterschool programs work. Let's pass a program at least to fund 500 of those afterschool programs.

So my point today is this: In the Senate and in our own way we must strive for private morality, and we also should strive for public morality.

Mr. President, we have so much work to do. But I know we can do good things for the people of this country if we have the will to move forward to address the many moral questions facing us—the moral questions on the private side, and the moral questions on the public side.

So, again, as we reflect on the situation as it confronts us, let's remember to do our best on both sides of the equation—private morality, absolutely; and public morality, absolutely.

Thank you very much, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Roberts). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. Under the previous order, the time until 12 o'clock will be under the control of the distinguished Senator from Utah, Mr. HATCH, and the distinguished Senator from Iowa, Mr. GRASSLEY.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Patricia Kramer, a congressional fellow in Senator GRASSLEY's office, be given floor privileges during the consideration of debate of S. 1301, the Consumer Bankruptcy Reform Act.

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

CONSUMER BANKRUPTCY REFORM ACT

Mr. HATCH. Mr. President, I rise today to again express my disappointment in the refusal of Members on the other side of the aisle to allow the Senate to proceed to S. 1301, the Consumer Bankruptcy Reform Act of 1998.

This is a very important piece of legislation, and it will be an enormous disservice to the American people if we fail to act on it this year. We all know the time is short and the schedule is very crowded in these last few weeks of the session. I just hope that, when the time comes, my colleagues on the other side will vote for cloture on the motion to proceed tomorrow and provide the Senate a fair chance to debate this much-needed legislation. In fact, I hope that they will waive their filibuster on the motion to proceed and will invoke cloture on the bill itself, if that is needed.

In recent years, personal bankruptcy filings have reached epidemic proportions in the United States. We simply cannot afford to continue down this path because excessive bankruptcy filings harm every one of us in America. Consumer bankruptcy ends up costing Americans almost $40 billion a year, or roughly $400 per household in this country. The negative repercussions associated with consumer bankruptcy go far beyond the debts owed to credit card companies and big businesses.

The reality is, contrary to what the critics of reform would lead us to believe, this issue profoundly impacts the average American. Bankruptcies end up harming small business owners, senior citizens who rely on rental income to supplement their retirements, and of course members of credit unions. Even the person who files for bankruptcy can end up being hurt. Some filers, victims of so-called "bankruptcy mills," are neither apprised of their options nor informed of the consequences of a bankruptcy filing. Ultimately, they suffer the consequences of having filed, when a better alternative may have been available to them.

This legislation is guided by two main principles: No. 1, restoring personal responsibility in the bankruptcy system; and, No. 2, ensuring adequate and effective protection for consumers.

There are individuals who can repay some of what they owe but, instead, choose to use—rather, "abuse"—the current bankruptcy system or laws to avoid doing so. The bankruptcy laws need to be reformed to prevent this from occurring. S. 1301 does this, while delicately safeguarding the bankruptcy system so that it can provide a "fresh start" to those who truly need it.

I note that according to statistics from the American Bankruptcy Institute, most States in this Union have seen a troubling rise in bankruptcy filings. This is at a time when our economy has been doing extremely well. While we must preserve bankruptcy for those who need it, as legislators we must recognize that there are some unscrupulous individuals who are able to repay some of what they owe but still use the current bankruptcy laws to avoid doing so. In fact, to go one step further, there are some people who can pay all of what they owe but opt out through the bankruptcy system because of current loopholes in the law itself.

This balanced legislation deserves to be considered. It is time for the Senate to act on this legislation. We should not derail the fair and balanced reforms proposed by this bill due to petty, partisan politics. I hope that my colleagues on the other side of the aisle will vote to allow the Senate to proceed to S. 1301 tomorrow. Furthermore, I hope once we proceed to the bankruptcy legislation, they will not prevent its passage by attempts to offer extraneous, politically motivated amendments, all of which we are used to at this time of the year but which I hope will not be the case on this particular bill, as important as it is. There will be no greater failure to discharge our duty as Senators if this legislation is held hostage for petty political purposes or the petty political politics of the few.

It is time to debate this bill, debate any relevant amendments, and it is time to vote on it. In the interests of all Americans and the future of our economy, we need to end these partisan efforts to delay consideration of this bankruptcy reform legislation. It is time to fulfill our commitment to the American people and end the abuse of the bankruptcy system and its attendant $400 tax on every American family.

Finally, I want to pay particular tribute to the distinguished Senator from Iowa who has handled this matter through the Subcommittee on the Courts and Administrative Oversight. He has brought it through the full committee and on to the floor of the Senate, with the help of some of the rest of us, but he has done a particularly good job on this bill.

Yes, there are things that perhaps need to be corrected and might need to be changed. Both Senator GRASSLEY and I have been open to changes and good ideas to improve this bill. And when and if we finally get to debate this bill, we will remain open to new ideas. But the fact of the matter is, it is very difficult to get a bill of this magnitude through without listening to everybody and paying attention to everybody's ideas. I think the distinguished Senator from Iowa has done an excellent job in doing exactly that. I am very proud of the work he has done. It is just typical of his service here in the Senate that he not only grabs the bull by the horns, but he gets it done and he does the things that really have to be done. He is a very valued member

of the Judiciary Committee, and is certainly valued by me, personally. I just want him to know how much I appreciate the work he has done on this legislation.

There are others, as well, including the distinguished Senator from Illinois, on other side of the floor. I hope he will counsel the people on his side of the floor to quit playing games with this important bill. He has worked very hard on this bill as well and deserves a lot of credit for how far we have come on this. I hope that with the leadership of these two fine Senators, Members on both sides of the aisle will realize how important this legislation truly is. If we can get this up through cloture, I have no doubt this will pass overwhelmingly on the floor because it is that important. It is that well done. It has the kind of backing that really it needs from the people at large in the country, on all sides of the spectrum. It is the type of legislation where literally all of us can go home and say we did the right thing.

There is no question that we have to go to conference should we pass this bill. Hopefully, through that process, we can perfect both the House bill and this bill even more than we have right now. But the fact is, these leaders on the committee have done a very, very good job in getting it to this point, and I compliment them for it.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume. I thank the Senator from Utah, the chairman of the Senate Judiciary Committee, not only for the kind remarks he made about my participation in this process on the bankruptcy law, but also to say that it would not have been possible to get it out of the Judiciary Committee without some compromises, which he helped shape in the process, and also in making it a better bill as well. So this is a cooperative effort not only in the subcommittee, but also at the full committee level. The 16–2 vote by which the bill was voted out of committee, I think, speaks better than anything I can say or even that the Senator from Utah can say about how badly needed this legislation is and what a significant compromise it is in order to get that type of a margin out of the Judiciary Committee, which the chairman has already referred to as a committee that can be very controversially oriented from time to time. This is a piece of legislation that speaks to how cooperative that committee can be when the need calls for it to be.

Mr. President, as I recall, we are in a situation on this floor where there was an objection to the bill coming up. So the distinguished Senate majority leader had to move that this bill be brought up. So we have a debate going on now on a motion to proceed that is fairly uncharacteristic of most processes of moving legislation on the floor of the Senate. So I want to use this opportunity that we have of the Senate deciding whether or not we should even debate the merits of this bill to once again give reasons to my colleagues why we should move beyond the motion to proceed to actual consideration of this legislation. We will have that vote, as I am going to refer to in a minute, hopefully tomorrow.

So I rise today to speak again on the importance and the need—the very justified need—for fundamental bankruptcy reform. Last week, as I stated, a member of the minority party objected to allowing the Senate to consider this bill that was voted out of committee 16–2—even to debate it. Tomorrow, we are set to vote on whether to proceed to the bankruptcy bill. If we don't have a positive vote on this, then bankruptcy will not be on the agenda this session. It is badly needed legislation. It would be a sad consequence of that vote to not be able to move forward.

In my view, the fact that there is an objection to even considering bankruptcy reform shows just how scared and how reactionary the opponents of bankruptcy reform are. The opponents of reform know that the Consumer Bankruptcy Reform Act will pass overwhelmingly if allowed to come to a straight vote. I think hearing the distinguished chairman of the Judiciary Committee, Chairman HATCH, say that just a few minutes ago fortifies what I have just said.

The opponents of reform know that the polls are absolutely clear on a broad public support for bankruptcy reform. There is no way that a minority of the Senate can fool 68 percent of the people nationally who say that we need bankruptcy reform. And there is no way that a minority of the Senate can fool 78 percent of the people of my State of Iowa who were surveyed in a poll on the need and their support for bankruptcy reform. So the American people know that our bankruptcy system is, in fact, out of control. Obviously, the people know that it is out of control much more than even a small minority of the minority in this body know it is out of control. If they know it is out of control and badly in need of reform, they would let us proceed to this bill. So I hope that Congress will respond to what the people want and move forward to consider and pass—pass overwhelmingly, as it did out of committee—the Consumer Bankruptcy Reform Act. That is what representative democracy is all about.

As I said on Thursday of last week when we were set to take up the bankruptcy reform bill, the Consumer Bankruptcy Reform bill is a bipartisan piece of legislation which passed out of the Judiciary Committee by an overwhelming vote of 16–2. The goal of the bill is simple and it is important: to restore personal responsibility to our bankruptcy law, and to put an end to the many bankruptcies of convenience which are filed every year in the United States.

In recent years, the number of bankruptcies has, in fact, very much skyrocketed. Every year since 1994, records have been broken in terms of the number of bankruptcies filed. Now we are at the point that we had 1.4 million personal bankruptcies in 1997. So if this trend continues, Mr. President, we must all shudder to think about the harm to our economy and to the moral fabric of our Nation—to the economy, with $40 billion of costs. There is no free lunch when it comes to bankruptcy. There might be for the person that declares bankruptcy, but as we know, in our society, somebody pays; $40 billion is being paid by somebody in America and that figures out to about $400 per family of four in America per year. Just think of that. You, Mr. President, could be spending $400 less for your goods and services if we did not have this high number of bankruptcies that we have.

But more important, what does it do to the moral fabric of our great country when, somehow, you can live high on the hog and not worry about who is going to pay for it. You don't have to; you go into bankruptcy and somebody else pays for it. There ought to be, and is, a rule for America which is that we all ought to be personally responsible for the actions we take. That is applicable not just to moral issues of family and marriage, but it also involves the economic world we are in as well, and that is, in fact, if you enjoy something, you want to pay for it.

The interesting and alarming thing is that this unprecedented increase in bankruptcy filings comes at a time when our economy has been generally healthy. Disposable income is up, unemployment is low, and interest rates are low. There is something that just doesn't make sense about this situation. Common sense and basic economics say that when the economy flourishes, bankruptcies should not be so high.

I had an opportunity over the weekend to look at an old U.S. News and World Report from 1991 with the predictions of the decade of the 1990s coming up. At the time that magazine came out, we were in the middle of the recession of 1990. That recession was caused by one of the big tax increases that President Bush proposed. It wasn't quite as big as the tax increase that President Clinton got through in 1993, which was the biggest tax increase in the history of the world, but that tax increase had a detrimental impact on the economy and we were in a recession—recession that, thank God, we have had years of recovery since without going into another recession.

But in that magazine it made light of the fact that there was a 135,000 increase in personal bankruptcies that year because of the recession. That is when we had the number of personal bankruptcies well below 800,000 at that particular time.

Let's just think. There is going to be a recession around the corner someday, hopefully not for 3 or 4 years down the road, as the economy is going fairly strong. But it could be happening within a year from now if things in Southeast Asia and Russia don't turn around, maybe, and as the stock market is also indicating. We would be thinking in terms of half a million to 1 million bankruptcies just because of the economy turning south, if we are concerned about 135,000 increases in bankruptcies in the year 1990 as an example.

It is an unprecedented time in our economy. Why is it an unprecedented time, then, for the number of personal bankruptcy filings? I don't know. I have said how it could be related to the bank's sending out so many credit cards for people to be invited into more debt. It could be because the Federal Government had 30 years of deficit spending. Hopefully, we have that behind us now with this year paying down $63 billion on the national debt for the first time in 30 years. It could be because the bankruptcy bar is very loose in their advice, or the lack of advice, on whether people ought to go into bankruptcy or not. There doesn't seem to be the shame that is connected with bankruptcy as there used to be. There is probably a lot of other reasons. At least we have those reasons to consider and those reasons to deal with. Another reason is the 1978 bankruptcy law that made it possible to get into bankruptcy. Hopefully, we have that turned around with the passage of this legislation as well.

In the opinion of this Senator, of course, one of the main bankruptcy crises is, as I just stated, the overly liberal bankruptcy law of 1978. Remember, since 1978 I have had hundreds of people tell me it is too easy to get into bankruptcy. And it shouldn't be that easy. I have not had one person tell me that it ought to be easier to get into bankruptcy. And I even have had some people tell me who have been through bankruptcy that it is too easy to get into bankruptcy. That sort of attitude of the public is what is behind the 68 percent nationally and the 78 percent of the people in my State in polls who say the bankruptcy laws should be reformed.

Quite simply, current law discourages personal responsibility. I want to say that again. Current law actually discourages personal responsibility. As a result, bankruptcy has become a first option, not as a last resort for many with financial difficulties.

Bankruptcy is seen as a quick and easy way of avoiding debt. Bankruptcy is now a matter of convenience rather than a matter of necessity. The moral stigma that used to be associated with not being able to pay your debt is now almost completely gone. I am not saying that bankruptcy law serves no purpose. On the contrary, the ability to have a fresh start—or you might say it is a principle of our bankruptcy law that there are some people who are entitled to a fresh start—it is a vital part of this American system. It is the right thing to do in some instances. But what is important is that we structure our laws so that bankruptcy is available to those who truly need protection—people who maybe because of natural disaster, maybe because of a catastrophic illness in their family, maybe because of even divorce—there are several reasons that have been considered legitimate. But we want to make sure that this process is not available to those who want to abuse the system and find an easy irresponsible way out.

The bill that we will hopefully get to consider after our cloture vote tomorrow strikes a balance between personal responsibility on the one hand and giving people an opportunity to get a fresh start who legitimately deserve it on the other hand. That is why the Judiciary Committee, which can be very partisan at times, approved this bill by a vote of 16 to 2. Mr. President, I will have more to say on the problems with our bankruptcy system if and when we get to consider the bankruptcy bill.

I want to inform my colleagues about the deceptive practices of bankruptcy lawyers who dupe unwary consumers into declaring bankruptcies. The practices of bankruptcy lawyers have become underhanded so much that the Federal Trade Commission has issued an alert on that process. And in the process of issuing that order, they criticized the bankruptcy bar.

If and when we get to consider the bill, I want to talk more about how my bill enhances collection of child support. The National District Attorneys Association, as well as numerous other organizations which collect child support, have written to me to praise this bill—S. 1301—and the innovations in the bill for protecting child support.

Mr. President, supporting this bill is the right thing to do. Approving a vote tomorrow to move to this bill so it can actually be considered is the right thing to do, because the American people are sick and tired of the avoidance of personal responsibility—not only in the case of bankruptcy but so many other areas. It is one we can do something about right now through the passage of this legislation.

The other body across the Hill has already passed an even more sweeping version of bankruptcy reform, and they have done it by a veto-proof margin. But here we are right now on the floor of the U.S. Senate fending off a filibuster against bankruptcy reform. After the vote tomorrow, if we win and can actually go to the debate of S. 1301, I expect maybe even a second filibuster. I don't think these desperation tactics work, and particularly in the case of something that is so badly needed as bankruptcy reform.

It is interesting how the same people who criticize this Congress for doing anything are the same ones who are blocking positive bankruptcy reform. I have talked with many of my colleagues on the other side of the aisle. I know there is a real desire to see bankruptcy reform happen this year. That is why the Consumer Bankruptcy Reform Act received such broad bipartisan support in the Judiciary Committee. Quite simply, it is time to restore the sense of personal responsibility that we Americans are famous for to our bankruptcy law.

I urge my colleagues to support the motion to proceed on S. 1301, and then to support S. 1301 and move to a bill that is going to bring new penalties for abusive bill collectors; it is going to bring new penalties for illegal repossessions; it is going to bring fines for inflated creditor claims; and it is going to bring penalties for deceptive credit practices.

It seems to me that is a bill that not only will bring about bankruptcy reform so that bankruptcy will be used only when people are really entitled to a fresh start, fitting into a pattern that we have had in our bankruptcy laws between 1998 and 1978—it has only been in the last 20 years that this has turned bad—but to discourage bankruptcy, to reimpose personal responsibility on debt, and that we also do some things that even give some consumer protection in the process. I only stress the new consumer protections to make the point that we are going to have a very balanced piece of legislation pass this Senate, if we get a chance to vote on it.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. GRASSLEY). The distinguished Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to join Senator HATCH in expressing my admiration and respect for Senator GRASSLEY and the members of his committee who have worked hard on this bankruptcy reform legislation. It has obtained almost universal support. It passed the committee 16 to 2, and it reflects a good step in our public policy.

As Senator GRASSLEY says, the current liberalized bankruptcy law discourages personal responsibility, that is, it makes it easy and even encourages persons to avoid their responsibility. That is not good. A Harvard professor has written a book which talked about how during the first 150 years of this Nation's existence every law that came up for consideration was judged

on the basis of whether it made our people more responsible and better citizens. I think that is a goal we have lost sight of in recent years. What we need to do is make sure our legislation sets standards that call people to their highest and best ideals and not dumbing them down and encouraging them to cop out, to take the easy way out, to avoid their debts when there is no real justification for it.

Most people may not understand, but a person making $70,000 with $30,000 in debts can walk into a bankruptcy court in America, at any place, at any time, and file for bankruptcy. Even though he would be perfectly able to pay off those debts, he can wipe them all out. This is true even if, just a few months before, he or she had signed a promissory note to pay those debts. This behavior vitiates contracts, and it vitiates responsibility.

So I think, based on the fact that we have had a doubling of bankruptcy filings in the last decade and we have seen a 60 percent increase in bankruptcy filings since 1995, we do have a problem in this country. This is not driven by the economy, because we are in good economic times. In 1997, however, we now know that $40 billion in consumer debt was erased by bankruptcy filings in this country.

Where does that debt go? Who pays that debt? What happens to it? It is passed on to the other American citizens who are in debt but who pay their debts, who pay their credit card bills, who pay their bank notes. They have to pay higher interest rates, to the tune of $400 per family per year, to balance out some of these people who are filing for bankruptcy but do not deserve it. Many people, a majority of those filing, do not abuse bankruptcy. But a significant number are abusing the bankruptcy laws, and we ought to do something about it.

There was a recent article written by former Secretary of the Treasury Lloyd Bentsen, former Democratic Vice Presidential candidate, and former chairman of the Senate Finance Committee. This is what he said:

> With growing frequency, bankruptcy is being treated as a first choice rather than a last resort, as a matter of convenience rather than necessity.

He goes on to note:

> A rising tide of bankruptcies will sink all ships and hurt those who need credit the most, those who have to borrow money.

People do not understand—and many in this body do not recognize—that many who have done well, such as a family making $30-$40-$50,000 a year, will have debts. When they have a car payment that comes up, if they have an $800 balance on their credit card, those interest points make a difference to them—whether they pay 15 percent or 18 percent or 19 percent interest.

As former Secretary of the Treasury under President Clinton, Senator Bentsen, said:

> In the United States, we believe that through hard work anyone can become a success. America's bankruptcy laws reflect a fundamental element of our Nation's entrepreneurial spirit. Their intent is to ensure a fresh start for those who try and fail, and they form an important thread in our social safety net. But when some people systematically abuse the system at great expense to the rest of the population, twisting the fresh start into a free ride, Congress must step in and tighten up the law to protect those who unfairly bear the cost. When it comes to bankruptcies of convenience, this time has come.

So I agree; it is a bipartisan issue. Senator GRASSLEY has worked diligently to gain the broadest possible support. This bill came out of the Senate Judiciary Committee 16 to 2. A virtually unanimous vote on a bill of this kind is unusual and should be noted.

Why is it necessary? I want to mention a few things that are in the bill, and then I want to comment on the unusual and unfortunate circumstance we are in now in which the minority party is attempting to block even consideration of the bill that so many of their own members have already supported in committee. They in fact filibustered the bill before it could even come to the floor. People say this is a do-nothing Congress. Maybe they are trying to make it so. This is a good bill. It has been worked on for several years. It has been improved and refined. It has very broad support, and we ought to pass it.

These are some of the things it does: It allows creditors, those who are owed money, and panel trustees to participate in the review of the debtor's decision to file a chapter 7 instead of a chapter 13.

Most people do not realize that when you go to file bankruptcy, you have two choices, if you are a normal consumer who is in debt. You can file under chapter 7—wipe out all your debts and not have to pay anything. Your money goes into a pot and is divided up on a proportional basis to creditors, and you walk away free and clear. This permits a fresh start, which is a great American tradition. We are not trying to eliminate that at all.

But there is another tradition, too. That is the tradition of chapter 13, which in fact was first created in my home State of Alabama, in Birmingham, and it is still a very popular alternative there. It provides the option for a debtor who wants to try to pay back his debt to do so. The Court approves his plan, and he pays a certain amount of money into the chapter 13 fund, and it is distributed to his debtors. They give up the interest rates that they have been charging on it, and at least they get something back out of it. And this person is able to be discharged without having filed for bankruptcy because the debts have, in fact, been honored.

This is a procedure that I think ought to be encouraged. What we are finding is that in some areas of the country almost nobody files chapter 13. But it is a high filing issue in Alabama. People want to pay their debts, and they are taking this option.

So what this bill says is that if a person has $100,000 per year income and he only owes $30,000 and he wants to file chapter 7, this will give the creditors a chance to object and say, "Judge, we think you ought to review this. He doesn't need this bankruptcy. Why should he be able to walk away from his debts when people who are making $30,000, have three kids, and are trying to get by by the skin of their teeth are paying their debts? Why doesn't he pay his?"

I think that is fundamental, and we need to get away from this automatic deal in which the filer has total power to choose whether or not he files under 7 or 13.

The bill also requires consumers to receive information concerning credit counseling before filing. Many people do not know that there are tremendous credit counseling centers in almost every community in America. These persons help the families. This differs from when a debtor goes in to see a bankruptcy lawyer who simply has his secretary asks the person to fill out a form. The debtor may not even see the lawyer; the lawyer has probably hundreds of these cases. The secretary has you fill out a form, and he files a bankruptcy, and he hardly even talks to the client. That too often happens.

In credit counseling, the person sits down with the credit counselor. They go over their income. They talk about how they can pay that off. Maybe the banks or the credit card companies would reduce their interest rates if the person could make regular payments and not go into bankruptcy. They help them deal with problems in families such as gambling addiction. I have been talked to credit counseling people across this country. They are telling me that gambling is a big factor driving bankruptcy filings. Maybe Gamblers Anonymous would be the right thing for them.

Maybe there is a mental health problem, depression in the family or other things that these people who are not sophisticated in finance did not know would be available to them to help them overcome their debt problem. So I think that would be a great thing. It is not going to eliminate huge numbers of filings, but I assure you, I believe we will have a number of families helped by this personally, maybe marriages saved. And it will help them develop a plan to pay off this debt and avoid the stigma of bankruptcy. It would be a good thing and is an important part of this bill. I am confident of this because on my study of this issue. I offered an amendment to this bill which was adopted.

The bill also requires, during bankruptcy, that people who do declare

bankruptcy participate in a debt management class. We found in some districts as much as 40 percent of the bankruptcy filings are by people who filed bankruptcy before. We need to educate them on some basic principles of how to manage their money and hopefully they will not come back again and other debts will not be abrogated.

This legislation would require debtors to provide more financial information, including tax returns. It provides for random audits requiring referrals for possible criminal prosecution. I was a Federal prosecutor for 15 years and we formed a bankruptcy fraud task force to deal with this problem. The truth is that there are very, very few bankruptcy fraud prosecutions in America. This is Federal court. We expect people to be truthful in what they submit, and those who are not honest must suffer criminal sanctions, or the word will get out among the bankruptcy lawyers that it doesn't make any difference and that nothing will ever happen to you if you are not candid and truthful in filling out your statements.

It also allows creditors to represent themselves; that is, people to whom money is owed can go down to bankruptcy court to represent themselves without a lawyer. The Presiding Officer here today, Senator GRASSLEY, felt very strongly about that provision. And the truth is, it is a key issue. If you have a $500 debt owed to the garage, the furniture store, the jewelry store, or whatever, you may spend that much on a lawyer to go down there and represent you. What kind of relief is that, if you cannot go yourself, if you have to spend more on collection than what you collect? Senator GRASSLEY has been very steadfast in believing that we need to change that situation. It is a good step in this bill, because most of these matters are not that complicated. All you really need is a verified claim from the person who is owed the debt.

So I believe this bill represents a major step forward. It is a bill that seeks to lift our standards as Americans to encourage people to pay their debts if they are able to, to train and educate them so they will not get in financial trouble in the future. That is something we ought to do, to perhaps reduce this ever-increasing spiral of bankruptcy filings.

It is a good bill. I am disappointed, shocked, and really stunned that we are now at a point where we cannot even get the bill up for debate and we have to deal with a filibuster and we are going to have to have a cloture vote on whether or not we even consider this legislation. It is not controversial. It is good legislation. It is carefully crafted. It is good for America. It is good public policy. It calls people to a higher standard, eliminates abuse and fraud and criminality, and ought to be something that will go through this Congress with the most minimal objections.

I do not know what politics are behind the objection here. Sometimes I think it is just a desire to keep this Congress from passing anything and utilizing every rule and technical objection that can be made to frustrate the normal working through of good legislation. At any rate, I believe we will prevail on this motion, we will get the bill up, and I believe it will pass in this chamber as it did in the House, and then we will have done something good in this Congress: We will have reformed a bankruptcy system that is out of control.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

THE IRS AND BASEBALL FANS

Mr. BOND. Mr. President, I rise today as a proud St. Louis Cardinals baseball fan. I have been a St. Louis Cardinals fan a lot longer than I have been a U.S. Senator, and I have never been more proud of the team, nor of the city and the State which supports that team.

This weekend we saw the fabulous Mark McGwire hit home runs 60 and 61. And it was truly electrifying, not only for the people who were in the stands and watched the huge home runs—and when Mark McGwire hits a home run generally it is huge. He bounced one off of the dining room of the Stadium Club and it dropped back down beneath. There used to be a time when people didn't even think somebody could hit the Stadium Club. He has hit balls so far in Bush Stadium that they automatically start measuring them. The announcer of the Cardinal baseball games, the fabulous Jack Buck, talks about calling air traffic control to warn about it.

There are a couple of things that I think need to be mentioned. No. 1, Mark McGwire is the kind of fine human being whom we need as a role model for our young people today, when the national spirit is sagging and we are talking about scandals. Here is a man, the first thing he did when he came to St. Louis was make a significant donation to the St. Louis Children's Hospital. He is a man who worships his son. When he crossed the plate after hitting his 61st home run, he picked up his 10-year-old son. There were some who were worried that the son might be in danger because of his enthusiasm. But Mark McGwire is truly an American hero.

I would say also the same thing for Sammy Sosa, who was in the outfield with the Cubs when that 61st went out. Sammy Sosa is a class ballplayer, one we can be proud of.

I will tell you something else that Missouri and the Midwest and America can be proud of, the young men who caught the home runs 60 and 61. When they were asked, "Are you going to sell it for a million dollars?" They said, "No, we are going to give it back to Mark McGwire." And this selfless act, giving the ball back to the guy who hit it so he could give it to Cooperstown, epitomizes the spirit. The signs in the stadium said "Baseball City U.S.A." St. Louis is very proud of being Baseball City and everybody who comes in there is proud of it, and they are proud of the spirit of the fans who are there. But you have to know, the Grinch appears.

Today's New York Times, classic spot for the Grinch to appear: "Fan Snaring Number 62 Faces Big Tax Bite."

Now, get a life. The IRS spokesman has confirmed that the person who gives the ball back to Mark McGwire might be facing a gift tax of $150,000. The young man who caught number 60 is just out of college and he works in the promotion department of the Rams. The guy who caught number 61 is the catering manager who had to go to work at 4:30 this morning. They are going to have to pay $150,000? Now, that is about as ludicrous as anything I have seen. If the IRS wants to know why they are the most feared, disliked agency in town, this is the classic example.

The New York Times interviewed a spokesman for the IRS who said: "I can confirm your understanding of how the gift tax works. The giver of the gift is required to file a gift tax return. We'd have to take a look at all the circumstances: the value of the gift and who owns the baseball."

I am asking my colleagues to join me in a letter to the Commissioner of the IRS. We come here as Democrats and Republicans, but I know there is a strong, bipartisan enthusiasm for the support of baseball. And for the Commission to tolerate somebody saying that a fan who gives the ball back to Mark McGwire could owe a $150,000 gift tax is outrageous.

The IRS needs to lighten up. The fact that the Tax Code could allow for such a ridiculous thing is one thing. We are going to be tackling the issue of tax reform in Congress. We have done much on the Taxpayer Relief Act. We have made strides. The new Commissioner has talked about making the IRS a consumer-friendly agency, but it is absolutely ridiculous that the IRS would seriously consider imposing a tax on a generous fan who happens to catch the historic ball and return it. Get a life. Surely there are baseball fans among the clever lawyers and accountants at the IRS who can devise reasons why this good deed should go unpunished. My staff and I are available to work with them. I think we can find a way to take care of it.

But if the IRS wants to know what their problems are, they have to look

no further than this threat. I have to tell you that if you do not think people are paying attention, our e-mail has been running, our fax machine; the calls are coming in.

Dean Pfeiffer of Lee's Summit said:

What a better issue to use to highlight the need for tax reform. How can anyone defend a tax system that penalizes such a selfless act?

Scot George said:

This tax on this person is as unAmerican as Saddam Hussein. I urge you to act swiftly against the IRS on this matter.

Mr. President, I warn you, there is a revolution brewing. There may not be enough agents to collect a gift tax from somebody who returns the 62nd baseball back to Mark McGwire.

I do have a letter here to Commissioner Rossotti asking him to review this situation and clarify it so that when the fan catches the ball—we know he is going to be surrounded by security. The security is very tight to make sure he is not physically abused. And it is a jungle out there when people are going for the ball. We have security to protect him. We want to keep the IRS agents off of him.

I say to my colleagues, if they wish to join me in signing this letter to the Commissioner to call this serious matter to his attention, I will have it today and it will be available for them to do so. I think that the time has come to say that a fan who catches a historic home run ball and gives it back to the guy who hit it should not be stuck by the IRS.

I thank the Chair and yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Iowa.

Mr. GRASSLEY. First of all, I want to compliment the Senator from Missouri for his comments. He, along with me and Senator KERREY of Nebraska, was very much in the middle of the work of the IRS commission as representatives of the Senate on that commission, and also working with the legislation as members of the Finance Committee to bring about the consumer-friendly IRS that the legislation is supposed to do.

Obviously, I am chagrined that there is still an attitude within the IRS that would be interpreting tax law the way that the Senator from Missouri has described it. I think he has accurately described it, because this morning when I was preparing to come to work I heard on WTOP the very news story to which the Senator from Missouri refers. I could only think in terms of, well, maybe it is a joke. Obviously, it is not a joke.

But I also thought in terms of Mr. Rossotti, the Commissioner of Internal Revenue, had to be hearing that same report as we did. And before he got to the office, I hope that he had made some phone calls to make sure that this erroneous interpretation of law would be corrected, because that is what I would expect from Mr. Rossotti.

To the Senator from Missouri, I will be glad to sign the letter that he has. I would also hope that Mr. Rossotti has this situation taken care of before the letter is received from the Senator from Missouri.

Also, I would expect that the Senator from Missouri expects Mr. Rossotti, who is not a tax attorney and who was hired specifically by the President of the United States because he came from the business world, from an organization and a business that he formulated that was only successful because he was able to satisfy his consumers—he built his organization from a few employees to several thousand employees. He was willing to give this up because he knew that the challenge of making the IRS a more consumer-friendly organization was a legitimate challenge that had to be met, and he was willing to do that.

So I see in Mr. Rossotti a person who is going to get this taken care of very quickly so we do not have to worry that when that 62nd home run is hit by McGwire that there is going to be a tax consequence as a result of hitting the 62nd home run.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRASSLEY. I withhold that.

Mr. HARKIN. Mr. President, I wonder if the Senator could yield me some time. I do not know what the situation is on the floor right now.

The PRESIDING OFFICER. Under the previous order, we are to recess at 12:30, and the Senator from Iowa has time on the bankruptcy bill.

Mr. GRASSLEY. Before I yield, I think the thing to do—how much time is left?

The PRESIDING OFFICER. You have until 12:30.

Mr. GRASSLEY. I yield the Senator 5 minutes.

Mr. HARKIN. I thank the Senator for yielding me time.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I will speak for 5 minutes in morning business.

THE FARM CRISIS

Mr. HARKIN. Mr. President, farmers continue to suffer huge losses through absolutely no fault of their own. No other business has less control of the price they can receive for what they produce, the cost of the inputs. Farmers cannot control the weather. They cannot control the world economy. They cannot control what is happening in Asia. But those factors do determine the price of corn, soybeans, wheat, and other commodities. The Freedom to Farm bill passed in 1996 sharply reduced the farmer's safety net to take care of those contingencies over which the farmer has no control.

Now farm prices are crashing to levels not seen in decades. Many farmers are going to have a difficult time acquiring funds needed to pay their bills this year and to get the necessary money to get the fields prepared and to get the seed and the fertilizer to get the crops in the ground for next year.

Many farmers could lose their farms that have been in their families for generations. I recently talked with an older farmer who said, "That's my life's savings. I made it through the eighties. I'm a good manager. I weathered that terrible storm in the eighties. And now this may wipe me out after a lifetime of work."

I am sure the Senator from Alabama knows. He has a lot of farmers in his State. There is the old adage that farmers live poor and die rich. They have all that money in that land. That is their retirement system. They work hard all of their lives. They do not live high on the hog. Then it comes time to retire. That is their equity. And now that is being severely eroded, not to mention the young farmers who have gotten started, carrying a debtload who will be really forced out of agriculture, never to return.

Well, it is already having a terrible ripple effect, not only on farms but in small towns and communities all over America. Layoffs are starting to occur at agricultural equipment manufacturing companies and in stores. I think we are just beginning to see the stages of what could become a very severe downturn in rural America.

Last week, a number of Senators and I proposed a series of modifications in ag programs to help alleviate the problem. But I take the floor this morning to say that I believe Congress should also pass a provision broadening existing tax law that will allow farmers to recover taxes paid in the past to cover their net operating losses right now.

Mr. President, under existing law, businesses, including farmers, can be reimbursed for their business losses by receiving a rebate for taxes paid in the prior 2 years—or 3 years in cases in which there is a natural disaster. Well, we are facing a large economic disaster that can really sink us in rural America.

What I am proposing—and I will be shortly introducing a bill to do so—I propose that family farmers be allowed the option to get a rebate from the taxes that they paid over the past 10 years, covering up to $200,000 in operating losses rather than the 2 years that is allowed under current law.

Many farmers cannot receive a rebate for their operating losses because they were not able to make any taxable profits in the last couple of years. By being able to go back 10 years, we will allow these farmers to be able to

get a rebate next year and then limit it to $200,000 so it would be available to all family farms, up to a limit of $200,000 in net operating losses.

The benefit would only go to farmers whose families are actively engaged in farming and whose business activity is mostly farming. The amount of the rebate would be dependent on the amount of the loss and the tax rate paid by farmers for the paid taxes that are being restored.

The provision I am proposing would cover losses occurring in both 1998 or 1999.

If passed this year, farmers would be able to calculate their losses early next year and receive a rebate from the IRS for the taxes paid in earlier years very soon thereafter. This proposal would provide a significant amount of relief when it is needed early next year. It would help many farmers acquire the funds they need, as I said, to get the fields prepared and get the feed and fertilizer and bills paid so they can continue on next year.

I might add that there is some precedent for this. There was a case in 1997 where Amtrak was allowed to use net operating losses of their predecessor railroads going back over 20 years in the past. So there is precedent for this. If we can do it for Amtrak, I think certainly we ought to be able to do it for our family farmers. I am hopeful at some point this fall either under a tax bill, if we are going to have one, or under some other vehicle, that we can at least put this provision in.

I know my colleague from Iowa has another provision that would allow farmers to invest some of their profits for up to 5 years without being taxed until the money is used in poorer years, which is a great provision, one I also hope gets through.

Right now, the farmers are facing the fact that they don't have any money. I think maybe the two coupled together will get them some funds. If they went ahead and invested and used a provision of my colleague from Iowa, we might have a situation to help get some of the farmers through the next couple of years.

I just wanted to bring that to the attention of Senators. I hope to be introducing that very shortly. Again, I don't mean to belabor it, but we are seeing really bad times out there. I used these charts last week. I will use them again in case other Senators may be watching that didn't watch last week. Since July 16, wheat, corn, and soybeans are all down—I used central Illinois only as a measuring point—21 percent decline in the past 6 weeks in corn, 21 percent decline in soybeans in the last 6 weeks, and a 13 percent decline in the past 6 weeks in hard red winter wheat in Kansas City. We see no signs this will be alleviated any time soon. It looks like we will have a record crop of soybeans this year, a record crop, and probably the second or third largest corn crop we have ever had. So this will be hanging over the marketplace. We need to do everything we can.

Again, I hope that we will have some provisions very soon that will remove the caps on the loan rates and even provide emergency provisions for the Secretary to be able to pay storage payments to farmers, to store some of that grain so that they don't have to dump it this fall. They can keep it until next year. Maybe the Asian economy will come back; maybe there won't be very good weather next year, whatever; maybe the prices will come back next year. Let the farmer have the freedom to market that grain at some point down the line rather than just dumping it on the market this year.

There are other provisions that we will be talking about, but I think those are the major ones that will help get us through a very, very difficult year in agriculture and all over the world.

I thank my colleague for yielding me the time.

RECESS UNTIL 2:15

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE DISTINGUISHED SERVICE OF ANGELA RAISH

Mr. DOMENICI. Mr. President, this has been cleared on both sides. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, which was submitted to the Senate earlier by the leader in my behalf.

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

The legislative clerk read as follows:

A resolution (S. Res. 272) recognizing the distinguished service of Angela Raish.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 272) with its preamble reads as follows:

S. RES. 272

Whereas Angela Raish retired from the United States Senate on July 31, 1998, after more than twenty-one years of distinguished service to the United States Senate, Senator Pete V. Domenici, and the people of New Mexico;

Whereas Angela combined exceptional professional and organizational skills, untiring initiative, and unlimited compassion to accomplish both major, and simply thoughtful, tasks for the Senator and his constituents;

Whereas Angela has always generously given of herself out of a genuine love and concern for others, without hesitation or expectation of reward;

Whereas Angela has had an impressive career beginning during World War II in the Navy Department, office of Admiral S.C. Hooper where she developed the professional and personal skills that she refined into her trademark standard of excellence;

Whereas in 1968, Angela worked for President Richard M. Nixon's Inaugural Committee and in 1972, she served as the Assistant to the Chairman, and received the gavel used to convene the Republican National Convention as a token of appreciation for a job well done from Gerald R. Ford, the Republican National Committee and Republican Convention Chairman;

Whereas Angela's endearing attitude and hard work earned the respect and admiration of Anne Armstrong and the staff at the White House in 1974 and 1975;

Whereas Angela has always balanced her public service with her private life and has been married to the self-described "luckiest man in the Navy," Bob Raish, since February 8, 1947;

Whereas, her colleagues always know they have a devoted friend and confidant;

Whereas Angela is known for her love of Italy, her pride in her ancestral home in Camogli, and her affection for Lake Maggiore;

Whereas Angela is "una donna eccezionale," (an exceptional woman); the Senator's vero "braccio destro" (his right hand helper), and "La Signora Aggiestatutto per gli elettori" (Mrs. Fix-it for constituents);

Whereas Angela is a gracious hostess and accomplished cook who is going to pursue new culinary challenges in her retirement; and

Whereas all those whose lives are richer for having known Angela Raish will miss her deeply and send her warm wishes on her well-deserved retirement: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the achievements of Angela Raish and her more than 21 years of service to the Senate and Senator Domenici be honored and celebrated;

(2) the love and affection that Angela's friends and colleagues share for her be recognized; and

(3) Angela's pride in work and home be recognized as the standard to which all should aspire.

Mr. DOMENICI. Mr. President, we have just adopted a resolution paying

our respects, without any doubt in my mind, to one of the most wonderful women who has worked in the Senate, Angela Raish. She has worked in my office for 21 years. Many hundreds of people in the Senate and many thousands out in my State and around the Nation know her as one of the best women who has ever served in this institution. She served this Senator well, but in doing that, she also has helped literally hundreds of people who none of us are even aware of. We are going to pay tribute to her later in the week with an event here in the Senate, and there will be a lot of people who will come to say thank you to Angela.

I wanted to take with us to that event this resolution where the Senate recognized her 21-year effort. The resolution accurately depicts much about her life and what she has accomplished, the many outstanding jobs she has held, and obviously the longest tenure in my office working for the Senate. I thank the Senate for passing this resolution.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 513, S. Res. 193.

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

The legislative clerk read as follows:

A resolution (S. Res. 193) designating September 13, 1998, as "National Children's Memorial Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and statements relating thereto be printed in the RECORD at the appropriate place as if read.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 193) with its preamble reads as follows:

S. RES. 193

Whereas approximately 79,000 infants, children, teenagers, and young adults die each year in the United States;

Whereas the death of a child is one of the greatest tragedies suffered by a family; and

Whereas support and understanding are critical to the healing process of a bereaved family; Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 1998, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation designating December 13, 1998, as "National Children's Memorial Day" and calls on the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of infants, children, teenagers, and young adults who have died.

Mr. DOMENICI. I thank the Senate. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. GORTON. Mr. President, on behalf of the majority leader, I ask the Chair to lay before the Senate Calendar No. 440, S. 2237, the fiscal year 1999 Interior appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. GORTON. I ask unanimous consent that Bruce Evans, Ginny James, Anne McInerney, Leif Fonnesbeck, Kevin Johnson, Kurt Dodd, and Carole Geagley of the Appropriations Committee staff; Chuck Berwick and Kari Vander Stoep of my personal staff; and Hank Kashdan, Mary Ellen Mueller, and Craig Leff, detailees with the Appropriations Committee, be granted privileges of the floor during consideration of S. 2237.

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

Mr. GORTON. Mr. President, it is my pleasure to bring before the Senate the Interior and Related Agencies Appropriations Bill for Fiscal Year 1999. The bill provides $13.4 billion in discretionary budget authority for agencies and programs under the subcommittee's jurisdiction, an increase of $265 million above the FY 98 freeze level, but $660 million less than the President's budget request.

As always, putting this bill together has been a great challenge. The subcommittee received more than 2,000 individual requests from Senators regarding particular projects or programs, the majority of which were requests for additions to the President's budget request, which I have already mentioned is well in excess of the amounts available to the Subcommittee. While Senator STEVENS has been as generous with the Interior Subcommittee as I could reasonably expect him to be given the constraints of the discretionary spending caps, the subcommittee's allocation is such that the FY 1999 bill in large part continues programs at or near the current year level. There are significant, but modest, increases for a handful of high priority programs, but for the most part there are few surprises or dramatic new funding initiatives.

As Members consider whether particular programs in this bill have been treated fairly within the constraints of the subcommittee's allocation, I hope they will consider two factors. First, for the first time since Fiscal Year 1995, this bill does not mandate a sale of oil from the Strategic Petroleum Reserve to pay for the costs of operating the reserve. An oil sale at current price levels would be unwise to say the least. But the fact that this bill does not include an oil sale means that the Subcommittee had to find $155 million for operation of the Reserve that was not included in last year's base. As a consequence, the increase in the Subcommittee's allocation is effectively only $110 million above the freeze level.

The second factor of which I want my colleagues to be aware when evaluating this bill is the impact of increases in Federal pay, benefits and other fixed costs. The Interior bill as a whole is one of the most personnel-intensive of the appropriations bills, supporting tens of thousands of park rangers, foresters, Indian health professionals and other Federal workers. Each year the agencies funded in this bill must accommodate increases in pay and benefits for these workers, and similar cost increases over which the Subcommittee has no direct control. In FY 1999, these "uncontrollable costs" will amount to more than $200 million.

Lest any of my colleagues feel these costs are attributable to a bloated bureaucracy, I note that Department of the Interior staffing in Washington, D.C. is 17% below its 1993 base—despite a significant expansion since that time in the number of parks, refuges, and other Interior programs, most of which have been authorized by Congress. This 17% reduction is the second greatest among all civilian cabinet agencies. While the Subcommittee continues to seek efficiencies and to terminate wasteful programs, yearly increases in pay and related costs for core Federal employees continue to consume most or all of any increases that the Subcommittee may receive in its allocation.

Having noted two of the major factors impacting funding levels in this year's bill, I want to highlight some priority programs where we were able to provide modest—but significant—increases. The bill includes a $55 million increase for operation of the national park system, including increases over the current year level of $18 million for park maintenance, $15 million for special need parks, and $10 million for an across-the-board increase in park operations. These increases will benefit all parks, but particularly those units with severe operational shortfalls and

critical deficiencies in maintenance funding. The bill also provides a $10.6 million increase in refuge operations and maintenance, which follows a $41 million increase provided in last year's bill.

For the Forest Service, this bill places a heavy emphasis on improving accountability within the agency. A number of General Accounting Office reports and various Congressional hearings have clearly demonstrated that the Forest Service lacks the fundamental ability to account for its expenditures, and has shown a growing level of overhead and indirect expenses that corresponds with a decline in on-the-ground accomplishment. I am disturbed by these problems, but at the same time am wary of overreacting by mandating controls that may be counterproductive. I do see indications that the agency is determined to address its accountability problem.

With these considerations in mind, I have included language in the bill to require increased accountability by eliminating the general administration line item, and requiring the Forest Service to display clearly the source of funds that go to overhead and other indirect expenses. We have also consolidated three budget line items, where maintenance functions are performed along with other work, into two distinct line items where only maintenance, reconstruction and construction activities occur. I hope that actions such as this, along with commitment from top Forest Service officials, will help the agency to institute proper management controls and clean up its accountability mess.

The other major Forest Service initiative in this bill deals with the amount of timber the Forest Service will be expected to offer for sale. In 1990, the Forest Service offered for sale approximately 11 billion board feet of timber. In fiscal year 1999, the Administration proposes to offer only 3.4 billion board feet. That's a 69% reduction. Many of my colleagues know first hand the devastating effect that this reduced timber program has had on timber dependent communities. With timber growth rates far in excess of 10 billion board feet per year, it is unconscionable that the administration proposes a timber offer level of less than one-third of that amount. Accordingly, the Committee has provided additional funding, and expects the Forest Service to sell approximately 3.6 billion board feet of timber in fiscal year 1999. This amount is 200 million board feet more than proposed by the administration, but about 200 million board feet less than the fiscal year 1998 level. I also want to note that this 3.6 billion board feet figure is a correction of the 3.784 billion board feet figure incorrectly included in the Committee report.

The bill also includes $10 million for the administration's Millennium initiative for historic preservation projects of national importance. Due to the constraints of the Subcommittee's allocation and a general aversion to beginning new programs, I had not intended to provide funds for the Millennium program. But I found the Millennium program's primary advocate—the First Lady—to be very persuasive when she called me at the urging of Senator BUMPERS. I look forward to working with her to define better how these funds might be used. To balance the increase provided for historic preservation projects on a national level, the bill also includes a 20 percent $6 million increase for the existing grants-to-States program in the Historic Preservation Fund account.

The bill also includes funds for a number of specific historic preservation projects, including $3 million for the Smithsonian Institution for rehabilitation of the Star Spangled Banner. This appropriation will complement non-federal funds that have been pledged for this project by the Pew Charitable Trusts, and most recently by Ralph Lauren. The bill also provides funds to continue construction of the National Museum of the American Indian on the Mall, and to continue renovation of the John F. Kennedy Center for the Performing Arts.

For the agency that receives perhaps more attention than any other in this bill—the National Endowment for the Arts—the bill provides just over $100 million. This is precisely the same funding level as was approved by the Senate last year, but a slight increase over the final appropriation. I also note that the bill continues the several reforms that were agreed to during deliberations on the fiscal year 1998 bill, including restrictions on individual grants, subgrants, and seasonal support; limitations on total grants to any one State, and increased emphasis on arts education and programs for under served populations. With the House having voted by a substantial margin to provide level funding for the NEA, the gap to be bridged in conference will be far narrower than it was last year. The National Endowment for the Humanities is funded at $110.7 million in the Senate bill, the same as the fiscal year 1998 level.

For the Indian Programs that comprise approximately 30 percent of the Interior bill, the biggest challenge for the Committee was to attempt to fill the gaping hole left by the administration's budget request for the Indian Health Service. Facing the challenges of a deteriorating infrastructure, increasing service population growth, and a relatively high rate of inflation in the medical services sector, the Indian Health Service was nevertheless the only major Interior bill agency that did not share in the bounty of the administration's inflated budget request.

The Committee has provided a $53 million increase for the Indian Health Service, $34 million more than the budget request. This includes more than $16 million to staff newly completed health facilities—an item for which the administration inexplicably did not request funding. The amount provided also includes funds to cover a modest portion of IHS's fixed cost increases, which the administration also did not include in its budget.

To some extent the increase provided for the Indian Health Service comes at the expense of the Bureau of Indian Affairs. Although the bill does provide a $15 million increase for the Operation of Indian Programs account, the overall BIA budget is essentially flat. But even if the resources available to the Subcommittee were less constrained, I think it would be imprudent to provide a significant increase for the largest of BIA programs—Tribal Priority Allocations—until we develop a more rational means of allocating TPA funds. As it stands, some $757 million in TPA funds are distributed in a manner that ignores the relative financial health and needs of the recipient Tribes.

Though its history is difficult to trace, the current allocation system seems to have been developed piecemeal over a period of decades through a combination of departmental, tribal and congressional actions. Each of these individual actions may have made perfect sense at the time at which it was taken. But their cumulative effect has been to create a system in which a number of quite wealthy tribes receive far greater per capita TPA allocations than some of the most destitute tribes. While I cannot imagine that such a system would ever be seen as appropriate, it is almost offensive in a time when Federal appropriations are severely constrained by balanced budget requirements, and when a number of tribes are profiting quite handsomely from business ventures such as gaming.

The bill before the Senate attempts to address this inequity by mandating that the BIA identify the top 10 percent of tribes in terms of per capita tribal revenue, and directing the BIA to distribute half of the TPA payments that would have gone to those tribes to the 20 percent of tribes with the lowest per capita tribal revenue. The bill also directs BIA to develop possible formulas for the future distribution of TPA funds, and gives the Bureau authority to collect the information required to develop such formulas.

I recognize, that this is not a perfect solution. Many have expressed concerns about the manner in which funds are proposed for distribution in FY 1999, the extent to which BIA should be authorized to collect financial information from the tribes, and the degree to which tribes themselves should be involved in the reallocation process. But

few, if any, have argued that the current distribution system is either just or a wise use of taxpayer dollars. I have had extensive discussions about this issue with the Assistant Secretary for Indian Affairs, Mr. Kevin Gover, as well as with Senator CAMPBELL, Senator INOUYE and other interested colleagues. I am pleased that these discussions have resulted in alternative language that I believe will have widespread support and can be adopted as an amendment to this bill. The new language permits the wealthiest tribes to return voluntarily Tribal Priority Allocations to the BIA for redistribution to the neediest. However, the substitute language does not diminish the Federal Government's trust responsibilities or that tribe's ability to access future appropriations. In addition, the Bureau of Indian Affairs is directed to develop, within Congressionally mandated obligations, a new method for distributing TPA funds by April 1, 1999. Finally, the substitute language excludes from the redistribution plan payments made by the Federal Government in settlement of claims and judgments and income derived from lands, natural resources, or funds held in trust by the Secretary of the Interior.

Mr. President, in this bill there are a number of other legislative provisions and limitations on the use of funds about which my colleagues may have heard. The administration and its advisors in the environmental community have evidently decided to attack these provisions en masse, arguing that they represent "stealth" or "dark of night" attacks on the environment by Republicans. This tells me three things. First, the administration is reluctant to argue any one of these issues on its merits. Second, the administration has not been paying attention in any of the dozens of Congressional hearings that have been held on these issues, the vast majority of which included administration witnesses. And third, the administration is either unaware of, or is choosing to ignore, the historic oversight role of the Appropriations Committee under the leadership of both Democrats and Republicans.

There are indeed several legislative provisions and limitations on the use of funds in this year's Interior bill. There are a few more such provisions than were in the Senate version of the bill last year, but fewer than in the final FY 1997 Act. Some of the provisions have been inserted at the request of fellow Republicans. Some, such as the mining patent moratorium and the moratoria on offshore oil and gas development, are included at the request of the administration or my Democratic colleagues. These provisions are inserted in appropriations bills for one of several reasons, Mr. President. Some are included to address critical health and safety issues that require immediate attention. The King Cove road provision falls into this category. Other provisions are included because they are an integral part of the Committee's fiscal oversight role. The provision regarding distribution of TPA funds falls into this category, as does a provision in the bill that provides for the orderly termination of the overpriced and out of control Interior Columbia Basin Ecosystem Management Project.

But perhaps the single most common reason that legislative provisions and limitations on the use of funds are included in this bill is the overzealous use of regulatory powers by the executive branch without the adequate involvement of Congress or the public. This is the dynamic that has prompted any number of such provisions, from the moratoria on offshore oil and gas development that are included in this bill year after year, to the provision in this year's bill that requires a comprehensive study of regulations governing mining on public lands. If it seems that there are more limitations on the use of funds in this bill than there have been in the past, it is very likely because this administration has made a conscious decision not to engage Congress in a constructive dialogue on a whole array of critically needed reforms to insensitive land management decisions, and has instead decided to press the top-down, Washington, D.C.-knows-best agenda of its extremist environmental allies through the use of Executive orders and over broad regulatory actions that in some cases are downright insulting to me as a member of the legislative branch.

In about every case, these riders have the support of all—or a vast majority of—the members of the House and Senate in the districts and States to which they apply. Generally speaking, Members of both bodies defer to judgment of the Members affected by regional policies and issues. This administration, however, constantly demands the right to override the views of Members immediately affected, and their constituents, with a constant and pervasive "DC knows best" attitude. In any debate over these issues, I ask my colleagues to listen with care and sympathy to the Members whose constituents lives are so often arrogantly ignored by unelected bureaucrats.

If the administration or any Member of the Senate wishes to discuss or debate the merits of any individual provision in this bill, I am willing to do so. But I find it ludicrous—if not offensive—for the Administration simply to lump every provision it finds the least bit inconvenient onto one list of so-called "objectionable riders," condemn the use of such provisions as some new and nefarious practice, and to demand that all such provisions be removed under threat of a veto. I fully anticipate some give and take with the administration as this bill moves through conference, but it is not the job of the Senate simply to approve administration requests for funding and trust that it will be spent wisely and in accordance with the intent of Congress. We have plenty of experience to the contrary, both with the current and previous administrations.

Finally, I want to address an issue about which I am asked persistently, and that is the disposition of the $699 million 'special' appropriation for land acquisition included in the FY 1998 bill. My colleagues may recall that $362 million of those funds remain to be allocated to specific projects. That allocation will be made by agreement of the House and Senate committees, and will be transmitted to the administration by letter. I have had several discussions with Chairman REGULA about this issue, and hope that we—together with Senator BYRD and Congressman YATES—can agree on an allocation of at least half of these funds in the very near future. I unfortunately cannot now say exactly when this allocation will be finalized, but I am confident that it will be soon, and that we will do our best to balance the priorities of the Senate, the House and the administration.

On a personal level, I want to say one final thank you—for the record—to Sue Masica, who has for years been Senator BYRD's clerk for the Interior Subcommittee. Sue has been a tremendous resource for me and my staff, and I can say with great confidence has also been of assistance at one time or another to just about every Member in this Chamber, whether that Member knew it or not. Sue is now the Associate Director of Administration for the National Park Service, a position in which I know she will excel. I wish her the very best. I also want to recognize Sue's replacement—Kurt Dodd—and welcome him to the Committee staff.

On my personal staff, I thank Chuck Berwick, Kari Vander Stoep, and Todd Young for their many contributions to this bill. I also thank Bruce Evans, Ginny James, Anne McInerney, Hank Kashdan, Leif Fonnesbeck, Kevin Johnson, and our detailee Mary Ellen Mueller for their hard work and long hours spent on this bill. I also thank Carole Geagley and Craig Leff of Senator BYRD's staff, and Steve Cortese, Jim English and Jay Kimmitt of the full committee staff for their many courtesies and willing assistance given to me and my staff.

With that, I look forward to hearing from my friend and colleague, the Senator from West Virginia.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my distinguished colleague, the chairman of the Appropriations Subcommittee on the Department of Interior and Related Agencies. I speak in support of

the fiscal year 1999 interior appropriations bill. This is an important bill which provides for the management of our Nation's natural resources and funds research critical to our energy future. It supports the well-being of our Indian populations and protects the historical and cultural heritage of our country. I hope the Senate will move swiftly through the bill.

It has been my privilege, Mr. President, to serve as the Ranking Member for this bill at the side of our very able Chairman, the senior Senator from Washington. Senator GORTON has done an outstanding job in crafting the bill and balancing its many competing interests, and crafting the Interior bill is not an easy task. The Interior bill remains one of the most popular appropriation bills, funding a diverse set of very worthy programs and projects. The bill is full of thousands of relatively small, yet very meaningful details. Our Chairman is a master of the complexities of the bill, and it is a pleasure to work on this appropriations bill with Senator GORTON. He has treated Senators fairly and openly. This bill was put together in a bipartisan manner, and it reflects priorities identified by many Senators, by the public, and by the agencies that are charged with carrying out the programs and projects funded in the bill.

The breadth of the activities covered by the Interior bill is vast—ranging from museums to parks to hospitals to resources to research—with most of the funds being spent far away from the Capitol and far away from Washington. This bill funds hundreds of national parks, wildlife refuges, national forests, and other land management units. The bill supports more than 400 Indian hospitals and clinics and thousands of Indian students. A wide variety of natural science and energy research and technology development is funded through this bill, providing immediate and far-reaching benefits to all parts of our country and to our society as a whole.

This bill makes its presence known in every State—from the rocky coasts of Maine to the mountains of California, from the coral reefs of Florida to the farflung island territories of the Pacific, from the Aleutian Islands in Alaska to the Outer Banks of North Carolina. And the number of requests that Senator GORTON and I have received from Senators for project funding in the Interior bill numbers more than 1,400—1,400 requests for specific items. This reflects its broad impact. While it is impossible to include every request, Senator GORTON has done an admirable job of accommodating high-priority items within the allocation, an allocation that is $660 million below the President's budget request and $290 million below last year's enacted level in new spending authority. Since the bill is at its allocation, any additional funding sought by Senators will need to be offset.

Mr. President, highlights of this bill include:

A total of $233 million for land acquisition, which is $37 million below the President's request and $38 million below the level of funding included in title I and title II of last year's bill for land acquisition.

A continuing emphasis on operating and protecting our national parks. Park operation funds are increased by $55 million, including $15 million targeted for the special operations initiative, $10 million for an across-the-board increase for all parks, and $14 million for maintenance.

A total of $10 million for the President's Millennium initiative, "Save America's Treasures." In addition, specific funding for critical historical and cultural resources is contained in the normal funding categories—items such as restoration of the Star Spangled Banner at the Smithsonian Institution, presevation of Independence National Historical Park in Philadelphia, protection of buildings at the Edison National Historic Site, and stabilization and protection of the Longfellow National Historic Site.

A continuing focus on the maintenance backlog needs of the land management agencies. Specific increases include: +$6 million for BLM facilities maintenance; +$10 million for FWS refuge operations and maintenance; +$18 million for NPS maintenance; and +$13 million for Forest Service road maintenance.

A total of $155 million for the Strategic Petroleum Reserve, allowing operation of the reserve without selling any of its oil.

An increase of $45 million above the President's request for the Indian Health Services program to help cover fixed costs. The administration's budget gave no consideration to these needs for IHS.

A net increase of $35 million for energy conservation programs—including increases for weatherization assistance, the building equipment and materials program, the industry sector programs, and the transportation programs.

Mr. President, while this bill provides needed resources for protecting some of our Nation's most valuable treasures, we still have a long way to go. The agencies funded through this bill are starting to make progress towards addressing their backlog maintenance issues, thanks in great measure to the leadership of the Congress, the expansion of private-public partnerships, and the development of innovative user fees.

But we are by no means out of the woods. Many deplorable conditions remain; many important resource and research needs are unmet. We must continue our vigilance towards unnecessary new initiatives as well as unwise decreases, our support for the basic programs that provide the foundation of the Interior bill, and our careful stewardship of the resources and assets placed in our trust.

Mr. President, the chairman and manager of the bill has already stated for the record many of the salient points that are covered in the bill, many of the items, many of the programs and projects. There is no need for my repeating them here.

Lastly, Mr. President, I extend a warm word of appreciation to the staff that have assisted the chairman and myself in our work on this bill. They work as a team and serve both of us, as well as all Senators, in a very effective and dedicated manner. On the majority side, the staff members are Bruce Evans, Ginny James, Anne McInerney, Leif Fonnesbeck, Mary Ellen Mueller, and Kevin Johnson. On my staff, Sue Masica, Kurt Dodd, Craig Leff, and Carole Geagley have worked on the Interior bill this year. This team works under the tutelage of the staff directors of the full committee—Steve Cortese for the majority and Jim English for the minority.

In closing, Mr. President, I want to share my deep appreciation for the wonderful words that members of the subcommittee and full committee have spoken about Sue Masica, the minority clerk for the bill, who recently accepted a position with the National Park Service. Sue was the best of the best. She will be sorely missed by myself and by the other Senators. Her dedication, acumen, and team spirit epitomize the Senate and the appropriations process.

Mr. President, this is a good bill, and I urge the Senate to complete its action promptly. And I urge all Senators to support the bill in its final passage.

I yield the floor.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3541

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. JEFFORDS and Mr. TORRICELLI, proposes an amendment numbered 3541.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

"SEC. . Up to $10 million of funds available in fiscal years 1998 and 1999 shall be available for matching grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission. Lands or interests in lands acquired pursuant to this section shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3))."

Mr. GORTON. Mr. President, last year about this time during the debate on this bill, the Senator from New Jersey, Mr. TORRICELLI, and the Senator from Vermont, Mr. JEFFORDS, proposed an amendment to earmark certain amounts of money for the preservation and protection of Civil War battlefield sites. At that point, while as a Civil War buff I greatly sympathize with them, we didn't know where the earmark would come from. It is now possible in this bill to meet the most worthy goals of that pair of bipartisan Senators.

This amendment earmarks up to $10 million of both fiscal year 1998 and 1999 money—$10 million total—for matching grants for up to 50 percent of the total cost of any such acquisition with States and local communities and private entities based on a July 1993 report of the Nation's Civil War battlefields prepared by the Civil War Sites Advisory Commission. So it means that there will be more leverage for the acquisition of various Civil War battle sites, mostly, I think, on secondary battles.

It is a highly worthy proposal. I very much favor it. At the same time, the majority leader, feeling that the Senate absolutely needs to do its business, and because as is usual and customary, unfortunately, at the beginning of debate over appropriations bills, we don't get people down here to offer their amendments, he has asked me to move to table the amendment and to take a vote on that. Therefore, Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GORTON. Mr. President, for the moment, one of the sponsors being here, I withdraw the motion to table.

The PRESIDING OFFICER. Motion withdrawn.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment and against the motion to table. This amendment was worked on by many of us who sincerely believe that the future of this Nation must rely, to a certain extent, on our good understanding of the past and of history and of the battles that this Nation fought in its infancy—basically, the Civil War battlefields.

As we approach the next millennium, many of these battlefields are very critical in understanding the history of the Civil War. And in understanding the sacrifices made by so many Americans, Senator TORRICELLI, myself and others, with the great cooperation of the Senator from Washington, worked out a plan where we could raise a sufficient amount of money to really work with States and local governments to be able to take care of and preserve those battlefields that are so important in understanding the history of the Civil War.

So I have opposed the motion to table and support very strongly the underlying amendment.

I yield the floor.

Mr. GORTON. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3541. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. GRAMS), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. KEMPTHORNE), and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Washington (Mrs. MURRAY), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The result was announced—yeas 0, nays 83, as follows:

[Rollcall Vote No. 261 Leg.]

NAYS—83

Abraham	Durbin	Mack
Akaka	Enzi	McCain
Allard	Faircloth	McConnell
Ashcroft	Feingold	Mikulski
Baucus	Ford	Moynihan
Bennett	Frist	Murkowski
Bingaman	Glenn	Nickles
Bond	Gorton	Reed
Boxer	Graham	Reid
Breaux	Gramm	Robb
Brownback	Grassley	Roberts
Bryan	Hagel	Rockefeller
Bumpers	Harkin	Roth
Burns	Hatch	Sarbanes
Byrd	Helms	Sessions
Campbell	Hutchinson	Shelby
Cleland	Inhofe	Smith (NH)
Coats	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
D'Amato	Kyl	Thurmond
Daschle	Levin	Torricelli
DeWine	Lieberman	Warner
Domenici	Lott	Wellstone
Dorgan	Lugar	

NOT VOTING—17

Biden	Hollings	Leahy
Chafee	Hutchison	Moseley-Braun
Dodd	Kempthorne	Murray
Feinstein	Kennedy	Santorum
Grams	Landrieu	Wyden
Gregg	Lautenberg	

The motion to lay on the table the amendment (No. 3541) was rejected.

Mr. GORTON. Mr. President, as I said, this was in the nature of a vote that was appropriate for a Tuesday afternoon. I am very much in favor of this amendment. I do not believe there is any further debate on the amendment. I trust the President will put the question.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3541) was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I have a series of amendments that we may be able to deal with soon, none of which will be particularly controversial. The Senator from Tennessee, Mr. THOMPSON, does have a different subject to which he would like to speak shortly. I intend to defer to him on that.

But the important message to all of our colleagues, the message in effect given by this last vote, is this is an important appropriations bill. It is, in fact, controversial. We have a list of perhaps 60 amendments that are likely to come up on it at one point or another. Members should, I hope, be prepared to come to the floor of the Senate with those amendments and have them considered in an orderly fashion under which there is a reasonable amount of time for debate rather than to crowd them up against the end of the debate on this bill.

It may very well be that later on in the afternoon we will have an amendment on this bill on an entirely different and very controversial subject,

which will then essentially take us off of the Interior bill. Before that takes place, however, the managers of the bill would be very pleased to deal with amendments that relate to the bill itself. I ask Members to come to the floor with those amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for 10 minutes.

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

Mr. THOMPSON. I thank the Chair.

(The remarks of Mr. THOMPSON pertaining to the introduction of S. 2445 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMPSON. Thank you, Mr. President. I yield the floor.

Mr. GORTON. Mr. President, I hope within a few minutes to have a few corrective amendments to offer to the bill, but seeing no one with an amendment on the floor at the present time, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I have spoken to the subcommittee Chair who is managing the appropriations bill that is now on the floor and have asked him if it is all right if I speak in morning business for a few minutes. If someone comes to the floor with an amendment on this bill, if he will signal to me, I will certainly discontinue so he may continue making progress on the bill.

I want to speak about the agriculture crisis briefly, and I ask unanimous consent to speak for 10 minutes as if in morning business.

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

AGRICULTURE CRISIS

Mr. DORGAN. Mr. President, we have a number of things to complete and to discuss and debate in the coming 5 or 6 weeks before this Congress finishes its work. Many of them are very important. The work of the Appropriations Committee in getting the appropriations bills done on a timely basis is critically important. All of us understand that. I am here today to talk about one specific issue that must be addressed. It is an issue that must be addressed on an urgent basis by this Congress before it completes its work in the 105th Congress. The issue is the farm crisis that exists in rural America.

I come from a rural State, the State of North Dakota, which is the size of 10 Massachusetts in landmass. It has 640,000 residents, and 40 to 50 percent of our State's economy comes from agriculture, and our system of family farming. I have spoken on the floor at some length about the problems and challenges we face these days.

In the last year, family farmers in our State suffered a 98-percent drop in net farm income. Yes, I said a 98-percent loss of their net income. Now, these are families who have elected, for a variety of reasons, to populate rural America. They own a farm. They raise livestock. They till the soil and produce grain. They produce America's foodstuffs. They take enormous risks, often with very few rewards. They live out in the country and they turn that yard light on at night, and that illuminates a family out there somewhere living on the land trying to make a living.

What is happening these days in the Farm Belt is that grain prices have collapsed, and livestock prices are way down. These family farmers who have risked everything they have and invested it in their hopes and dreams in making this family farm work, are now all too often standing with tears in their eyes as their farm is being sold at an auction sale.

This country will lose something important if it loses its family farmers. I suppose we could farm America from California to Maine with giant agrifactories. We could have big corporate farms and a farming system where nobody lives on the land and there are no yard lights because nobody is there at night. Do we want corporate agrifactories farming America? This country will have lost something very important in its culture and in its economy if we lose our family farmers. And, we will lose them if we don't decide as a Congress to take action soon.

Congress needs to tell farmers that this nation wants to help them through these troubled time. We need to build a bridge across these price valleys, when grain prices, cattle prices and hog prices collapse. We want to help. But, if we don't do that soon, we won't have many farmers left.

This isn't about Democrats and Republicans, or conservatives and liberals; it is about values and whether we in this Congress believe that family farming contributes to this country. I consider myself a Jeffersonian kind of Democrat. A Jeffersonian Democrat is somebody who really believes in broad-based economic ownership in this country, and who believes that the political freedoms we enjoy in this country could not exist without economic freedom. Such freedom comes only with broad-based economic ownership. It does not come with concentration, nor with big corporations, but with broad-based ownership in which the men and women of America are out there investing in farms and small businesses. Nowhere is that broad-based economic ownership more important and more apparent to the economic health of this country than on America's farms and ranches.

I was in a Quonset building a couple of days ago in North Dakota. It was in the evening and there was a picnic out on the farmstead. Farmers from all around the county came. About 100 folks gathered there. This young fellow who owned this farm hadn't finished taking off his grain. He had been trying hard, but he hadn't gotten it all off the field yet. As we were in this Quonset hut at this picnic, the clouds began to form out in the west. First they were blue and then almost black. Those clouds came in as part of a vicious, vicious storm. It came with a vengeance with wind, hail, rain. Inside that Quonset, it sounded almost like war as the huge hailstones were hitting that steel roof, making a loud, echoing sound together with the pelting rain.

I watched those farmers in that Quonset building look at those clouds. I started to understand what that storm meant when tears welled up in their eyes and they were shaking their heads. Some of these farmers knew that storm was probably wiping them out, destroying their crop, and probably destroying their hope to get something off of those fields and get it to the market and pay some bills.

Those are the risks our farmers face. Two years ago, the Congress passed the farm bill. I didn't vote for it. I didn't think it was a good farm bill. In the last 2 years, wheat prices have dropped 57 percent, right off the table. This is critical to us because wheat is the largest cash crop in North Dakota that the family farmers raise. In addition to wheat prices collapsing on us, we have also had the worst crop disease in the century. The most damaging is known as fusarium head blight or scab. So we have had crop diseases, together with the wet cycle that has fostered these diseases, a collapse in prices, and we have had auction sales all across the State. Family farmers are wondering whether they can continue. Their lenders are saying, "I don't think you can continue because the farm bill Congress passed has decreasing support prices in the out years, and it doesn't look good. Maybe you ought to get out now and save whatever little equity you can." That is the position farmers now find themselves in too often in rural America.

So the question for us is what should we do about it? In July this Senate passed a bill that included $500 million in what is called an indemnification program. Senator CONRAD and I authored that, along with Senator CRAIG and others. That bill is now going into conference committee with the House. We need to get that bill through to try

to get some short-term help to family farmers. The indemnification program will have to be increased because of other disaster situations. The Texas cotton crop was devastated. Louisiana, Oklahoma, and other States now face an increasing crisis in family farming and in agriculture.

In addition to that bill, it seems to me the Congress has a responsibility now to reach out to family farmers and say: "We made a mistake a couple years ago. We need to build back some sort of price support program for you. We don't want to tell you when to plant, or how to plant, or what to plant. We don't want to do that. But we want to say that you matter and we care about family farmers, and we want to provide some basic kind of price bridge to get you over these price valleys."

We only have a couple of weeks to do that. I find it disturbing that in our economic system that almost everyone who touches something that a farmer grows or produces is making money with it. Farmers buy the seed and they buy the equipment to plant the seed. They put the fertilizer in the ground. They hope it doesn't hail, and that the insects don't come. They hope it doesn't rain too much. And, they hope it rains enough. Then maybe they get a crop. When they harvest the crop, they hope when they put it in the truck and drive it to the elevator, they will get a decent price for it. Any problem along the way may mean they are gone, broke, and out of business.

Let's assume that farmer gets through the year and harvests the grain and gets a dismal price for it. That is what is happening right now. What happens to this harvest? Somebody puts it on a train and they put it on those tracks and down the tracks it goes. And guess what? The railroads are making money. Do you think they aren't making money off that wheat? The farmer who planted and harvested it didn't, but the railroads are making money, I suspect record profits. Then it goes to a miller. The millers are doing fine. They are making money. Then it goes to some plant someplace where they are going to make breakfast food out of it. They take that kernel of wheat and put it into a plant and they puff it up. They make puffed wheat. They put it in a box and send it to a store and somebody buys the puffed wheat. They are making money off it. The people who move it, the people who puff it and crisp it, and the people who sell it in a store make money. Everyone makes money except the people who produced it. The family farmers don't make money from their harvests. They are going broke. What kind of a system is that?

Speaking of disconnections in the system, let's look further at our food system. We have a system that doesn't make sense. As farmers go broke we have circumstances where halfway around the world today, we hear that old women are climbing trees in Sudan trying to find leaves to eat because they are on the abyss of starvation. Millions are starving.

At the very same time an old woman is climbing a tree to get leaves to eat in Sudan, a farmer is loading a 2-ton truck to take to the country elevator, and when they get there, the elevator operator says, "We're sorry, this wheat isn't worth anything; the market has collapsed. This wheat doesn't have value." What kind of a disconnection is that? In the same world, halfway around the globe, people are starving and those who produce the best foodstuffs in the world are told it doesn't have value. There is something wrong with that picture as well.

My hope is that in the coming 4 or 5 weeks, Republicans and Democrats will understand that it is our responsibility as a country to say to that this most important sector, the agriculture sector, matters. We need to especially tell our family farmers that they matter and that we are going to make a difference by passing a price support mechanism of some type that gives them a chance to survive.

Let me add one final piece to this.

In addition to saying that price supports will be available when prices collapse and we want family farmers to survive, this Congress also ought to do something to help family farmers survive by saying we will correct the problems in the trade agreements that we have negotiated over recent years that have been to the detriment of family farmers.

Almost no one wants to hear my recitation of the trade problems because they have heard it so often.

We send negotiators to go to negotiate with Canada, and we have an $11 billion trade deficit with Canada. They finish the negotiations, bring the treaty back to Congress, Congress passes the treaty, and the trade deficit doubles. They send negotiators to go negotiate with Mexico. That is done. They send it to Congress, and Congress approves it—not with my vote—and a surplus turns into a big deficit. They send negotiators to go out and negotiate a GATT agreement. The same thing: Record trade deficits.

Mr. President, there is something wrong.

Mr. President, there is something dreadfully wrong when our family farmers and other producers in this country—but especially family farmers—are told: "You compete in the open market. It is a global economy. You go compete." And our negotiators somehow fail to suit up. I don't think it should be necessary for our negotiators to wear a jersey reminding them for whom they are negotiating. But, somehow they should be reminded. Maybe we ought to have our negotiators wear a jersey like they wear in the Olympics that says "USA" just so they understand whom they represent. Maybe the next time they bring a trade treaty back to the U.S. Senate they can bring one back that serves our economic interest. We need trade agreements that are not driven by foreign policy, but instead are guided by hard-nosed economic policy that represents our economic interests.

Now we are told that in the next week or so we are going to have fast-track trade authority brought to the floor of the Senate. Good luck. This fast track is going to do more of the same trade stuff that got us into this trouble. Not with my vote. I intend to stand here and object to every single thing that is asked and every single thing that is requested to get fast track to the floor of the Senate. I am only one person. I probably can't stop it. But I can sure slow it down some. I fully intend to do that.

I have something to say to those folks who are so all-fired anxious to bring fast-track trade authority back to the floor of the Senate based on the package already reported out of the Senate Finance Committee. If you are so anxious to talk about trade, why don't you figure out how to deal with the problems created in our previous trade agreements. Before you start trying to figure out how you send people over to do new trade treaties with other countries, fix a few of the problems. Fix the problems with Canada. Tell our farmers why a flood of Canadian grain can come across in this direction, and a pickup truck with a few kernels gets stopped at the Canadian border, and they have to sweep the few kernels off because you can't take a few kernels of wheat into Canada. Tell our farmers how that is free trade. It is not. Fix those trade agreements before you come to us talking about more fast-track trade agreements.

I just want to say this to the majority leader and others. If you think this place is going to move quickly, trying to bring fast track to the floor of the Senate is a sure fire way of slowing down the proceedings of the Senate. I guarantee it. Fast track will not solve the farm crisis. It is the farm crisis that has to be our priority in the remaining few weeks of this session.

I hope very much that we can agree on a bipartisan basis on the need and the urgency to address the farm crisis. I hope that we can do that on a bipartisan basis. Farmers don't get up in the morning or go to bed at night as Republicans or Democrats. They don't care with respect to their long-term economic survival whether it is a Republican or a Democratic plan. They care about whether it is a plan that works. They need a plan that says to them that we care about them and their future.

I hope that all of us who come from farm country and who represent rural

America can join together and decide to do something meaningful, something real, and something that really does help family farmers before we adjourn this 105th Congress.

I wanted to make those comments because in the next week or so I expect there will be amendments offered once again on the floor of the Senate dealing with farm price supports that need to be passed. I will also be involved in the Appropriations Committee in conference with the House to move forward with the $500 million indemnification program which Senator CONRAD and I and others authored and that we have already passed through the Senate. And we may be working on other issues as well, including the trade issue that I just described.

Mr. President, let me thank the Senator from Washington for allowing me to make some interim comments. I noticed I wasn't interrupted. I guess that means no one showed up to offer an amendment on his Interior bill.

Let me also say that I am a member of the Appropriations Committee and a member of the subcommittee. I very much respect his leadership. I think he does an excellent job with this piece of legislation. I say that because tomorrow I intend to offer an amendment that I hope he will perhaps accept. But I thank him again for allowing me the time to interrupt the legislation on the floor.

Mr. President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll to determine the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 3543 THROUGH 3553, EN BLOC

Mr. GORTON. Mr. President, I send a group of amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and others, proposes amendments numbered 3543 through 3553, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3543

(Purpose: Strikes Section 333 of the Senate bill and inserts in lieu thereof a modification to Section 343 of Public Law 105–83, concerning fees charged for recreation residence fees charged on the Sawtooth National Forest)

On page 134, strike lines 21–25, and insert in lieu thereof the following:

SEC. 333. In the second proviso of section 343 of Public Law 105–83, delete "1999" and insert "2000" in lieu thereof.

AMENDMENT NO. 3544

(Purpose: To subject certain reserved mineral interests to the Mineral Leasing Act)

On page 74, after line 20, add the following:

SEC. . LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding section 4 of Public Law 88–608 (78 Stat. 988), the Federal reserved mineral interests in land conveyed under that Act by United States land patents No. 49–71–0059 and No. 49–71–0065 shall be subject to the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.).

(b) ENTRY.—

(1) IN GENERAL.—A person that acquires a lease under the Act of February 25, 1920 (30 U.S.C. 181 et seq.) for the interests referred to in subsection (a) may exercise the right of entry that is reserved to the United States and persons authorized by the United States in the patents conveying the land described in subsection (a) by occupying so much of the surface the land as may be required for purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals.

(2) CONDITION.—A person that exercises a right of entry under paragraph (1), shall, before commencing occupancy—

(A) secure the written consent or waiver of the patentee; or

(B) post a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to ensure—

(i) the completion of reclamation pursuant to the requirements of the Secretary under the Act of February 25, 1920 (30 U.S.C. 181 et seq.); and

(ii) the payment to the surface owner for—

(I) any damage to a crop or tangible improvement of the surface owner that results from activity under the mineral lease; and

(II) any permanent loss of income to the surface owner due to loss or impairment of grazing use or of other uses of the land by the surface owner at the time of commencement of activity under the mineral lease.

(c) EFFECTIVE DATE.—In the case of the land conveyed by United States patent No. 49–71–0065, this section takes effect January 1, 1997.

AMENDMENT NO. 3545

(Purpose: To make technical corrections to Sec. 332 of the bill regarding the removal of economically viable commercial wood products prior to initiating burning activities)

On page 134, line 16, insert between the words "burning" and "until" the following: "on lands classified in the national forest land management plan as timber base"

On page 134, line 18, insert between the words "remove" and "all" the following: "from the proposed burn area,"

On page 134, line 19, delete the words "from the proposed burn area." and insert the words "that would otherwise be consumed by fire."

AMENDMENT NO. 3546

(Purpose: To make technical corrections to Sec. 328 of the bill regarding authority for the Forest Service to independently acquire a general ledger system)

On page 131, line 12, insert between the words "a" and "system" the following word: "ledger"

On page 131, line 13, delete the word "information".

On page 131, line 19, insert after the word "Appropriations" the following: "and authorizing committees."

AMENDMENT NO. 3547

(Purpose: To make technical correction to Sec. 339 of the bill regarding a prohibition on timber purchaser road credits)

On page 145, strike lines 22 and 23, and insert the following in lieu thereof: "roads constructed by the timber purchaser, caused by variations in quantities, changes or modifications subsequent to the sale of timber made in accordance with applicable timber sale contract provisions, then".

And on page 147, line 24, strike the words "appraised value" and insert the following in lieu thereof: "estimated cost".

And on page 148, strike lines 15 through 22 and insert the following in lieu thereof:

"thereafter) upon the earlier of—

"(A) April 1, 1999; or

"(B) the date that is the later of—

"(i) the effective date of regulations issued by the Secretary of Agriculture to implement this section; and

"(ii) the date on which new timber sale contract provisions designed to implement this section, that have been published for public comment, are approved by the Secretary.".

And on page 149, line 3, strike the coma after the word "date" and insert the following in lieu thereof: "shall remain in effect, and".

AMENDMENT NO. 3548

(Purpose: Clarifies how the Forest Service is to conduct public involvement related to management of fixed climbing anchors in wilderness areas)

On page 134, line 8, delete Sec. 331, lines 8–14, and insert the following in lieu thereof:

SEC. 331. The Forest Service shall rescind its decision prohibiting the use of fixed anchors for rock climbing in wilderness areas of any National Forest. No decision to prohibit the use of such anchors in the National Forests shall be implemented until the Forest Service conducts a rulemaking to develop a national policy on the proper management of fixed climbing anchors.

AMENDMENT NO. 3549

Beginning on page 41 of the bill, line 21, following "That", strike all the language through page 42 line 5 and insert the following: "notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the accountholder."

AMENDMENT NO. 3550

On page 16, line 13, strike "the report accompanying this bill:" and insert in lieu thereof "Senate Report 105–56:".

AMENDMENT NO. 3551

On page 32 of S. 2237, line 22, strike "funds." and insert the following: "funds:

Provided further, That the sixth proviso under Operation of Indian Programs in Public Law 102–154, for the fiscal year ending September 30, 1992, (105 Stat. 1004), is hereby amended to read as follows: '*Provided further*, That until such time as legislation is enacted to the contrary, no funds shall be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without consultation with the Cherokee Nation.'."

AMENDMENT NO. 3552

(Purpose: Modifies Section 125 to correct and clarify legal description of land to be conveyed to the town Pahrump, Nevada)

On page 62, strike lines 6 through 13 and insert the following in lieu thereof:

Beginning on line 5, following the words "without consideration" insert: ", subject to the requirements of 43 U.S.C. 869, all right title and interest of the land subject to all valid existing rights in the public lands located south and west of Highway 160 within Sections 32 and 33, T. 20 S., R. 54 E., Mount Diablo Meridian."

AMENDMENT NO. 3553

(Purpose: Adds requirements in Forest Service administrative provisions for charging indirect expenses to permanent and trust funds)

Strike line 25 on page 88 and lines 1 through 4 of page 89. Interest the following in lieu thereof:

"House of Representatives and Senate;

"(1) Proposed definitions for use with the fiscal year 2000 budget for overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units that are not directly related to the accomplishment of specific work on the ground;

"(2) A recommendation of the amount of funds, in accordance with definitions under (1), which are appropriate to be charged to the Reforestation, Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and the Salvage Sale funds; and

"(3) A plan to incrementally adjust expenditures under (2) to this recommended level no later than September 30, 2001:

"*Provided further*, That the Forest Service".

On page 89, strike line 18 and insert the following in lieu thereof: "budget allocation. Changes to funding levels, for appropriated funds, permanent funds and trust funds, and".

Mr. GORTON. Mr. President, I ask unanimous consent that as and when these amendments are adopted, they be considered as original text for the purpose of further amendment, should a Senator desire to do so.

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

Mr. GORTON. Mr. President, these are primarily a set of rather small and technical amendments. The first one, for Senator CRAIG, strikes section 333 regarding recreation residence fees and modifies section 343 of last year's bill on that subject. It is more modest than the section 333 that it strikes.

The second amendment by the distinguished occupant of the Chair subjects certain reserved mineral interests to the Mineral Leasing Act.

The next set of amendments, all of which carry my name, are a technical fix to section 332 on prescribed burning operations; a technical amendment to section 328 on the authority given to the Forest Service to acquire independently a general ledger system; a technical change to section 339 on the prohibition of the use of timber purchaser road credits; a technical change to section 331 on Forest Service regulations on the use of fixed climbing anchors; a technical change on the financial statements from the Office of Special Trustee, this at the administration's request; a technical correction on reprogramming procedures; an amendment to the BIA language relating to other tribes taking land into trust from within the boundaries of the original Cherokee territory; a proposal by Senator REID on the BLM modifying section 125 to correct and clarify the legal description of lands to be conveyed; and one of my own relating to the Forest Service, a technical correction regarding accounting for indirect expenses.

As I said, Mr. President, these tend to perfect sections that are included in the bill and under my unanimous consent request will be subject to further amendment if any Member desires to do so just as if they were a part of the original bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 3543 through 3553) were agreed to en bloc.

PRIVILEGE OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that Walter Dunn, a fellow working in Senator BINGAMAN's office, be accorded privilege of the floor during the pendency of S. 2237.

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

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to determine the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BENNETT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk continued with the call of the roll.

Mr. DASCHLE. Mr. President, I renew my request.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection? Hearing none, it is so ordered.

Mr. DASCHLE. Mr. President, I have no intention of offering an amendment at this time. As I understand it, we are waiting for Senator MCCAIN to come to the floor to offer an amendment on campaign finance reform. I hope we could have that debate sometime this afternoon.

I hate to see time pass without having the opportunity to talk about the array of issues that are pending before this body. Obviously, campaign finance reform is a matter of great concern to many Senators on both sides of the aisle, and I know Senator MCCAIN and Senator FEINGOLD have indicated their desire to offer an amendment, as I understand it, this afternoon. Senator LOTT, now, has expressed a desire to have a vote on campaign finance reform at some point this week. Given Senator LOTT's pessimism about its chances for passage, I assume that he believes that he has the necessary votes to defeat the amendment, or to defeat a move to bring cloture on the amendment this week.

I will tell you, it will not be the last vote we have on campaign finance reform, because we will offer it again and again. Whether it is Senator FEINGOLD and Senator MCCAIN or others, I think it important that we ultimately have a vote on the issue itself.

While we wait on that particular vote and that debate, which I hope will take place sometime soon, I call attention also to the other amendments we wish to offer.

We will be offering an amendment on the Patients' Bill of Rights. We believe it is essential that we have the opportunity to come to closure on that important issue as well. It has passed in the House, as has campaign finance reform. They are both now pending in the Senate. We have indicated a willingness to take up the Shays-Meehan bill as it exists, pass it, and send it on for signature.

We are not quite prepared to do the same on the Patients' Bill of Rights. We think we can improve on the House-passed bill, and having that debate is very important.

In addition to that, we will be offering a series of amendments, as we have noted in the past, on agriculture. I have just returned from South Dakota with a similar impression as others who have returned from their home States about how serious the situation is and how problematic it is becoming for an increasing number of our producers. We will offer an amendment to increase the loan rate. I hope on a bipartisan basis we can support that.

We will offer an amendment to provide storage payments to farmers so they are not forced to sell their grain now.

We will be offering an amendment to provide for loan deficiency payments for corn silage, something farmers are so desirous of having simply because

they are forced to sell grain that is absolutely worthless right now. At least silage will give them an opportunity to feed their livestock.

We will be offering other amendments, because we don't believe there is any other choice.

Mr. President, one could make the argument that with all of this work to be done, we simply can't consider running the Senate in a business-as-usual fashion. We have to take into account the end of the session, the plethora of legislative needs that are out there, and the agenda that places before us.

So we will be offering a proposal. Our proposal is really pretty simple. Our proposal is that we approach the legislative schedule between now and the end of the session in two shifts; that we take the first shift to address the appropriations bills and some of the array of issues that the majority leader has considered scheduling. As I understand it, we will have a vote tomorrow on missile defense. We will have the bankruptcy bill and other bills.

But then we propose a second shift. Beginning early in the evening and going until whatever time it takes each night, we would dedicate the Senate to the needs that we haven't addressed and the array of issues that the majority leader says we don't have time for. We do have time for them if we make time. We do have time for them if we actually engage in what businesses do all the time. If they want to increase production, they go to a second shift.

The time has come for us to increase production. The time has come for us to recognize that we can't consider the Senate agenda in the remaining time that we have available in a business-as-usual fashion. We have yet to pass a budget. Unbelievable as it may be, regardless of what the law requires, our Republican leadership has renounced the law, has abdicated their responsibilities, and has concluded that they somehow can violate the requirements of the law and not pass a budget resolution. I am not sure how you do that. I am not sure of the legal implications of doing it. But if we are not going to address a budget resolution simply because, as the leadership has noted, we don't have time, then, again, our solution, our suggestion, is that we make time.

Let's consider a second shift. Let's consider working overtime. Let's consider doing what we must, as any business, as any manager, would do. With all the work that is before us, let us consider doing what we must and putting in the hours to resolve these issues and complete our work before the end of the session.

Mr. President, it is really not very complicated. If we work until a certain time as if we were going to adjourn, then move to the second shift and take up the second agenda, we can complete our work. As I understand it, things like this have been done before, and it is time we do it now. We have very few days left. Less than 6 weeks from now, the Senate is anticipating adjournment. We simply can't adjourn without having addressed and passed campaign finance reform. We can't adjourn without having addressed and passed a Patients' Bill of Rights. We simply can't adjourn without having addressed and passed an array of tools to provide agriculture with the ability to survive.

All the issues I have mentioned, and many others, beg our consideration and demand our attention. I hope we can address them in a way that will accommodate the needs of both parties and caucuses and the expectations of the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. BENNETT. I ask unanimous consent that Jason McNamara, Catharine Cyr, Angela Ewell-Madison, Mike Heeb, and Amanda Lawrence of Senator BOB GRAHAM's staff have floor privileges for the duration of the consideration of the Interior appropriations bill.

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

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3554

(Purpose: To make an amendment to reform the financing of Federal elections)

Mr. MCCAIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, Mr. THOMPSON, Ms. SNOWE, Ms. COLLINS, and Mr. JEFFORDS, proposes an amendment numbered 3554.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MCCAIN. Mr. President, I appreciate the cooperation of the majority leader in bringing this amendment up. I see my friend from Kentucky on the floor. I look forward to vigorous debate in the next couple of days. I know that the majority leader is going to file a cloture motion. I believe it is important that we bring this issue again before the Senate since the House of Representatives obviously acted on this issue.

I do want to point out that the majority leader has assured me we will have 2 full days of debate on this, which will mean a cloture vote sometime late Thursday afternoon. I appreciate that. I hope that we will on this occasion prevail. I again look forward to a vigorous debate on this issue.

I yield the floor.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending campaign finance reform amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending campaign finance reform amendment.

Trent Lott, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Wayne Allard, Rod Grams, Larry E. Craig, Kay Bailey Hutchison, James M. Inhofe, Richard S. Lugar, Mitch McConnell, Jeff Sessions, Rick Santorum, Don Nickles, Dan Coats, and Lauch Faircloth.

Mr. LOTT. Mr. President, I ask consent that no further amendments be in order to the Interior appropriations bill prior to the cloture vote.

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

Mr. LOTT. I ask consent the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Thursday, September 10. We will have a consultation as to exactly what time. I presume it will be late in the afternoon. All Members will be notified as to the exact time of this cloture vote as soon as the time becomes available.

I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BENNETT. Mr. President, I recognize that under the order established by the unanimous consent agreement of the majority leader there would be no further amendments to the Interior bill until after the McCain-Feingold bill has been dispensed with one way or the other.

However, I ask unanimous consent that that consent notwithstanding, there be an opportunity to discuss another amendment.

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

AMENDMENT NO. 3555

(Purpose: To amend Section 343 regarding modifications to dams on the Columbia and Snake Rivers)

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. GORTON, proposes an amendment numbered 3555.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 152, line 7, strike all through line 3 on page 154 and insert in lieu thereof the following:

"SEC. 343. Unless specifically authorized by Congress or with the consent of licensees for dams licensed by the Federal Energy Regulatory Commission, a Federal or State agency shall not require, approve, authorize, fund or undertake any action that would remove or breach any dam on the Federal Columbia River Power System or any dam on the Columbia or Snake Rivers or their tributaries licensed by the Federal Energy Regulatory Commission or diminish below present operational plans the Congressionally authorized uses of flood control, irrigation, navigation and electric power and energy generating capacity of any such dam."

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 3555) was agreed to.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BENNETT. Mr. President, I again ask unanimous consent that notwithstanding the order regarding amendments that one additional amendment may be considered.

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

AMENDMENT NO. 3556

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. GORTON, proposes an amendment numbered 3556.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike Section 129 of Senate bill 2237 and add the following in the nature of a substitute:

Section 129. (a) In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

(b) The Bureau of Indian Affairs shall develop alternative methods to fund TPA base programs in future years. The alternatives shall consider tribal revenues and relative needs of tribes and tribal members. No later than April 1, 1999, the BIA shall submit a report to Congress containing its recommendations and other alternatives. The report shall also identify the methods proposed to be used by BIA to acquire data that is not currently available to BIA and any data gathering mechanisms that may be necessary to encourage tribal compliance. Notwithstanding any other provision of law, for the purposes of developing recommendations, the Bureau of Indian Affairs is hereby authorized access to tribal revenue-related data held by any Federal agency, excluding information held by the Internal Revenue Service.

(c) Except as provided in subsection (d), tribal revenue shall include the sum of tribal net income, however derived, from any business venture owned, held, or operated, in whole or in part, by any tribal entity which is eligible to receive TPA on behalf of the members of any tribe, all amounts distributed as per capita payments which are not otherwise included in net income, and any income from fees, licenses or taxes collected by any tribe.

(d) The calculation of tribal revenues shall exclude payments made by the Federal Government in settlement of claims or judgments and income derived from lands, natural resources, funds, and assets held in trust by the Secretary of the Interior.

(e) In developing alternative TPA distribution methods, the Bureau of Indian Affairs will take into account the financial obligations of a tribe, such as budgeted health, education and public works service costs; its compliance, obligations and spending requirements under the Indian Gaming Regulatory Act; its compliance with the Single Audit Act; and its compact with its state.

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

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

The amendment (No. 3556) was agreed to.

Mr. BENNETT. Mr. President, I ask unanimous consent that it be in order to offer another amendment.

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

AMENDMENT NO. 3557

(Purpose: To provide for the transfer of additional funds to the Energy Conservation account)

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] for Mr. GORTON proposes an amendment numbered 3557.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Starting on page 91, line 23, strike all through the colon on page 92, line 3, and insert in lieu thereof the following:

"For necessary expenses in carrying out energy conservation activities, $678,701,000, to remain available until expended, including, notwithstanding any other provision of law, $64,000,000, which shall be transferred to this account from amounts held in escrow under section 3002(d) of Public Law 95-509 (15 U.S.C. 4501(d)):";

At the end of Title III, add the following new section:

SEC. . Section 3003 of the Petroleum Overcharge Distribution and Restitution Act of 1986 (15 U.S.C. 4502) is amended by adding after subsection (d) the following new subsection:

"(e) Subsections (b), (c), and (d) of this section are repealed, and any rights that may have arisen are extinguished, on the date of the enactment of the Department of the Interior and Related Agencies Appropriations Act, 1999. After that date, the amount available for direct restitution to current and future refined petroleum product claimants under this Act is reduced by the amounts specified in title II of that Act as being derived from amounts held in escrow under section 3002(d). The Secretary shall assure that the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among the claimants.";

On page 2, line 13, strike "$600,096,000" and insert in lieu thereof the following: "$603,396,000";

On page 5, line 20, strike "$15,650,000" and insert "$16,650,000";

On page 11, line 1, strike "$624,019,000" and insert in lieu thereof the following: "$631,019,000";

On page 12, line 21, strike "$48,734,000" and insert in lieu thereof the following: "$50,059,000";

On page 13, line 8, strike "$62,120,000" and insert in lieu thereof the following: "$63,370,000";

On page 17, line 12, strike "$1,288,903,000" and insert in lieu thereof the following: "$1,298,903,000";

On page 17, line 25, strike "$48,800,000" and insert in lieu thereof the following: "$50,800,000";

On page 18, line 25, strike "$210,116,000" and insert in lieu thereof the following: "$217,166,000";

On page 19, line 3, insert the following after the ":": *Provided further*, That "$500,000 may be derived from the Historic Preservation Fund for the Hecksher Museum:",

On page 19, line 17, strike "$88,100,000" and insert in lieu thereof the following: "$90,075,000";

On page 22, line 10, strike "$772,115,000" and insert in lieu thereof the following: "$773,115,000";

On page 22, line 18, strike "$154,581,000" and insert in lieu thereof the following: $155,581,000";

On page 30, line 2, strike "$1,544,695,000" and insert in lieu thereof the following: "$1,555,295,000";

On page 30, line 21, strike "$50,588,000" and insert in lieu thereof the following: "$52,788,000";

On page 75, line 6, strike "$212,927,000" and insert in lieu thereof the following: "$214,127,000";

On page 75, line 13, strike "$165,091,000" and insert in lieu thereof the following: "$168,091,000";

On page 77, line 5, strike "$353,840,000" and insert in lieu thereof the following: "$358,840,000";

On page 96, line 25, strike "$1,888,602,000" and insert in lieu thereof the following: "$1,893,602,000";

On page 98, line 16, strike "$170,190,000" and insert in lieu thereof the following: "$175,190,000".

Mr. BENNETT. Mr. President, this amendment provides funding for a wide array of programs throughout the Interior bill, predominantly to meet requirements such as fixed cost increases in maintenance, the $60 million offsets derived from excess funds held in escrow pursuant to the Petroleum Overcharge Distribution and Restitution Act. These funds are in excess of the funds projected to be required to pay any restitution pursuant to the act.

I ask unanimous consent that a more detailed description of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Amendment provides for the following:

Additional $2.3 million for fixed costs increases in the Bureau of Land Management. Funding at this level will provide approximately 75% of the agency's requested uncontrollables. The agency will continue to be expected to find efficiencies to offset the remainder of the request.

Additional $1 million for wilderness management in the Bureau of Land Management, which increases this activity to the FY 98 level ($300,000 below Administration request). Funds will address routine wilderness management responsibilities.

Additional $5 million for fixed costs increases in the Fish and Wildlife Service. Funding at this level will provide approximately 50% of the agency's requested uncontrollables. The agency will continue to be expected to find efficiencies to offset the remainder of the request.

Additional $10 million for Park Service maintenance.

Additional $3 million for the Bureau of Indian Affairs to address the probate backlog for Individual Indian Money accounts. Consistent with BIA's strategic goal to address the title backlog, which is the subject of several lawsuits. The cost of dealing with the total backlog is estimated at over $12 million, according to most recent figures, available only after President's budget was released. The additional funds over FY98 funding of $573,000 will hire temporary staff, provide overtime to existing staff and provide funds to self-governance tribes to research about 300 backlogged estates of about 1,300 total. This funding will fully meet Administration request and is $2 million over the House mark.

Additional $2.2 million for support related to the Cobell v. Lujan litigation. The elimination of backlogs is a component of the Trust Management Improvement Project overseen by the Office of the Special Trustee.

Additional $3.5 million for BIA law enforcement for Law Enforcement in Indian Country initiative.

Additional $1.7 million for Bureau of Indian Affairs environmental cleanup. The EPA is threatening BIA with fines related to remediation of underground storage tanks. In addition, BIA is trying to perform an environmental audit related to tanks and open dumps.

Additional $2 million for Stewardship Incentives Program in the Forest Service to equal the Administration request. Reflects strong interest in this program by numerous senators. Will improve the overall survivability of the program in light of the House action to provide no funding.

Additional $1 million for Forest Legacy program in the Forest Service to equal Administration request. Reflects strong interest in this program by numerous senators. The additional funds will further support efforts to obtain management easements for especially sensitive properties of significant national interest.

Additional $4 million for Forest Service road maintenance, reflecting Committee's commitment to address the severely deteriorating Forest Service infrastructure by increasing the amount of roads being maintained to planned standards. This will be of significant value in reducing erosion and damage which is harmful to watersheds within the national forests and adjacent lands.

Additional $5 million for Indian Health Service contract support. The Administration flat-lined Contract Support at $168 million, and the House and Senate figures are already above that level, with House at $195 million and Senate at $170 million. However, reality is that shortfall is estimated to be upwards of $90 million in total ($33 million for FY98 alone). The additional funding would still be short of House amount but is better than Administration request.

Additional $500,000 each for the Wheeling National Heritage Area, the South Carolina National Heritage Corridor, and the Augusta Canal National Heritage Area in the Park Service, National Recreation and Preservation account.

Additional $1 million for the heating and cooling system at the U.S. Geological Survey Leetown Science Center.

Additional $500,000 for land acquisition at the Ohio River Islands National Wildlife Refuge.

Additional $1,000,000 for the Forest Service for a multi-state cooperative noxious weeds research program.

Additional $1 million for BLM land acquisition at the Santa Rosa Mountains National Scenic Area.

Additional $1 million for construction of a visitor center at the White River National Wildlife Refuge.

Additional $1,975,000 for land acquisition at Cumberland Island National Seashore.

Additional $200,000 for the Bureau of Indian Affairs for a job placement assistance program operated by the United Sioux Tribes Development Corporation.

Additional $1 million for the Forest Service construction account for the Institute of Pacific Islands Forestry.

Additional $325,000 for reconstruction at the North Attleboro National Fish Hatchery.

Additional $750,000 for land acquisition at the Tensas River National Wildlife Refuge.

Additional $500,000 for the recently authorized National Underground Railroad program in the Park Service.

Additional $1 million for the Fish and Wildlife Service for the Clark County, NV Habitat Conservation Plan.

Additional $1 million for demonstration of modular fuel cells at no more than ten Department of Energy facilities.

Additional $200,000 for Spartina grass research by the Forest Service.

Additional $500,000 for the Park Service Hecksher museum renovation.

Additional $2.25 million for the Park Service for the construction of the Blue Ridge Parkway Visitors Center.

Additional $1 million for the Park Service for construction at the Black Archives & Research Center at Florida A&M University.

Additional $1 million for the Fish and Wildlife Service for habitat restoration in the Black River, a tributary to the Coosa River.

Additional $3.3 million for rehabilitation of the Acadia National Park water and sewer system.

Mr. BENNETT. Mr. President, I ask unanimous consent that this amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 3557) was agreed to.

Mr. MCCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth annual legislation which provides federal funding for all of the agencies within the Department of the Interior, the Indian Health Service and several forestry programs. Many of the programs funded within this bill are vital to the preservation of our National Parks and to protect our precious natural resources.

I regret that I must again come forward this year to object to the $351.8 in additional spending above the budget request included in this bill and its accompanying report. This is an improvement over last year's FY 98 Interior appropriations bill, which contained $584.6 million in pork-barrel spending. However, $351.8 million is still an unacceptable amount of money to spend on low-priority, unrequested, wasteful projects. In short, Congress must curb its appetite for such unbridled spending. The multitude of unrequested earmarks buried in this proposal will undoubtedly further burden the American taxpayers. I ask unanimous consent that this list of objectionable provisions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN THE FY '90 INTERIOR APPROPRIATIONS BILL

BILL LANGUAGE

An earmark of $2,082,000 to Alaska to assess the mineral potential of public lands.

An earmark for unspecified funds to the Wichita Mountains Wildlife Refuge for maintenance of a herd of long-horned cattle.

An earmark of $2,000,000 to unspecified communities in southern California for planning associated with the National Communities Conservation Planning program.

An earmark of $1,000,000 to Ohio for acquisition of the Howard Farm near Metzger Marsh.

An earmark of $550,000 to New York for repair and rehabilitation of the Susan B. Anthony House in New York State.

An earmark of $2,000,000 to Virginia City Historic District for construction, improvements and repair/replacement of physical facilities.

An additional $97,921,000 above the budget request for the Navajo Indian Irrigation Project.

An earmark of $350,000 to Alaska for equipment support and training for southern region fireland protection.

The Committee states 80% of unspecified funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts be allocated to the state of Washington, directly to the WA State Department of Fish and Wildlife for projects on National Forest land.

The Committee directs unspecified funds to be available for payments to counties within the Columbia River Gorge National Scenic Area in Washington State.

The Committee requires compliance with all "Buy America" provisions.

The Committee stipulates that the Forest Service and the Federal Highway Administration earmark $15,000,000 for the State of Utah for construction of the Trappers Loop connector road for preparation of the 2002 winter Olympics.

The Committee directs the Secretary to acquire the Elwha Project and Glines Canyon Project in the State of Washington for a purchase price of $29,500,000.

REPORT LANGUAGE

TITLE I—DEPARTMENT OF THE INTERIOR: LAND AND WATER RESOURCES

BUREAU OF LAND MANAGEMENT: MANAGEMENT OF LAND AND RESOURCES

The Committee requests an additional $500,000 for Alaska minerals programs for the minerals at risk program which includes funding for data base, depository, and storage facilities and additional funds for development of a single graphical claims information system for both Federal and State claims.

The Committee provides an additional $500,000 for an airborne geophysical survey and geologic mapping of Federal lands in southeast Alaska to be conducted in consultation with the State of Alaska.

The Committee requests an additional $1,798,000 for Alaska conveyance.

The Committee has recommended $750,000 for the cadastral survey program to support the Montana cadastral mapping project.

CONSTRUCTION

An earmark of $1,000,000 for the planning and construction of facilities to service the Grand Staircase-Escalante National Monument.

An earmark of $2,000,000 for construction at Pompeys Pillar in Montana.

An earmark of $1,022,000 for construction of Coldfoot multi agency facility in Alaska.

FISH AND WILDLIFE AND PARKS

U.S. FISH AND WILDLIFE SERVICE: RESOURCE MANAGEMENT

The Committee requests an additional $900,000 for the National Conservation Training Center located in West Virginia.

An earmark of $400,000 for Alabama sturgeon conservation efforts.

An earmark of $560,000 for Iron City, UT, habitat conservation plan.

The Committee requests an additional $100,000 for the Middle Rio Grande Bosque Consortium.

The Committee requests an additional $500,000 for Partners for Fish and Wildlife to research Washington salmon enhancement.

An earmark of $500,000 for Hawaii Endangerment Species Act community conservation programs.

The Committee requests $1,250,000 for Washington State regional fisheries enhancement groups, including the Long Live the Kings and Hood Canal salmon enhancement groups. Of this amount, $750,000 is allocated to the Washington Department of Fish and Wildlife in the form of a block grant to support the continued volunteer efforts of the Regional Fisheries Enhancement Program. Also included is $300,000 for Long Live the Kings salmon recovery efforts and $200,000 for Hood Canal salmon recovery efforts.

The Committee recommends $950,000 for the Reno biodiversity initiative.

The Committee requests an additional $200,000 for the development of an environmental assessment and supporting management plan for the proposed Darby Prairie National Wildlife Refuge in Ohio.

An earmark of $404,000 to study the decline of sea otters in the Aleutian chain and possible role of contaminants; a clinic to educate and test the uses of steel shot by hunters in western Alaska in order to encourage the use of steel shot in lieu of lead shot; and a Yukon River Salmon Treaty educational campaign to inform better Yukon River residents of the treaty requirements and to aid their communication with the Yukon River panel and other agencies.

An earmark of $358,000 for Ouray National Fish Hatchery in Utah.

An earmark for $30,000 for the Alaska region ballast water initiative to monitor the introduction of new species in Prince William Sound from tankers originating from outside Alaska.

An earmark for $90,000 for the Alaska Nanuuq Commission.

An earmark of $161,000 for the Eskimo Walrus Commission.

An earmark for $1,000,000 for the State of Alaska for initiative with Russia involving cooperative agreement on wildlife and habitat for shared migratory species.

CONSTRUCTION

An earmark for $2,760,000 for Alaska Maritime National Wildlife Refuge, AK.

An earmark of $550,000 for Bear River National Wildlife Refuge, UT.

An earmark of $185,000 for Deep Fork National Wildlife Refuge, OK.

An earmark of $700,000 for Discovery Center, Kansas City, MO.

An earmark of $250,000 for Hanalei National Wildlife Refuge, HI.

An earmark of $500,000 for Montana State University, Montana: wildlife disease biocontainment facility.

An earmark of $2,000,000 for Mississquoi National Wildlife Refuge, VT.

An earmark of $250,000 for Silvia O. Conte National Wildlife Refuge, NH.

An earmark of $1,200,000 for Upper Mississippi National Wildlife Refuge, IA.

An earmark of $70,000 for White Sulphur Springs National Fish Hatchery, WV.

LAND ACQUISITION

The Committee recommends an increase of $1,620,000 above the budget request, and earmarks the entire $62 million appropriation for various locality specific projects.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The Committee recommends an increase of $17,000,000 above the budget request to the State of Washington for salmon and steelhead recovery efforts related to the Endangered Species Act requirements.

NATIONAL PARK SERVICE OPERATION OF THE NATIONAL PARK SYSTEM

An earmark for $280,000 for a partnership with the National Lewis and Clark Bicentennial Council for national and regional planning and development of educational resources, and $320,000 for technical assistance and interpretive planning.

NATIONAL RECREATION AND PRESERVATION

An earmark of $750,000 for Alaska Native Cultural Center.

An earmark of $100,000 for the Aleutian World War II National Historic Area.

An earmark of $1,000,000 for Mandan On-a-Slant Village.

An earmark of $500,000 for Sewall-Belmont House.

An earmark of $400,000 for Vancouver National Historic Reserve.

An earmark of $1,000,000 for the Wheeling National Heritage Area.

An earmark of $100,000 for the Women's Rights National Historic Trail.

An earmark of $500,000 for Ravenna Creek restoration.

An earmark of $250,000 to continue the Lake Champion Program.

An earmark of $150,000 for ongoing support of the Vermont/New Hampshire Joint River Commissions.

An earmark of $100,000 to Essex National Heritage Area.

An earmark of $100,000 to Ohio & Erie Canal National Heritage Corridor.

An earmark of $100,000 to the Steel Industry American Heritage Area.

NATIONAL PARK SERVICE CONSTRUCTION

An earmark for $1,000,000 for Blackstone River Valley National Heritage Corridor, RI-MA.

An earmark for $1,200,000 for C&O Canal National Historic Park, MD to relocate visitor center.

An earmark of $300,000 for Central High School, AR for planning and development.

An earmark of $200,000 for the Charleston School District, AR for interpretive exhibits.

An earmark of $1,570,000 for Chickasaw National Recreation Area, OK for the Point campground.

An earmark of $2,300,000 for Congaree Swamp National Monument, SC for construction of an access road.

An earmark of $507,000 for Edison National Historic Site, NJ for rehabilitation.

An earmark of $200,000 for Fort Sumter National Monument, SC for rehabilitation.

An earmark of $1,300,000 to Harpers Ferry National Historical Park, WV for stabilization of structures and flood recovery.

An earmark of $3,000,000 for Hispanic Cultural Center, NM.

An earmark of $1,000,000 to Hovenweep National Monument, UT for design and construction of a visitor-administrative facility.

An earmark of $3,000,000 to Katmai National Park and Preserve, AK for visitor use facilities.

An earmark of $10,000,000 to the National Constitution Center, PA for design, engineering and construction.

An earmark of $411,000 to New Jersey Coastal Heritage Trail, NJ for exhibits.

An earmark of $575,000 for the New River Gorge National River, WV for rehabilitation, day labor, and parkway support.

An earmark of $550,000 to Quinault Visitor Center, North Fork Recreation Area in Olympic National Park, WA.

An earmark of $2,000,000 for planning and design, removal of Elwha Dam in Olympic National Park, WA.

An earmark of $390,000 for San Antonio Missions National Historical Park for preservation of historic buildings.

An earmark of $2,400,000 for Seward interagency to complete design and initiate construction.

An earmark of $1,120,000 for Sitka National Historic Site, AK to rehabilitate priest's quarters and old school house.

An earmark of $2,000,000 for Statue of Liberty National Monument and Ellis Island, NY–NJ for rehabilitation.

An earmark of $968,000 for Ulysses S. Grant National Historic Site, MO to restore and stabilize main house and related structures.

An earmark of $1,500,000 to for Vicksburg National Military Park, MS to rehabilitate monuments and facilities.

The Committee understands $19,200,000 will be allocated from the Federal Lands Highway Program for construction of Natchez Trace Parkway in MS.

An earmark of $100,000 for Bear Paw National Battlefield for preliminary design of visitor facilities.

An earmark of $100,000 for Golden Gate National Recreation Area to evalute the feasibility and desirability of preserving and interpreting sites.

ENERGY AND MINERALS

SURVEYS, INVESTIGATIONS AND RESEARCH

The Committee recommends $1,000,000 for coal availability studies earmarked for WV, OH, PA, KY, IL, IN, WY, CO, UT, NM, and MT.

An earmark of $1,250,000 to continue coastal erosion studies in SC and GA.

An earmark of $2,000,000 to continue the minerals-at-risk program in Alaska.

An additional $100,000 for Salton Sea research.

An additional $1,000,000 for clean water and watershed restoration includes funds for research in risk health in the Chesapeake Bay.

An earmark of $1,000,000 for incinerator replacement at the USGS National Wildlife Health Center, located in Madison, HI.

An earmark of $3,422,000 to meet uncontrollable costs at the USGS National Wildlife Health Center, located in Madison, WI.

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

An earmark of $600,000 for the Mississippi Marine Minerals Resource Center program to support exploration and sustainable development of seabed minerals.

An earmark of $900,000 for the Offshore Technology Resource Center, a partnership between the University of Texas at Austin and Texas A&M University to study the technical, safety and environmental challenges of offshore drilling.

INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

An earmark of $1,500,000 to raise base funding of small and needy tribes in Alaska.

An additional $500,000 for the United Tribes Technical College (UTTC).

GENERAL PROVISIONS: DEPARTMENT OF THE INTERIOR

An earmark of $350,000 for equipment support and training to the primary manager of the southern region of fireland management protection in Alaska prior to expenditure of any funds otherwise reimbursable for such support and training.

TITLE II—DEPARTMENT OF AGRICULTURE

FOREST AND RANGELAND RESEARCH

An earmark for $300,000 for Renewable Resource Institute, University of Washington study.

An earmark for $300,000 for the Fairbanks lab.

An earmark for $600,000 for a forest conditions study by the Renewable Resource Institute at the University of Washington.

An earmark for $600,000 for a landscape management project to be conducted by Forest Service visualization experts located at the University of Washington Center for Streamside Studies, the Northwest Indian Fisheries Commission, the Pacific Northwest Research Station of the Forest Service, the U.S. Fish and Wildlife Service, and the Washington Department of Fish and Wildlife.

STATE AND PRIVATE FORESTRY

An additional $150,000 for the Vermont forest monitoring cooperative.

An earmark of $90,000 to assist the Vermont fire task force in working with rural communities to install dry hydrants for providing reliable source of water.

An earmark of $500,000 for the Hawaii forests and communities initiative to support efforts to develop Hawaii forest products and provide assistance to displaced workers.

An earmark of $3,500,000 to the Northeast-Midwest rural development through forestry program.

An earmark of $200,000 to the northeastern area to retain current level funding to assist the Hardwoods Training Center in Princeton, WV.

An earmark of $200,000 to assist the Skamania County for preparation costs related to exchange of the Wind River Nursery land.

An earmark of $600,000 for economic assistance in southeast Alaska pertaining to restoration of the Sheldon Jackson College.

An earmark of $2,000,000 to the borough of Ketcikan to participate in a cooperative study of determine feasibility and dynamics for the manufacture of veneer products from southeast Alaska.

An earmark of $1,950,000 for erosion control in the Paseo del Canon Drainage Channel in Taos, NM.

An earmark of $2,500,000 for the Forest Service, State and private forestry, to assume lead responsibility for implementing a restructuring of the Hardwoods Technology Center in Princeton, WV.

An earmark of $1,000,000 for the Pacific Northwest assistance base program.

An earmark of $3,000,000 for Gray's Harbor, WA to assist in restoration of infrastructure facilities and to assure continued operation of the local forest products industry.

NATIONAL FOREST SYSTEM

An earmark of $500,000 for the White Mountain National Forest in Maine and New Hampshire from the funds recommended for revision of its land management plan.

An additional $64,000 is provided for old growth habitat mapping and terrestrial ecosystem classification and inventory on the Monongahela National Forest.

An earmark of $550,000 for the State of Alaska to cooperate in the monitoring of the Forest Service's implementation and management of the Tongass land management plan, and to assure compliance with its requirements.

An additional $142,000 for the Monongahela National Forest for wildlife and fisheries habitat management.

An earmark of $500,000 to address noxious weed issues on the Okanogan and Colville National Forests.

An earmark of $400,000 to assist ranchers in NM at constructing water and fence improvements required by recent settlements negotiated by the Forest Service concerning livestock grazing.

An earmark of $714,000 for administration of timber removal from lands involved in the Gallatin II land exchange.

An earmark of $2,000,000 for the Grand Mesa, Uncompahgre, Gunnison, and White River National Forest aspen program.

An earmark of $181,000 for specific watershed restoration projects on the Monongahela National Forest.

An earmark of $100,000 for a watershed improvement needs inventory on the Clearwater National Forest.

An earmark of $465,000 for counterdrug operations on the Daniel Boone National Forest.

An earmark of $500,000 to establish, equip, house, and train a native American fire preparedness and suppression cadre to be located on the Black Hills National Forest.

RECONSTRUCTION AND CONSTRUCTION

An earmark of $8,000,000 for construction of a forestry research facility at Auburn University.

An earmark of $4,000,000 for construction of the Franklin County Lake Dam on the Homochitto National Forest.

An earmark of $1,300,000 for construction of recreation facilities in Utah for the 2002 winter Olympics.

An earmark of $125,000 for installation of additional water and electrical facilities at individual horse campsites at the Winding Stair Mountain National Recreation and Wilderness Area.

An earmark of $320,000 for replacement of toilet facilities in the Ouachita National Forest.

An earmark of $20,000 for construction of a boat launch facility at Bead Lake on the Colville National Forest.

An earmark of $200,000 for reconstruction of a water system at the Spring Mountains National Recreation Area.

An earmark of $475,000 for reconstruction at the Fletcher View Campground in the Spring Mountains National Recreation Area.

An earmark of $854,000 to facilitate access to blowdown timber at the Routt National Forest.

An earmark of $68,000 for vegetation management work along the Talimena Scenic Byway in Oklahoma.

An earmark of $720,000 for watershed improvements associated with soil and road erosion on the Monongahela National Forest.

An earmark of $750,000 for construction of the Taft Tunnel Bicycle Trail.

An earmark of $275,000 for trailhead relocation on the Routt National Forest associated with significant storm damage.

An earmark of $183,000 to complete construction of the Tahoe Rim Trail and Trailhead.

An earmark of $270,000 for construction of the Harriman Trail in the Sawtooth National Recreation Area.

An earmark of $500,000 for the Continental Divide Trail.

An earmark of $76,000 for construction of foot bridges on the Cedar Lake Trail of the Winding Stair Mountain National Recreation and Wilderness Area.

An earmark of $2,600,000 for construction of trails in the vicinity of Ketchikan, AK.

LAND ACQUISITION

The Committee recommends an additional $10,965,000 for this account, and earmarks the entire account $67.022 million for various locality-specific projects.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The Committee directs no less than $250,000 to promote research on computational tools used by the Alaska Division of Geological and Geophysical Surveys to determine the viability of coal bed methane as a fuel source in rural Alaska.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICES

An earmark of $5,612,000 for the first-year costs associated with the Alaska Federal Health Care Partnership's 4-year project to develop an Alaskawide telemedicine network to provide access to health services and health education information in remote areas of Alaska.

An additional $12,000 for Alaska immunization program.

INDIAN HEALTH FACILITIES

An earmark of $13,900,000 to continue construction of the Hopi Health Center in Polacca, AZ.

Committee directs the Indian Health Service not to use any funds provided to close the IHS facility providing emergency services in Wagner, SD.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION: SALARIES AND EXPENSES

Earmark for $150,000 for additional costs that will result from implementation of the Panama Canal Treaty at the Smithsonian Tropical Research Institute.

Earmark for $8,000,000 for expenses associated with equipping and staffing the NMAI Cultural Resources Center in Suitland, MD.

Total Earmarks: $351,804,000.

Mr. McCAIN. Many of the programs within this proposal are meritorious and do deserve funding. However, should American taxpayers foot the bill for rural and economic development programs solely benefitting the State of Alaska? My colleagues have generously included unrequested funding for $1,000,000 to study mineral resources-at-risk in Alaska under the Bureau of Land Management's budget, as well as including $2,000,000 for the same minerals-at-risk program in Alaska under the U.S. Geological Survey budget. The earmarks do not stop there as $3,000,000 is directed to build visitor use facilities in the Katami National Park and Preserve. The panel has also afforded the borough of Ketchikan $2,000,000 to participate in a cooperative study to determine the feasibility of manufacturing veneer products from southeast Alaska.

Certainly the home state of the Committee's esteemed Chairman is not the only beneficiary of pork-barrel spending. My colleagues have seen to it that the State of Utah will have the funds to build an access road to venues for the winter Olympic Games in 2002. Calling it a "necessity" in their report, the Committee funnels $15,000,000 toward the completion of Trapper's Loop Road. In addition, Utah is also slated to receive $1,300,000 to build recreation facilities for the 2002 Games. What is even more egregious is that these funds are directed to be transferred to Utah before the remaining funding can be dispersed to states for other projects.

This bill is weighed down by dozens of other wasteful projects which clearly have skirted the public review process, and in many cases do not serve the greater national interest. For example, why must we expend $500,000 of taxpayer dollars on noxious weed issues for the Okanogan and Colville national forests? Or to replace toilet facilities at a price of $320,000 in the Ouachita National Forest? While the American people are proud of their national heritage and history, is it fair to ask them to pay $10,000,000 for a new National Constitution Center in Pennsylvania?

Mr. President, I do not enjoy coming forth each year for every appropriation bill to decry wasteful spending, but I believe the American taxpayers deserve to know where their hard earned dollars will be spent. Sadly, this bill continues the practice of loading up important spending measures with unnecessary and wasteful pork-barrel projects. I hope that we can restore the faith of the American people in our federal government by honoring our responsibility to them by applying judicious deliberation to our budget process.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4250

Mr. DASCHLE. Mr. President, I had noted earlier today that I hoped we could consider a new strategy, or a new way with which to accommodate the growing array of legislative needs that we, as a caucus, and the Senate need to address. I had intended at some point today to offer a unanimous consent request. I will do so, and then I will speak to it in a moment.

At this time I ask unanimous consent that when the Senate completes its consideration today of the Interior appropriations bill, it turn to consideration of Calendar No. 505, the House-passed HMO reform bill, and that the bill become the pending business every day thereafter upon completion of legislative business. I further ask unanimous consent that the bill be limited to relevant amendments.

Mr. BENNETT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, or longer if they obtain consent.

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

TAKE BACK THE NIGHT ALLIANCE

Mr. FORD. Mr. President, I rise today to honor the efforts of the Take Back The Night Alliance, an organization in the metropolitan Louisville, Kentucky area that is working to end a problem that affects us all in one way or another: violence against women. On Thursday, September 10, as part of Sexual Assault Awareness and Domestic Violence Awareness months, the Alliance will for the first time in its nine-year history kick off a month-long series of events that will create a greater awareness of the attitudes, beliefs and behaviors that perpetuate these specific kinds of crimes.

The statistics of domestic violence are sobering, and I'll give you just a brief sampling here:

A woman is physically abused every nine seconds in the United States.

In Kentucky alone, 80,000 women were victims of domestic violence in 1997.

One out of four females will be sexually assaulted before they reach the age of 18.

For every rape, 10 others go unreported.

Husbands and boyfriends commit 13,000 acts of violence against women in the workplace every year.

The total healthcare costs of family violence are estimated at $44 million each year.

Take Back The Night rallies have been held throughout the United States since 1978. In Louisville, the National Organization for Women has been the organizing force for this event for the past nine years, but over 200 civic organizations, government agencies and businesses have joined this year to sponsor a wide range of activities drawing attention to the problems faced by women who are victims of domestic violence, rape and sexual assault. One group will collect previously owned business clothing for abused women returning to the workforce. Another will sponsor safety and prevention workshops in area hospitals and

companies. And yet another will provide materials on date rape and sexual assault to be placed in bars and in women's restrooms.

Louisville and Jefferson County have been recognized as leaders in the field of domestic violence, and I am heartened by the strong outpouring of support that the Take Back the Night Alliance has received from the community. We all know that such success does not happen by accident, and I would like to commend the Alliance leaders for their dedicated efforts to ease the plight of women who are victims of domestic violence, sexual assault and rape.

NATIONAL JEWISH MEDICAL RESEARCH CENTER

Mr. CAMPBELL. Mr. President, today I pay tribute to the National Jewish Medical Research Center in Denver, Colorado, which has recently been recognized by U.S. News and World Report as the top-ranked Respiratory Hospital in the United States. The work of National Jewish is close to my heart because I watched my mother struggle with tuberculosis throughout her lifetime. She lived and worked in a sanatorium for many years, making it difficult for her to care for my sister and me.

In the late 1800s, Denver's elevation and abundant sunshine made it a mecca for people with tuberculosis. National Jewish treated only patients with tuberculosis until the 1950s, when antibiotics brought the disease under control. The hospital then turned its attention to asthma. Allergies which can develop into asthma, bronchitis, and sinus infections, now attack some 40 million people, double the number 25 years ago. Twice as many people, 15 million, have asthma now, too, at a cost of $6.2 billion a year in missed work and school, in medications and hospital visits.

Today, National Jewish is a world-class institution, a global leader in the research and treatment of lung, allergic and immune diseases. It is ranked as the number one private institution for immunology research in the world and as one of the top 10 independent research institutions of any kind in the world. Tremendous breakthroughs in understanding respiratory disease are taking place in Denver.

Not only is National Jewish recognized world-wide for its research, it is also known for its considerable philanthropic activities in the health care community. Until the mid-1960s, patient care was funded entirely through philanthropy. Today, the hospital continues to provide a significant amount of free and subsidized care to those unable to afford total treatment costs.

Founded in 1899 as a nonsectarian, non-profit hospital for tuberculosis patients, National Jewish enters the 21st century as the only facility in the world dedicated exclusively to pulmonary disorders. It is one of Colorado's treasures. Next year it will celebrate its 100th year of giving health and hope to people suffering from pulmonary diseases.

Today, I want to commend National Jewish on the rich history of patient care and research given to Colorado, to congratulate them on being recognized as the top-ranked Respiratory Hospital in America, and to wish them well as they celebrate the 100th anniversary in 1999.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 4, 1998, the federal debt stood at $5,547,400,016,580.17 (Five trillion, five hundred forty-seven billion, four hundred million, sixteen thousand, five hundred eighty dollars and seventeen cents).

One year ago, September 4, 1997, the federal debt stood at $5,413,849,000,000 (Five trillion, four hundred thirteen billion, eight hundred forty-nine million).

Twenty-five years ago, September 4, 1973, the federal debt stood at $458,627,000,000 (Four hundred fifty-eight billion, six hundred twenty-seven million) which reflects a debt increase of more than $5 trillion—$5,088,773,016,580.17 (Five trillion, eighty-eight billion, seven hundred seventy-three million, sixteen thousand, five hundred eighty dollars and seventeen cents) during the past 25 years.

CONGRATULATIONS TO ALISON AND PARKER BANKS CELEBRATING THEIR FIRST BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Alison Spencer Banks and Parker James Banks on the anniversary of their first birthday. It was one year ago today that their parents, Sarah and John, were blessed with the gift of life, times two. Alison and Parker will see a much different world in their lifetime, than either myself or my colleagues have witnessed in theirs. Alison and Parker will have to meet the demands of an "information" based culture and economy.

As people of freedom reach for opportunity and achieve greatness, our nation prospers. A government that lives beyond its means and reaches beyond its limits violates our basic liberties, and the nation suffers.

All of us assembled here in the United States Senate on this Fourth Day of September must keep in mind that the decisions we make today will shape the world that Alison, Parker, and their peers will inherit tomorrow. As elected leaders, we must teach them the values of our great democracy.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3682. An act to amend title 18, United States Code, to prohibit taking minors across State lines to avoid law requiring the involvement of parents in abortion decisions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 2440. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–300).

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1380. A bill to amend the Elementary and Secondary Education Act of 1965 regarding charter schools (Rept. No. 105–301).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes (Rept. No. 105–302).

S. 1408. A bill to establish the Lower East Side Tenement National Historic Site, and for other purposes (Rept. No. 105–303).

S. 1990. A bill to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas (Rept. No. 105–304).

S. 2039. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail (Rept. No. 105–305).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2109. A bill to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes (Rept. No. 105–306).

S. 2232. A bill to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes (Rept. No. 105–307).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2276. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail (Rept. No. 105–308).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2228. A bill to amend the Federal Advisory Committee Act (5 U.S.C. App.) to modify termination and reauthorization requirements for advisory committees, and for other purposes (Rept. No. 105–309).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 2317. A bill to improve the National Wildlife Refuge System, and for other purposes (Rept. No. 105–310).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1333. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges (Rept. No. 105–311).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1665. A bill to reauthorize the Delaware and Lehigh Navigation Canal National Heritage Corridor Act, and for other purposes (Rept. No. 105–312).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2129. A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park (Rept. No. 105–313).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2440. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2441. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for Ms. MOSELEY-BRAUN):

S. 2443. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the public safety and community policing program and to encourage the use of school resource officers under that program; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 2444. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building"; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself, Mr. NICKLES, Mr. CRAIG, Mr. THURMOND, Mr. HUTCHINSON, Mr. COVERDELL, and Mr. KEMPTHORNE):

S. 2445. A bill to provide that the formulation and implementation of policies by Federal departments and agencies shall follow the principles of federalism, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 2446. A bill to stop illegal drugs from entering the United States, to provide additional resources to combat illegal drugs, and to establish disincentives for teenagers to use illegal drugs; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 2447. A bill to require the Secretary of Agriculture, in consultation with the heads of other agencies, to conduct a feasibility and cost-benefit study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. HARKIN, and Ms. LANDRIEU):

S. 2448. A bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes; to the Committee on Small Business.

By Mr. CLELAND:

S. 2449. A bill to amend the Controlled Substance Act relating to the forfeiture of currency in connection with illegal drug offenses, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 272. A resolution recognizing the distinguished service of Angela Raish; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2441. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

THE CENTRAL AMERICAN AND CARIBBEAN REFUGEE ADJUSTMENT ACT OF 1998

• Mr. DURBIN. Mr. President, today I introduce the Central American and Caribbean Refugee Adjustment Act of 1998. This legislation will provide deserved and needed relief to thousands of immigrants from Central America and the Caribbean who came to the United States fleeing political persecution.

In the 1980's, thousands of Salvadorans and Guatemalans fled civil wars in their countries and sought asylum in the United States. The vast majority had been persecuted or feared persecution in their home countries. The people of Honduras had a similar experience. While civil war was not formally waged within Honduras, the geography of the region made it impossible for Honduras to be unaffected by the violence and turmoil that surrounded it. The country of Haiti has also experienced extreme upheaval. Haitians for many years were forced to seek the protection of the United States because of oppression, human rights abuses and civil unrest.

Salvadorans, Guatemalans, Haitians and Hondurans have now established roots in the United States. Some have married here and many have children that were born in the United States. Yet many still live in fear. They cannot easily leave the United States and return to the great uncertainty in their countries of origin. If they are forced to return, they will face enormous hardship. Their former homes are either occupied by strangers or not there at all. The people they once knew are gone and so are the jobs they need to support their families. They also cannot become permanent residents of the United States, which severely limits their opportunities for work and education. This situation is unacceptable and requires a more permanent solution.

Before outlining how this bill will provide a permanent solution, it is important to review the evolution of deportation remedies. Prior to the passage of the Illegal Immigration Reform and Responsibility Act in 1996, aliens in the United States could apply for suspension of deportation and adjustment of status in order to obtain lawful permanent residence. Suspension of deportation was used to ameliorate the harsh consequences of deportation for aliens who had been present in the United States for long periods of time.

In September of 1996, Congress passed the Illegal Immigration Reform and Responsibility Act. This law retroactively made thousands of immigrants ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of the date of the initial notice charging the applicant with being removable.

In 1997, this Congress recognized that these new provisions could result in grave injustices to certain groups of people. So in November of 1997, the Nicaraguan and Central American Relief Act (NACARA) granted relief to certain citizens of former Soviet block countries and several Central American countries. This select group of immigrants were allowed to apply for permanent residence under the old, pre-IIRRA standards.

Such an alteration of IIRRA made sense. After all, the U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. The complex history of civil wars and political persecution in parts of Central America left thousands of people in limbo without a place to call home. Many victims of severe persecution came to the United States with very strong asylum cases, but unfortunately these individuals have waited so long for a hearing they will have difficulty proving their cases because they involve incidents which occurred as early as 1980. In addition, many victims of

persecution never filed for asylum out of fear of denial, and consequently these people now face claims weakened by years of delay.

Mr. President, the bill I introduce today is a necessary and fair expansion of NACARA. It provides a permanent solution for thousands of people who desperately need one. Specifically, the bill amends the Nicaraguan Adjustment and Central American Relief Act and provides nationals of El Salvador, Guatemala, Honduras and Haiti an opportunity to apply for adjustment of status under the same standards as Nicaraguans and Cubans. While the restoration of democracy in Central America and the Caribbean has been encouraging, the situation remains delicate. Providing immigrants from these politically volatile areas an opportunity to apply for permanent resident status in the United States instead of deporting them to politically and economically fragile countries will provide more stability in the long run. Such an approach is the best solution not only for the United States but also for new and fragile democracies in Central America and the Caribbean. Immigrants have greatly contributed to the United States, both economically and culturally and the people of Central America and the Caribbean are no exception. If we continue to deny them a chance to live in the United States by deporting them, we not only hurt them, we hurt us too.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2441

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central American and Caribbean Refugee Adjustment Act of 1998".

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM CENTRAL AMERICA, CUBA, AND THE CARIBBEAN.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note) is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS." and inserting "NATIONALS FROM CENTRAL AMERICA, CUBA, AND THE CARIBBEAN.";

(2) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(3) in subsection (d)(1)(A), by striking "Nicaragua or Cuba;" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti;".

SEC. 3. CONFORMING AMENDMENTS TO TRANSITION RULES.

(a) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION.—Section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note), as amended by section 203 of the Nicaraguan Adjustment and Central American Relief Act, is amended by striking subclauses (I) through (V) and inserting the following:

"(I) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Rumania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia;

"(II) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in subclause (I); or

"(III) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if—

"(aa) the alien parent has been determined to be described in this subclause (I); and

"(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990.".

(b) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note) is amended by striking "subclauses (I), (II), (III), and (IV)" and inserting "subclauses (II) and (III)".•

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2442. A bill to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Finance.

REPEAL OF LIMITATION ON FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX

• Mr. D'AMATO. Mr. President, today I introduce a bill with my friend and colleague, Senator MOYNIHAN, that would eliminate a fundamental unfairness in the application of the U.S. tax law to taxpayers that have income from foreign sources.

A U.S. citizen or domestic corporation that earns income from sources outside the United States generally is subject to tax by a foreign government on that income. The taxpayer also is subject to U.S. tax on that same income, even though it is earned outside the United States. Thus, the same income is subject to tax both in the country in which it is earned and in the United States.

However, the United States allows taxpayers to treat the foreign taxes paid on their foreign-source income as an offset against the U.S. tax with respect to that same income. This offset is accomplished through the foreign tax credit. In other words, the foreign tax paid on foreign-source income is treated as a credit against the U.S. tax that otherwise would be payable on that same income. Although the details of the foreign tax credit rules are extraordinarily complex (as are the international provisions of the International Revenue Code generally), the basic principle is simple: to provide relief from double taxation.

When it comes to the alternative minimum tax (AMT), this basic principle of providing relief from double taxation falls by the wayside. The AMT was enacted to ensure that individuals and businesses that qualify for various "preferences" in the tax rules nevertheless are subject to a minimum level of taxation. However, the foreign tax credit provisions of the AMT operate to ensure double taxation. Under these AMT rules, the allowable foreign tax credit is limited to 90 percent of the taxpayer's alternative minimum tax liability. Because of this limitation, income that is subject to foreign tax is subject also to the U.S. AMT. The result is double (and even triple) taxation of income that is used to support U.S. jobs, R&D and other activities.

Mr. President, there is no rational basis for denying relief from double taxation to that class of taxpayers that are subject to the AMT. Accordingly, the bill Senator MOYNIHAN and I are introducing today will eliminate the 90 percent limitation on foreign tax credits for AMT purposes. By repealing this limitation, relief from double taxation will be provided to taxpayers that are subject to the AMT in the same manner as it is provided to those taxpayers that are subject to the regular tax.

I would hope that our colleagues on both sides of the aisle will join in cosponsoring this necessary legislation.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2242

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

SECTION 1. REPEAL OF LIMITATION ON FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 59(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax foreign tax credit) is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENTS.—Section 53(d)(1)(B)(i)(II) of such Code is amended by striking "and if section 59(a)(2) did not apply".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.•

By Ms. MOSELEY-BRAUN:

S. 2443. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the public safety and community policy program and to encourage the use of school resource officers under that program; to the Committee on the Judiciary.

SAFE COMMUNITIES AND SCHOOLS ACT OF 1998

• Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to introduce

the Safe Communities and Schools Act of 1998. This legislation, I believe, will help American communities continue to prevail in their fight against crime, and will arm local law enforcement agencies and schools with the tools they need to fight the recent outbreak of school-yard violence.

The Community Oriented Policing Program, or the COPS program as it is commonly called, has played a vital role in reducing our nation's crime rate. Since the inception of the program in 1994, the Department of Justice has authorized an additional 76,000 police officers to walk the beat. These additional police officers have been instrumental in helping reduce crime and making people feel safe in their communities.

It is not coincidental that, in my own home state of Illinois, where the COPS program has put an additional 4,113 police officers on the street, we have experienced a substantial drop in crime in recent years. For example, in 1996—the last year for which statistics are available—crime in Illinois was down 11 percent.

I strongly believe that the key to the COPS program's success lies in the community policing strategy that is its guiding philosophy. As the daughter and sister of law enforcement officers and a former federal prosecutor, I can attest to the fact that community policing works. Putting beat cops back into communities allows them to have more contact with the people they protect and gives them an opportunity to prevent crimes before they happen.

But despite the gains that have been made with the advent of the COPS program, the recent spate of violence in our nation's schools is evidence that our crime-prevention efforts are far from complete. Although we are seeing record reductions in youth-on-youth crime, the horrifyingly violent nature of the crimes now being committed by juveniles demands government action.

For this reason, my legislation would use COPS program grants to establish partnerships between local law enforcement agencies and local school systems. Under my legislation, career law enforcement officers, trained in community-oriented police activities, would be deployed to work in collaboration with schools and community-based organizations to, among other things: Combat crime and disorder problems, as well as gang and drug activities occurring in or around elementary and secondary schools; Educate likely school-age victims about crime prevention and safety; and Assist schools in developing policies to reduce crime.

Under my legislation, no new funding beyond that which has already been allocated to the COPS program would be required to finance these school-police partnerships.

By the year 2000, the COPS program will have served to fulfill President Clinton's pledge to put 100,000 new police officers on the street. Currently, the program is only funded through that year, but I believe that it has clearly been successful enough to justify at least a two-year extension. Accordingly, in addition to facilitating new school-police partnership grants, my legislation would authorize that extension and provide the necessary funding to allow local police departments across America to put an additional 25,000 officers on the street.

Providing funds to communities to combat school violence will give local school systems and law enforcement agencies the opportunity to develop new and innovative approaches to reducing youth crime. It is time to stop wringing our hands over the scourge of youth violence and begin to take action. The American people are demanding leadership on this issue and the time has come for those of us who serve in Washington to provide it.

If we are truly serious about preparing the next generation of Americans for the challenges they will face in the 21st century's global economy, we must take action—right now—to guarantee that they are educated in a safe environment. That is why I have fought for a partnership between the federal government and state and local school systems to address the disgrace of our nation's crumbling schools, and that is why I am introducing the COPS legislation I have just outlined. We owe the next generation of Americans at least as much as our generation was given—and the fact is that we were given schools that were physically safe and violence-free.

The success of the COPS program to date demonstrates the wisdom of using it as the vehicle for promoting school safety and for expanding it to put an additional 25,000 officers on community policing beats. The data is in and the results are clear: Community policing works. That is why I am confident that safer schools and safer communities will be the result if the COPS legislation I am proposing today is passed by Congress and signed into law. I urge my colleagues to join me in sponsoring.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2443

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Communities and Schools Act of 1998".

SEC. 2. PUBLIC SAFETY AND COMMUNITY POLICING.

(a) SCHOOL RESOURCE OFFICERS.—Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;"; and

(2) in section 1709—

(A) by inserting "(1)" before " 'career";

(B) by inserting "(2)" before " 'citizens' police";

(C) by inserting "(3)" before " 'Indian"; and

(D) by adding at the end the following:

"(4) 'school resource officer' means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

"(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

"(B) to develop or expand crime prevention efforts for students;

"(C) to educate likely school-age victims in crime prevention and safety;

"(D) to develop or expand community justice initiatives for students;

"(E) to train students in conflict resolution, restorative justice, and crime awareness;

"(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

"(G) to assist in developing school policy that addresses crime, and to recommend procedural changes.".

(b) REAUTHORIZATION.—Section 1001(a)(11)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(A)) is amended—

(1) in clause (v), by striking "and" at the end;

(2) in clause (vi), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(vii) $1,240,000,000 for fiscal year 2001; and

"(viii) $1,240,000,000 for fiscal year 2002.".●

By Mr. THOMPSON (for himself, Mr. NICKLES, Mr. CRAIG, Mr. THURMOND and Mr. HUTCHINSON):

S. 2445. A bill to provide that the formulation and implementation of policies by Federal departments and agencies shall follow the principles of federalism, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL ENFORCEMENT ACT OF 1998

● Mr. THOMPSON. Mr. President, today I rise to introduce the Federalism Enforcement Act, a bill to promote the principles of federalism and to restore the proper respect for State and local governments and the communities they serve. I am pleased that Senators NICKLES, CRAIG, THURMOND, and HUTCHINSON have joined me as cosponsors of this legislation.

Federalism is the cornerstone of our Democracy. It is the principle that the Federal Government has limited powers and that government closest to the

people—States and localities—play a critical role in our governmental system. Our Founding Fathers had grave concerns about the tendency of a central government to aggrandize itself and thus encroach on State sovereignty, and ultimately, individual liberty. Federalism is our chief bulwark against Federal encroachment and individual liberty. Our Founders also knew that keeping decision making powers closer to home led to more accountable and effective government. Their federalist vision is clearly reflected in the 10th amendment, which states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The legislation I am introducing today requires agencies to respect this vision of federalism when formulating policies and implementing the laws passed by Congress. It will preserve the division of responsibilities between the States and the Federal Government envisioned by the Framers of the Constitution and established in Executive order by President Ronald Reagan.

The Reagan order on federalism had it right. It directed Federal departments and agencies to refrain from imposing one-size-fits-all regulation on the States. It held that the laws passed by Congress were not presumed to preempt State law unless done so explicitly. It required agencies to assess the impact of agency action on federalism. But the people running the executive branch today, from the top on down, do not seem to feel the Reagan order applies to them. They made this abundantly clear when they tried to revoke it with Clinton Executive Order 13083.

In May, President Clinton quietly signed Executive Order 13083, which by its terms claims to promote federalism. Ironically, this order that is supposed to promote better communication between Federal and local government was issued in secret—without even talking to State and local officials at all. Worse still, the order would seriously undermine federalism and effectively turn the 10th amendment on its head. The Reagan Executive Order 12612 promoted the 10th amendment and set a clear presumption against Federal meddling in local affairs. The new Clinton order would create, but not be limited to, nine new policy justifications for Federal meddling. The list is so ambiguous that it would give Federal bureaucrats free rein to trample on local matters. The new Clinton order also would revoke President Clinton's own 1993 Executive Order 12875 that directed Federal agencies not to impose unfunded mandates on the States.

Understandably, State and local officials were deeply offended by the Clinton order and the White House snub in drafting it. On July 17, the major groups representing State and local officials sent a remarkable letter to the President, urging him to withdraw the order and to restore the Reagan federalism order and the 1993 unfunded mandates order. On July 22, several of my colleagues and I supported State and local officials by sponsoring a resolution calling on President Clinton to repeal his new order. That resolution passed the Senate unanimously. The House also has voiced opposition to the Clinton order. Congressman MCINTOSH held a hearing, and joined with six of his colleagues to introduce a bill nullifying Executive Order 13083.

The White House had a chance to extinguish the firestorm of protest from Governors, State legislators, mayors, county executives, and other local officials around the country by permanently revoking Executive Order 13083. Instead, the White House chose to preserve some wiggle room by "suspending" the order on August 5, leading some to ask if that action is permanent or just an effort to delay the order until the opposition dies down. If the President can admit that he made a mistake in signing his federalism order, he should permanently revoke it, plain and simple.

Unfortunately, the White House has yet to correct its insult to State and local officials and the communities they serve. Instead of revoking the Clinton order, the administration is preparing for belated consultations with State and local government representatives. This effort at damage control does not hide the fact that the Clinton order is an open invitation for Federal interference in local affairs, and in the administration's eyes, it is still on the table.

In light of this threat to the tenth amendment principle of a limited Federal Government, Congress must stand ready to act. The Federalism Enforcement Act is necessary to ensure that the current administration exercises some restraint when regulating in areas that affect our States and communities, and respects the principles of State sovereignty and limited Federal Government on which our Nation was founded.

First, the bill directs Federal agencies to adhere to constitutional principles and not to encroach on the constitutional authority of the States. The Clinton federalism order would have shifted the presumption against Federal intervention to provide new policy justifications for Federal interference in State and local affairs. My bill returns us to the language of the Reagan order.

Second, the bill would restore the preemption standards established in the Reagan order. The Clinton order would have encouraged Federal agencies to intrude into State affairs and deleted the Reagan preemption principle that, when in doubt, agencies should err on the side of State sovereignty.

Third, the bill would direct agencies to prepare a federalism assessment of certain agency actions, such as regulations that have significant federalism implications. The Clinton order would have deleted this requirement.

Finally, the Federalism Enforcement Act would express the sense of the Congress that Federal agencies should not propose legislation that would regulate the States in ways that would interfere with their separate and independent functions, attach conditions to Federal grants which are unrelated to the purposes of the grant, or preempt State law in ways inconsistent with the act. Because only the President can enforce this requirement using his article II constitutional powers, it is expressed as a resolution urging him to do so.

The principles of federalism rightly are being reinvigorated. Much of the innovation that has improved this country began at the State and local level. People want important decisions that affect their daily lives to be made in their community—not dictated on high from Washington. And federalism is blossoming in recent constitutional interpretations of the Supreme Court. The Federalism Enforcement Act I am introducing today will continue this restoration of the balance between national and State power as conceived by the Framers of the Constitution.•

By Mr. LUGAR:

S. 2447. A bill to require the Secretary of Agriculture, in consultation with the heads of other agencies, to conduct a feasibility and cost-benefit study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs; to the Committee on Governmental Affairs.

FOOD STAMP INTERSTATE FRAUD PREVENTION

• Mr. LUGAR. Mr. President, I rise today to introduce a bill to combat fraud and waste in the food stamp program—overpayments resulting from individuals receiving benefits in two or more states at the same time. This bill is the result of the last in a series of General Accounting Office studies that I requested dealing with groups of ineligible people receiving food stamps. In the report being released today, GAO identifies over 20,000 individuals who received benefits in at least two states at the same time during 1996. Using administrative records from four states (California, Texas, New York and Florida), the GAO estimates overpayments of $3.9 million in those states alone.

Last year the GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were overpaid to prisoners' households. In response we passed legislation to stop prisoners from receiving benefits. Earlier this year, the GAO reported that

26,000 deceased individuals in four states were counted as members of a food stamp household. According to the GAO this resulted in overpayments of an estimated $8.6 million. The Agriculture Committee reported a bill to match food stamp files with Social Security Administration data.

My bill will require the United States Department of Agriculture to conduct a feasibility study to identify options for a national database to track food stamp participants and combat interstate fraud. The GAO's report validates a Department of Health and Human Services computer match of 15 states which found 18,000 potential duplicated Temporary Assistance for Needy Families (TANF) cases. This suggests that the problem is not confined to USDA. My bill would direct the USDA to work in consultation with other agencies to develop a systematic approach to developing a national database.

At present there is no appropriate national database that tracks in means-tested benefit programs. States have been working individually on the problem of benefits paid in multiple jurisdictions. For example, some states have developed cooperative agreements with neighboring states to share data. Current state efforts are effective, but anything short of a national system is inefficient.

Mr. President, the welfare reform bill required states to guard against fraud and abuse, and specifically prohibited participants from receiving benefits in two states. However, the bill did not give states tools to combat this type of fraud. The welfare bill also did not give states the tools to implement other important provisions. To effectively implement the TANF and food stamp time limits, some type of national tracking system is necessary.

Therefore, this bill directs the agencies involved to address a broader range of issues than simply the receipt of benefits in different states at the same time. HHS has already fulfilled a congressional mandate to look into some of these issues, so I expect the participants in this new study to use the completed project as a base upon which to build.

Further, I believe that the study should explore the possibility of a "real time" database, so that eligibility workers will instantly know if there are any problems with an application. This will avoid the "pay-and-chase" problem that forces states to recoup overpayments from beneficiaries after the fact—sometimes years later. This method of fraud enforcement is inefficient, and often a burden on the recipient as well. A national database should not be seen as purely an enforcement tool. There are many cross program benefits for the poor, benefits which may not be apparent today. As with any large governmental database, the study should address how the system will safeguard recipients' privacy and limit unauthorized use and disclosure of data.

Means-tested benefits, including food stamps, provide a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program and welfare reform. Integrity is essential to ensure a program that can serve those in need. It is our responsibility to help end fraud and abuse in all federally funded programs. This legislation is an important step in that direction and will help ensure that welfare reform is a success.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2447

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

SECTION 1. FINDINGS.

Congress finds that—

(1) during 1997, the Federal Government spent over $21,000,000,000 to deliver food stamp benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to over 23,000,000 individuals;

(2) a portion of the funds spent on food stamp benefits annually is misspent through overpayments and fraud, which undermines the integrity and confidence in the food stamp program;

(3) the Comptroller General of the United States has found that—

(A) as many as 20,000 individuals were receiving food stamp benefits in at least 2 to 4 States at the same time during 1996;

(B) due to this duplication, overpayments to the households in those States during 1996 totaled approximately $3,900,000; and

(C) there was a similar duplication of payments in other Federal means-tested public assistance programs, such as the temporary assistance to needy families (TANF) program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(4) certain States currently have cooperative agreements under which matches of recipients of means-tested public assistance programs are tracked and coordinated with neighboring States, but there is no comprehensive national database or information system to track participation across State lines;

(5) the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) created a number of requirements to track means-tested assistance throughout the United States, including time-limited receipt of assistance under the food stamp program and the temporary assistance to needy families (TANF) program;

(6) a centralized database would be the most effective tool to prevent receipt of means-tested assistance in multiple jurisdictions and would avoid duplicated effort on the part of States;

(7) according to the Director of the Office of Management and Budget, improved mechanisms to provide accurate information to employees who determine eligibility for means-tested assistance would help prevent overpayments and improve service to clients; and

(8) data sharing at the time of application for means-tested assistance could change enforcement efforts from a pay-and-chase method to a method that would be more proactive and efficient.

SEC. 2. STUDY ON NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, the Secretary of Labor, the Commissioner of Social Security, and the Secretary of the Treasury, shall conduct a feasibility and cost-benefit study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary of Agriculture shall—

(1) study an option under which information in the national database is collected and made available in real-time; and

(2) provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.•

By Mr. KERRY (for himself, Mr. WELLSTONE, Mr. HARKIN, and Ms. LANDRIEU):

S. 2448. A bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS LOAN ENHANCEMENT ACT

• Mr. KERRY. Mr. President, today I am joined by Senators WELLSTONE, HARKIN, and LANDRIEU, to introduce the "Small Business Loan Enhancement Act." To give small businesses more of an advantage, we propose small but significant changes to the Small Business Administration's three primary lending programs: the 7(a) guaranteed business loan program, the 504 Development Company program, and the Microloan program. These changes would foster loans to growing women-owned businesses and enhance small business lending by saving costs for small business borrowers, reducing paperwork for lenders, and increasing available capital for microloans and technical assistance. This bill will also enable small businesses to use SBA's most popular loan guarantee program to fix year 2000 problems.

Women-owned businesses are increasing in number, range, diversity and earning power. They constitute one-third of the 23 million small businesses in the United States, contribute more than $2.38 trillion annually in revenues to the economy and range in industry from advertising agencies to manufacturing. Addressing the special needs of

women-owned businesses serves not only these entrepreneurs, but also the economic strength of this nation as a whole. Since 1992, SBA has managed to increase access to capital for women and has worked in earnest to move women entrepreneurs away from expensive credit card financing to more affordable loans for financing their business ventures. While the percentage of 504 loans to women-owned businesses has increased from 4.2 percent in 1987 to 14.7 percent in 1998, we need to increase lending opportunities to better reflect that 40 percent of all businesses are owned by women. By expanding the public policy goals of the 504 loan program to include women-owned businesses, we are ensuring that loans to eligible women business owners aren't capped at $750,000 but are now available for as much as $1 million. According to Certified Development Company professionals, loan underwriters are conservative when it comes to approving loans for more than $750,000 and that this directive would undoubtedly help eligible women business owners get the financing they need to expand their facilities and buy equipment as their businesses grow.

In addition to increasing access to capital, the SBA plays a critical role in eliminating barriers that keep entrepreneurs from entering the economy, reducing regulatory burdens and lowering transaction costs. The Senate has an opportunity to reduce time and costs to both lenders and small business borrowers in real estate transactions by modernizing appraisal requirements for real estate transactions for 7(a) and 504 loans. Under current operating procedures, where more than $100,000 of the authorized loan proceeds in a financing package includes real estate (acquisition, construction and improvement to land and buildings), SBA requires a state-certified or state-licensed appraisal. Our bill would raise the requisite appraisal amount to $250,000, consistent with other agencies, including, among others, the Federal Reserve System, the Federal Deposit Insurance Corporation and the Office of Thrift Supervision. Raising the threshold does not increase the government's risk in these loans because the bill specifies that lenders must require a state-certified or state-licensed appraisal on loans less than $250,000 if that is their standard for similar non-SBA loans. Depending on the area of the country, savings in the 7(a) and 504 programs are estimated to be from $1,000 to $5,000 per loan by requiring an evaluation instead of a state-certified or state-licensed appraisal. In the 504 program, this change is estimated to save money for 2,000 out of the some 6,000 annual 504 borrowers, which are often minority and women-owned businesses.

To complement those regulatory improvements, this bill also encourages lenders to use the 7(a) program for their borrowers by streamlining paperwork requirements those lenders must complete after a 7(a) loan defaults. Two years ago, Congress enacted a requirement that reduced by one percent the interest rate paid on the guaranteed portion of defaulted 7(a) loans. Although the change was expected to substantially decrease the subsidy costs of the program, this has not proved to be the case. Instead, it has created a paperwork burden disproportionately high compared to the savings realized.

To help small businesses meet the escalating challenges of the Year 2000 computer problem, also called the Y2K problem, this bill clarifies Congressional intent that the 7(a) guaranteed loan program be used for this purpose. As amended, the 7(a) loan program will specify that small businesses can use these loans to finance the cost of making their systems and computers Y2K-compliant. In addition to legitimate concerns about function and survival that make this provision important for small businesses, Y2K compliance will also be a regulatory concern for bankers and small business borrowers. We understand that bank regulators will be requiring lenders to survey their borrowers and to certify that they are Y2K-compliant. Congress recognizes that small businesses may be harmed by the Y2K problem and that the 7(a) program is an appropriate means and established SBA program that can immediately help them deal with it. In fiscal year 1997, the 7(a) loan program reached more than 40,000 businesses, making 45,288 loans and approving loans totalling $9.5 billion.

The last component of this bill amends SBA's Microloan program. This important economic development tool has, in six short years, provided close to 7,000 microloans worth some $68 million. More than 40 percent of those loans went to women, 42 percent went to minorities, and 11 percent went to veterans. This program, which provides loans that average $10,000 and can be for as little as a few hundred dollars, has improved the landscape of some our country's poorest communities, creating jobs, helping people move from public assistance to weekly paychecks, and contributing to the tax base. As stated in a July Boston Business Journal article, "There are many people out there who can't get traditional bank loans because they have bad credit histories, or no credit histories or no assets." In spite of these realities that make microentrepreneurs too risky for banks, the government has suffered no losses in this program. It is successful because it helps entrepreneurs turn their talents into businesses, such as a furniture upholsterer or a pet shop, and then augments the capital infusion by providing technical assistance to teach microentrepreneurs how to run a successful business.

This amendment would authorize the SBA Administrator to reduce an microlender's loan loss reserve (a reserve of cash to guarantee that the government is paid back if a loan defaults) from 15 percent to not less than ten percent after an intermediary has been participating in the microloan program for at least five years and has demonstrated its ability to maintain a healthy loan fund. Each microlender's loan loss reserve will be established based on its average loss rate for the previous five-year period. Because of the program's success so far, 36 out of 42 microlenders would qualify under this bill's requirements to maintain a loan loss reserve of ten percent rather than 15 percent. The proposed change would continue to protect the government's interest in these loans and at the same time enhance the program because it frees up cash that microlenders can reprogram for more microloans or technical assistance.

In closing, I want to again thank my colleagues for supporting this bill. If enacted, they will have improved the business climate and taken a few more steps to ensure that small businesses have access to capital, are less burdened by regulations and paperwork, have the resources to meet Y2K problems and that women-owned businesses can get loans of sufficient size to expand their businesses.

Mr. President, I thank my colleagues for their support and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2448

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Loan Enhancement Act".

SEC. 2. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

(a) PUBLIC POLICY GOALS.—Section 501(d)(3)(C) of Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting "or women-owned business development" before the comma.

(b) REAL ESTATE APPRAISALS.—Section 502(3) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)) is amended by adding at the end the following:

"(F) REAL ESTATE APPRAISALS.—

"(i) LOANS EXCEEDING $250,000.—Notwithstanding any other provision of law, if a loan under this section involves the use of more than $250,000 of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the Administrator shall require an appraisal of the real estate by a State licensed or certified appraiser.

"(ii) LOANS OF $250,000 OR LESS.—Notwithstanding any other provision of law, if a loan under this subsection involves the use of $250,000 or less of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the participating lender may, in accordance with the policy of the participating

lender with respect to loans made without a government guarantee, require an appraisal of the real estate by a State licensed or certified appraiser.

"(iii) DEFINITION.—In this subparagraph, the term 'real estate transaction' includes the acquisition or construction of land or a building and any improvement to land or to a building.".

SEC. 3. SECTION 7(a) LOAN PROGRAM.

(a) YEAR 2000 TECHNOLOGY REQUIREMENTS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended, in the matter preceding paragraph (1), by inserting "and to assist small business concerns in meeting technology requirements for the Year 2000," after "and working capital,".

(b) REAL ESTATE APPRAISALS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(27) REAL ESTATE APPRAISALS.—

"(A) LOANS EXCEEDING $250,000.—Notwithstanding any other provision of law, if a loan guaranteed under this subsection involves the use of more than $250,000 of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the Administrator shall require an appraisal of the real estate by a State licensed or certified appraiser.

"(B) LOANS OF $250,000 OR LESS.—Notwithstanding any other provision of law, if a loan guaranteed under this subsection involves the use of $250,000 or less of the loan proceeds for a real estate transaction, prior to disbursement of the loan, the participating lender may, in accordance with the policy of the participating lender with respect to loans made without a government guarantee, require an appraisal of the real estate by a State licensed or certified appraiser.

"(C) DEFINITION.—In this paragraph, the term 'real estate transaction' includes the acquisition or construction of land or a building and any improvement to land or to a building.".

(c) INTEREST RATES.—Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended—

(1) by striking "(4)" and all that follows through "Notwithstanding" and inserting the following:

"(4) INTEREST RATES.—Notwithstanding"; and

(2) by striking subparagraph (B).

SEC. 4. MICROLOAN PROGRAM.

Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended—

(1) in the first sentence, by striking "The Administrator" and inserting the following:

"(i) IN GENERAL.—The Administrator"; and

(2) by striking the second sentence and inserting the following:

"(ii) LEVEL OF LOAN LOSS RESERVE FUND.—

"(I) IN GENERAL.—Subject to subclause (II), the Administration shall require the loan loss reserve fund to be maintained at a level equal to not more than 15 percent of the outstanding balance of the microloans owed to the intermediary.

"(II) REDUCTION OF LOAN LOSS RESERVE REQUIREMENT.—After the initial 5 years of an intermediary's participation in the program under this subsection, upon the initial request of the intermediary made at any time after that period, the Administrator shall annually conduct a review of the average annual loss rate of the intermediary and, if the intermediary demonstrates to the satisfaction of the Administrator that the average annual loss rate for the intermediary during the preceding 5-year period is less than 15 percent, and the Administrator determines that no other factor exists that is likely to impair the ability of the intermediary to repay all obligations owed to the Administration under this subsection, the Administrator shall reduce that annual loan loss reserve requirement to reflect the actual average annual loss rate for that intermediary during that period, except that in no case shall the loan loss reserve requirement for an intermediary be reduced to less than 10 percent of the outstanding balance of the microloans owed to the intermediary.".•

By Mr. CLELAND:

S. 2449. A bill to amend the Controlled Substance Act relating to the forfeiture of currency in connection with illegal drug offenses, and for other purposes; to the Committee on the Judiciary.

DRUG CURRENCY FORFEITURES ACT

• Mr. CLELAND. Mr. President, there have been a series of recent cases in which courts have ruled against one of law enforcement's most effective anti-drug tools—asset forfeiture. Just consider:

Law enforcement agents at an airport found almost $50,000 wrapped inside a pair of jeans. A drug dog responded positively to the presence of narcotics on the money, and the traveler, when confronted by the agents, produced a fake driver's license and offered other false evidence. United States v. $49,576.00 in U.S. Currency, 116 F.3d 425 (9th Cir. 1997).

In another instance, narcotics agents found $30,000 wrapped in bundles and stashed under the seat of a car. Despite the courier's demonstrably false explanation of the source of the money, the court nevertheless found insufficient evidence to establish probable cause for forfeiture. United States v. U.S. Currency, $30,060.00, 39 F.3d 1039 (9th Cir. 1994).

These are but two in a series of cases in which the courts found circumstantial evidence sufficient to establish that the money was derived from some form of criminal activity, but insufficient to establish that the illegal activity involved drug trafficking. The courts therefore ruled that the money seized was not subject to forfeiture, and the proceeds were returned to the trafficker. See also United States v. $13,570.00 in U.S. Currency, 1997 WL 722947 (E.D. La. 1997) (seizure of cash at airport lacked probable cause despite dog sniff, evasive answers, fake ID, courier profile, and prior drug arrest); United States v. $14,876.00 in U.S. Currency, 1997 WL 722942 (E.D. La. 1997) (same); United States v. $40,000 in U.S. Currency, 999 F. Supp. 234 (D.P.R. 1998) (dog sniff, drug courier profile, quantity of currency and evasive answers are not sufficient to establish probable cause where government fails to establish any connection between claimant and any drug trafficker).

Mr. President, these court decisions are coming at a time when drug sales in this country are generating $60 billion in illegal proceeds every year. Most of this drug money finds its way to drug kingpins in Mexico and Colombia. And the drugs find their way to Americans of all ages and walks of life. The consequences are devastating. Substance abuse is now the single largest preventable cause of death in this country, with illegal drugs and alcohol killing 120,000 Americans each year.

It's an enemy that respects neither class nor age group. High school athletes, runaways, soccer players, gang members, and class valedictorians use and sell drugs. Nationwide, the percentage of teens reporting illegal drug use has doubled over the last 5 years. And now the National Household Survey on Drug Abuse reports that teen drug use rose in 1997, led by increasing marijuana smoking among teenagers who view it as a low-risk "soft drug." It is no wonder that in survey after survey, Americans are reporting that illegal drugs top their list of national concerns.

In recent testimony before the Senate Select Committee on Intelligence, a top official at the Drug Enforcement Administration (DEA) painted a chilling portrait of the powerful threat to the United States posed by international drug organizations. He said, and I quote, "These individuals, from headquarters located outside the U.S., influence the choices that many Americans make about where to live, or where they send their children to school. The drugs, and the attendant violence which accompanies the drug trade, have reached into every American community and, in essence, have robbed many Americans of the dreams they once cherished."

These organized crime leaders are sophisticated and possess the power that comes with unlimited resources. Because they are worth billions of dollars, these drug lords have at their disposal some of the world's most technically advanced airplanes, boats, radar, and communications equipment. They possess weapons in quantities that, DEA testified, "rival the capabilities of some legitimate governments." These drug kingpins send thousands of couriers into the United States who answer to them on a daily basis via faxes, cellular phones, or pagers.

Since the disruption of the notorious Cali cartel leadership, we know that traffickers from Mexico have joined together with Colombian traffickers in an emerging alliance which has largely taken over U.S. heroin distribution from Asian organizations and is now producing some of the world's most potent heroin. The manufacture of the vast majority of cocaine in South America is still under the control of the Colombian cartels, which use commercial maritime vessels, containerized cargo and private aircraft to transport the cocaine from their laboratories in the jungles of southeast Colombia through Mexico and the Caribbean into U.S. border points of entry.

In fact, 50 to 60 percent of all the cocaine, as well as 25 percent of the heroin and 80 percent or more of the meth coming into the United States, are transported into our country through the U.S.-Mexico border.

The DEA testified that the influence of Colombian trafficking organizations in the Caribbean is "overwhelming." Several Colombian drug syndicates have set up command and control bases in Puerto Rico and the Dominican Republic and use the Caribbean Basin to ferry tons of cocaine into the United States each year. According to the DEA, seizures of 500 to 2,000 kilos of cocaine in the Caribbean are now commonplace. Unlike the monopoly-like rule of the Cali cartel, many of the new Colombian cartels have chosen to franchise a large portion of their wholesale heroin and cocaine operations. As a result, criminals from the Dominican Republic have now become the dominant force in the wholesale cocaine and heroin trade on the East Coast of the United States.

In addition to heroin and cocain, methamphetamine has become a growing threat within our borders. Methamphetamine trafficking, which until recently had been stopped west of the Mississippi River, is aggressively moving eastward and is now rapidly challenging cocaine as the primary focus of illegal drug trafficking in Georgia and other eastern seaboard States. According to the DEA Atlanta Field Division, Washington may soon declare Atlanta the meth capital of the Southeast.

During February alone, DEA seized almost 90 pounds of methamphetamine in metropolitan Atlanta. Ten pounds of the drug was seized from passengers on buses originating in Texas and California. Acting on a tip, DEA agents found another 25 pounds stashed in hidden compartments in a vehicle. And law enforcement agents apprehended two Los Angeles passengers at Hartsfield Airport who had smuggled 20 pounds of meth into the State. These drugs are being ferried into my State by couriers employed by Mexican trafficking organizations operating out of Mexico and California. DEA has determined that a number of its recent meth seizures in Georgia are directly linked to the AMEZCUA drug trafficking organization—one of Mexico's principal drug cartels.

The amounts of money generated by these illegal drug transactions are staggering. The DEA reported that one Mexican drug syndicate forwards $20 to $30 million to Colombia for each major drug operation, and makes tens of millions of dollars in profits each week. Moving this money from Mexico to Colombia, or from the U.S. to Mexico, is a relatively simple matter. The most popular method is to ship the currency in bulk by courier or cargo, or transport it overland or by air. Oftentimes, the same vehicle or even the same courier that originally transported the drugs into the United States will carry the drug proceeds out.

It was not long ago that a Customs investigation made front page headlines. Three of Mexico's largest banks were indicted by the U.S. for laundering hundreds of millions of dollars in drug money from this country. The three-year sting was unprecedented on two counts. This was the largest money laundering case in the history of U.S. law enforcement. And it was the first time ever that Mexican banks and bank officials have been directly linked to laundering U.S. drug profits.

The sting resulted in the arrest of 70 people, including 14 Mexican banking officials. Thirty-five million dollars in illegal drug proceeds was seized immediately. One hundred and twenty-two million dollars more is expected to be recovered from over 100 bank accounts frozen in this country and in Europe. While unprecedented, this operation netted only a drop in the bucket compared to the estimated $60 billion in illegal proceeds reaped from U.S. drug sales each year. Like most of the drug proceeds, this money was earmarked for drug lords in Mexico and Colombia. In this case, Mexican bankers allegedly aided the Juarez cartel in Mexico and the Cali cocaine and heroin syndicate in Colombia.

If we ever expect to make in-roads in the so-called "war on drugs," it is not enough just to apprehend the drug trafficker. We must seize his assets as well. Let me give just one example. The Rodriguez-Orejuela brothers in Colombia once ran the most powerful international organized crime group in history. Based on evidence supplied by the U.S. Government, Miguel Rodriguez-Orejuela has been sentenced to 21 years in prison, although it is expected that he will serve only 12. Last year his brother Gilberto was sentenced to 10½ years in prison on drug trafficking charges. Even now, the Rodriguez-Orejuela brothers are able to run their drug trafficking business from prison through the use of private quarters and telephones. They are by no means the exception. Last year the Colombia National Police took control of four maximum security prisons from the Bureau of Prisons, in an effort to halt jailed traffickers from continuing their illegal operations from behind prison walls. In the final analysis, the only way to destroy the drug cartels is to hit them where it hurts the most—their pocket books.

The transportation and transmission (by electronic means) of drug proceeds are enormous problems for law enforcement, but they also present law enforcement with an enormous opportunity. Because drug proceeds in the form of cash occupy much more space than the drugs themselves—often filling suitcases, vehicles, and even airplanes—the movement of the cash is often the most vulnerable part of the drug operation. Indeed, law enforcement agents are frequently successful in intercepting such cash shipments by stopping couriers at airports, opening containers at Customs checkpoints, and encountering cars stuffed with cash during routine traffic stops.

However, the ability of law enforcement to confiscate the money—and thus break the drug trafficking cycle—hinges on the government's ability to establish that the money is, in fact, drug proceeds, and not the proceeds of some other form of unlawful activity. Therefore, today the distinguished chairman of the Senate Caucus on International Narcotics Control, Senator GRASSLEY, and I are introducing the Drug Currency Forfeitures Act. Our bill enhances the ability of law enforcement agents to interdict and confiscate the huge quantities of drug money that are being moved through our airports, up and down our major highways, through our ports, and in and out of financial institutions here and abroad—while at the same time it upholds Fourth Amendment constitutional protections against illegal searches and seizures. Specifically, our bill would create a "rebuttable presumption" that money is subject to forfeiture as drug proceeds in cases involving drug couriers carrying large amounts of cash through drug transit areas, and in cases involving international money laundering. The presumption would apply if any of the following factors is established by the government.

Factor one: There is more than $10,000 in currency being transported in one of the transit places commonly used by drug traffickers—for example, an airport, an interstate highway, or port of entry—and any of the following circumstances commonly associated with the transportation of drug proceeds exists: the money is packaged in a highly unusual manner; or the courier makes a false statement to a law enforcement officer or inspector; or the money is found in close proximity to drugs; or a properly trained dog gives a positive alert.

I note here that there has been much criticism of the use of drug dogs to interdict drug money, on the ground that so much currency now in circulation in the U.S. is tainted with drug residue that the drug dog's positive alert is meaningless. Let me say, however, that recent scientific research has refuted this notion and indeed supports the proposition that a drug dog's alert to currency is highly relevant in a forfeiture case. A study by Dr. Kenneth Furton, Director of the Criminalistics Program in the Chemistry Department at Florida International University, has established that a properly trained drug dog does not alert to the cocaine residue on currency, but alerts instead to methyl

benzoate—a highly volatile chemical by-product of the cocaine manufacturing process that remains on the currency only for a short period of time. Thus, even if it is true that a high percentage of our currency is contaminated with cocaine residue, the drug dogs are alerting only to money that has recently, or just before packaging, been in close proximity to a significant amount of cocaine. See K.G. Furton, Y.L. Hsu, N. Alvarez and P. Lagos, "Novel Sample Preparation Methods and Field Testing Procedures Used to Determine the Chemical Basis of Cocaine Detection by Canines," Forensic Evidence and Crime Science Investigation, Proc. SPIE 2941, 56–62 (1997). I am attaching to my remarks an article describing Dr. Furton's work.

Factor two: The property subject to forfeiture was acquired during a period of time when the person who acquired it was engaged in a drug trafficking offense, and there is no other likely source for the money. I note that this presumption already exists in criminal forfeiture cases. See 21 U.S.C. § 853(d).

Factor three: The property was involved in a transaction that occurred, in part, in a bank secrecy jurisdiction or was conducted by, to or through a shell corporation. These two factors appear repeatedly in cases involving international money laundering and therefore are highly indicative of illegal money laundering activity. However, to ensure that the presumption is focused narrowly on the problem this bill is designed to address, it would apply only where the money was being moved in or out of one of the countries the President has listed as a "major drug-transit country," a "major illicit drug producing country," or a "major money laundering country," all of which are defined terms in the Foreign Assistance Act.

Factor four: Any person involved in the transaction has been convicted of a drug trafficking or money laundering offense, or is a fugitive from prosecution for such an offense. This factor reflects the obvious fact that the movement of money by a convicted drug trafficker, money launderer or fugitive is highly likely to involve drug proceeds.

The existence of any one of these four factors would be sufficient—by itself, or in some cases, in combination with the facts and circumstances which led to the seizure of the money—to establish probable cause to believe that the money represents drug proceeds, and if left unrebutted, would be sufficient to establish that the money is subject to forfeiture under the Controlled Substances Act, 21 U.S.C. §881(a)(6), or the Money Laundering Control Act, 18 U.S.C. § 981(a)(1), by a preponderance of the evidence. The owner of the money, of course, would be free to rebut the presumption by submitting admissible evidence that the money was derived from a legitimate source, and the government would have to respond either by impeaching the reliability of such evidence, or by offering admissible evidence of its own to support the forfeiture of the money. See *United States v. $129,727.000 U.S. Currency*, 129 F.3d 486 (9th Cir. 1997). In this way, legitimate owners of untainted money will be protected. However, drug traffickers and money launderers will no longer be able to rely on the ambiguities inherent in the movement of cash and electronic funds—as well as the ambiguities inherent in the standard of proof in civil forfeiture law—to win the release of their ill-gotten gains without having to come forward with any evidence whatsoever.

On June 22, the Supreme Court handed down a highly controversial decision which is certain to have far-reaching ramifications on U.S. drug interdiction policy. That sharply divided ruling involved the case of Hosep Bajakajian, who had attempted to take $357,000 in undeclared cash to Syria, and who had lied about the amount of money he had with him when questioned by a Customs inspector. By ruling that the federal government cannot seize the money of a person trying to carry funds out of the country when that individual fails to declare it, unless the government can show it is tainted money, the High Court's decision may very well reinforce the recent lower court decisions against forfeiture—a critically important weapon in our drug interdiction arsenal. Our bill would address these adverse court decisions by providing needed statutory guidance on the important and contentious issue of property subject to seizure.

Our bill has been endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association. I hope that my colleagues will support this bill.

Mr. President, I ask unanimous consent that the text of our bill be printed in the RECORD together with appropriate relevant materials.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2449

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Currency Forfeitures Act".

SEC. 2. DRUG CURRENCY FORFEITURES.

(a) IN GENERAL.—Section 511 of the Controlled Substances Act (21 U.S.C. 881) is amended by inserting after subsection (j) the following:

"(k) REBUTTABLE PRESUMPTION.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'drug trafficking offense' means—

"(i) with respect to an action under subsection (a)(6), any illegal exchange involving a controlled substance or other violation for which forfeiture is authorized under that subsection; and

"(ii) with respect to an action under section 981(a)(1)(B) of title 18, United States Code, any offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance for which forfeiture is authorized under that section; and

"(B) the term 'shell corporation' means any corporation that does not conduct any ongoing and significant commercial or manufacturing business or any other form of commercial operation.

"(2) PRESUMPTION.—In any action with respect to the forfeiture of property described in subsection (a)(6) of this section, or section 981(a)(1)(B) of title 18, United States Code, there is a rebuttable presumption that property is subject to forfeiture, if the Government offers a reasonable basis to believe, based on any circumstance described in subparagraph (A), (B), (C), or (D) of paragraph (3), that there is a substantial connection between the property and a drug trafficking offense.

"(3) CIRCUMSTANCES.—The circumstances described in this paragraph are that—

"(A) the property at issue is currency in excess of $10,000 that was, at the time of seizure, being transported through an airport, on a highway, or at a port-of-entry, and—

"(i) the property was packaged or concealed in a highly unusual manner;

"(ii) the person transporting the property (or any portion thereof) provided false information to any law enforcement officer or inspector who lawfully stopped the person for investigative purposes or for purposes of a United States border inspection;

"(iii) the property was found in close proximity to a measurable quantity of any controlled substance; or

"(iv) the property was the subject of a positive alert by a properly trained dog;

"(B) the property at issue was acquired during a period of time when the person who acquired the property was engaged in a drug trafficking offense or within a reasonable time after such period, and there is no likely source for such property other than that offense;

"(C)(i) the property at issue was, or was intended to be, transported, transmitted, or transferred to or from a major drug-transit country, a major illicit drug producing country, or a major money laundering country, as determined pursuant to section 481(e) of 490(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e) and 2291j(h)), as applicable; and

"(ii) the transaction giving rise to the forfeiture—

"(I) occurred in part in a foreign country whose bank secrecy laws render the United States unable to obtain records relating to the transaction by judicial process, treaty, or executive agreement; or

"(II) was conducted by, to, or through a shell corporation that was not engaged in any legitimate business activity in the United States; or

"(D) any person involved in the transaction giving rise to the forfeiture action—

"(i) has been convicted in any Federal, State, or foreign jurisdiction of a drug trafficking offense or a felony involving money laundering; or

"(ii) is a fugitive from prosecution for any offense described in clause (i).

"(4) OTHER PRESUMPTIONS.—The establishment of the presumption in this subsection

shall not preclude the development of other judicially created presumptions, or the establishment of probable cause based on criteria other than those set forth in this subsection.".

(b) MONEY LAUNDERING FORFEITURES.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

"(k) REBUTTABLE PRESUMPTION.—In any action with respect to the forfeiture of property described in subsection (a)(1)(A), there is a rebuttable presumption that the property is the proceeds of an offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance (as defined in section 102 of the Controlled Substances Act), and thus constitutes the proceeds of specified unlawful activity (as defined in section 1956(c)), if any circumstance set forth in subparagraph (A), (B), (C), or (D) section 511(k)(3) of the Controlled Substances Act (21 U.S.C. 881(k)(3)) is present.".

FRATERNAL ORDER OF POLICE,
NATIONAL LEGISLATIVE PROGRAM,
Washington, DC, August 6, 1998.

Hon. MAX W. CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: I am writing to advise you of the strong support of the more than 272,000 members of the Fraternal Order of Police for your draft legislation, "The Drug Currency Forfeitures Act."

This bill will amend the "Controlled Substances Act" as it relates to the forfeiture of currency deemed to be in connection with illegal drug trafficking or money laundering operations. In order to stem the flow of drugs into the United States, and to reduce the risks to law enforcement officers, government at all levels must have the ability to take away the resources of drug traffickers—whether it is currency, property, or other ill-gotten gains from their illegal narcotics transactions.

One of the most frustrating aspects of law enforcement is seeing those who poison our cities and neighborhoods with the scourge of drugs amass sizable fortunes as a result of their actions. Your legislation addresses this issue by taking money away from those who threaten the lives of our children and our nation's law enforcement officers, and is a major step toward tackling the problems posed by drug traffickers and their considerable financial resources.

Forfeiture of drug money, and the assets of money laundering operations, increases the penalty for drug dealing and reduces the benefits of engaging in illegal drug trafficking. On behalf of the more than 272,000 members of the Fraternal Order of Police, I want to commend and applaud your leadership on this issue. If I can be of any further assistance, please do not hesitate to contact me, or Executive Director Jim Pasco, at my Washington office, (202) 547-8189.

Sincerely,

GILBERT G. GALLEGOS,
National President.

INTERNATIONAL BROTHERHOOD OF
POLICE OFFICERS,
Alexandria, VA, July 13, 1998.

Hon. MAX CLELAND,
U.S. Senate, Washington, DC.

DEAR SENATOR CLELAND: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union, the third largest union in the AFL-CIO. The IBPO is the largest police union in the AFL-CIO.

On behalf of the entire membership of the IBPO, I want to thank you for introducing legislation that would create a "rebuttable presumption" that money is subjected to forfeiture as drug proceeds in cases involving drug couriers carrying large amounts of cash through airports and on major highways, and in cases involving international money laundering. The IBPO officially endorses your legislation and looks forward to working with you to see this bill become law.

Your legislation will hurt drug dealers in the most effective way—in the pocketbook. Forfeiture of this money will also benefit the many police departments across the country who supplement their budgets with these types of seizures.

The IBPO wishes to thank you for all your support on behalf of the law enforcement community. Be assured that the IBPO will make your legislation a top priority in the 105th Congress.

Sincerely,

KENNETH T. LYONS,
National President.

COMMENTS OF BOBBY D. MOODY, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND CHIEF OF THE MARIETTA, GEORGIA POLICE DEPARTMENT

One of the most effective weapons that law enforcement has in the domestic drug war is the ability to deprive drug dealers of the proceeds of their illegal activities or the instruments used to commit their crime through the use of civil asset forfeiture proceedings. Senator Cleland's legislation will preserve and enhance law enforcement's ability to seize the assets of drug dealers and their associates. I want to thank my friend, and law enforcement supporter, Senator Cleland for his efforts to protect the most valuable tool law enforcement has in combating drug traffickers and money launderers.

ABOUT THE IACP

Founded in 1893, the International Association of Chiefs of Police is the world's oldest and largest organization of police executives with more than 16,000 members in 102 countries. IACP's Leadership consists of operating chief executives of federal, state, local and international agencies of all sizes.

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
East Northport, NY, August 7, 1998.

Hon. MAX W. CLELAND,
U.S. Senator, Washington, DC.

DEAR SENATOR CLELAND: On behalf of the over 14,000 members of the Federal Law Enforcement Officers Association (FLEOA) I wish to express FLEOA's views regarding your proposed legislation concerning asset forfeiture. This proposed legislation will enhance the ability of law enforcement officers, at all levels, to seize the assets of drug dealer. FLEOA wishes to inform you of our overwhelming support for this legislation.

FLEOA represents criminal investigators and special agents from over fifty-five federal agencies, as listed on the left masthead. We feel that legislation that creates a rebuttable presumption that currency in excess of $10,000 is subject to forfeiture as drug proceeds when transported through an airport, on a highway, or at a port-of-entry, and is found in close proximity to a measurable quantity of a controlled substance would assist law enforcement in our fight against narcotics.

We would be pleased to meet with you, or your staff, to discuss our views on this issue in more detail. I can be reached at (516) 368-6117, or you may contact FLEOA's Executive Vice President Walt Wallmark at (202) 433-9230.

Thank you for your time.

RICHARD J. GALLO,
President.●

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1301

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1301, a bill to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

S. 1329

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1329, a bill to prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1380

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1380, a bill to amend the Elementary and Secondary Education Act of 1965 regarding charter schools.

S. 1459

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin

(Mr. KOHL) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1720

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1720, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1862, A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1977

At the request of Mr. D'AMATO, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1977, a bill to direct the Secretary of Transportation to conduct a study and issue a report on predatory and discriminatory practices of airlines which restrict consumer access to unbiased air transportation passenger service and fare information.

S. 2017

At the request of Mr. D'AMATO, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. FAIRCLOTH), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2148

At the request of Mr. HATCH, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. BENNETT), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2148, a bill to protect religious liberty.

S. 2181

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2181, a bill to amend section 3702 of title 38, United States Code, to make permanent the eligibility of former members of the Selected Reserve for veterans housing loans.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Texas (Mr. GRAMM), the Senator from Virginia (Mr. ROBB), the Senator from Colorado (Mr. ALLARD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2213

At the request of Mr. FRIST, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 2213, a bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2216, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2217

At the request of Mr. FRIST, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Missouri (Mr. ASHCROFT), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2217, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2222

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2222, a bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program.

S. 2259

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2259, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 2281

At the request of Mr. DEWINE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Georgia (Mr. CLELAND), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Washington (Mrs. MURRAY), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2403

At the request of Mr. SANTORUM, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. BROWNBACK), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2403, a bill to prohibit discrimination against health care entities that refuse to provide, provide coverage for, pay for, or provide referrals for abortions.

S. 2415

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2415, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2425

At the request of Mr. SESSIONS, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2425, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C.

Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served inpositions of command during World War II, and for other purposes.

SENATE RESOLUTION 193

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 193, a resolution designating December 13, 1998, as "National Children's Memorial Day."

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 272—EXPRESSING THE SENSE OF THE SENATE RECOGNIZING THE DISTINGUISHED SERVICE OF ANGELA RAISH

Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. D'AMATO) submitted the following resolution, which was considered and agreed to:

S. RES. 272

Whereas Angela Raish retired from the United States Senate on July 31, 1998, after more than twenty-one years of distinguished service to the United States Senate, Senator Pete V. Domenici, and the people of New Mexico;

Whereas Angela combined exceptional professional and organizational skills, untiring initiative, and unlimited compassion to accomplish both major, and simply thoughtful, tasks for the Senator and his constituents;

Whereas Angela has always generously given of herself out of a genuine love and concern for others, without hesitation or expectation of reward;

Whereas Angela has had an impressive career beginning during World War II in the Navy Department, office of Admiral S. C. Hooper where she developed the professional and personal skills that she refined into her trademark standard of excellence;

Whereas in 1968, Angela worked for President Richard M. Nixon's Inaugural Committee, and in 1972, she served as the Assistant to the Chairman, and received the gavel used to convene the Republican National Convention as a token of appreciation for a job well done from Gerald R. Ford, the Republican National Committee and Republican Convention Chairman;

Whereas Angela's endearing attitude and hard work earned the respect and admiration of Anne Armstrong and the staff at the White House in 1974 and 1975;

Whereas Angela has always balanced her public service with her private life and has been married to the self-described "luckiest man in the Navy," Bob Raish, since February 8, 1947;

Whereas, her colleagues always know they have a devoted friend and confidant;

Whereas Angela is known for her love of Italy, her pride in her ancestral home in Camogli, and her affection for Lake Maggiore;

Whereas Angela is "una donna eccexionale," (an exceptional woman); the Senator's vero "braccio destro" (his right hand helper), and "La Signora Aggiestatutto per gli elettori" (Mrs. Fix-it for constituents);

Whereas Angela is a gracious hostess and accomplished cook who is going to pursue new culinary challenges in her retirement; and

Whereas all those whose lives are richer for having known Angela Raish will miss here deeply and send her warm wishes on her well-deserved retirement: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the achievements of Angela Raish and her more than 21 years of service to the Senate and Senator Domenici be honored and celebrated;

(2) the love and affection that Angela's friends and colleagues share for her be recognized; and

(3) Angela's pride in work and home be recognized as the standard to which all should aspire.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

JEFFORDS (AND TORRICELLI) AMENDMENT NO. 3541

Mr. GORTON (for Mr. JEFFORDS for himself and Mr. TORRICELLI) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the end of Title I, add the following new section:

"SEC. . Up to $10 million of funds available in fiscal year 1998 and 1999 shall be available for matching grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission. Lands or interests in lands acquired pursuant to this section shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3))."

BOXER AMENDMENT NO. 3542

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 2237, supra; as follows:

On page 75, line 13 and 14, strike "$165,091,000, to remain available until expended as authorized by law" and insert "$175,091,000, to remain available until expended, as provided by law, of which $10,000,000 shall be made available to the Centers for Protection Against Natural Disasters from the Emergency Fire Suppression Account to implement a National Integrated Fire Management System development program under which no State cost-sharing requirement shall apply".

On page 76, line 10, strike "$587,885,000" and insert "$577,885,000.".

CRAIG AMENDMENT NO. 3543

Mr. GORTON (for Mr. CRAIG) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 134, strike lines 21–25, and insert in lieu thereof the following:

SEC. 333. In the second proviso of section 343 of Public Law 105–83, delete "1999" and insert "2000" in lieu thereof.

ENZI (AND THOMAS) AMENDMENT NO. 3544

Mr. GORTON (for Mr. ENZI for himself and Mr. THOMAS) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. . LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding section 4 of Public Law 88–608 (78 Stat. 988), the Federal reserved mineral interests in land conveyed under that Act by United States land patents No. 49–71–0059 and No. 49–71–0065 shall be subject to the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.).

(b) ENTRY.—

(1) IN GENERAL.—A person that acquires a lease under the Act of February 25, 1920 (30 U.S.C. 181 et seq.) for the interests referred to in subsection (a) may exercise the right of entry that is reserved to the United States and persons authorized by the United States in the patents conveying the land described in subsection (a) by occupying so much of the surface the land as may be required for purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals.

(2) CONDITION.—A person that exercises a right of entry under paragraph (1), shall, before commencing occupancy—

(A) secure the written consent or waiver of the patentee; or

(B) post a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to ensure—

(i) the completion of reclamation pursuant to the requirements of the Secretary under the Act of February 25, 1920 (30 U.S.C. 181 et seq.); and

(ii) the payment to the surface owner for—

(I) any damage to a crop or tangible improvement of the surface owner that results from activity under the mineral lease; and

(II) any permanent loss of income to the surface owner due to loss or impairment of grazing use or of other uses of the land by the surface owner at the time of commencement of activity under the mineral lease.

(c) EFFECTIVE DATE.—In the case of the land conveyed by United States patent No. 49–71–0065, this section takes effect January 1, 1997.

GORTON AMENDMENTS NOS. 3545–3551

Mr. GORTON proposed seven amendments to the bill, S. 2237, supra; as follows:

AMENDMENT NO. 3545

On page 134, line 16, insert between the words "burning" and "until" the following "on lands classified in the national forest land management plan as timber base"

On page 134, line 18, insert between the words "remove" and "all" the following: "from the proposed burn area,"

On page 134, line 19, delete the words "from the proposed burn area." and insert the words "that would otherwise be consumed by fire."

AMENDMENT NO. 3546

On page 131, line 12, insert between the words "a" and "system" the following word: "ledger".

On page 131, line 13, delete the word "information".

On page 131, line 19, insert after the word "Appropriations" the following: "and authorizing committees."

AMENDMENT NO. 3547

On page 145, strike lines 22 and 23, and insert the following in lieu thereof: "roads constructed by the timber purchaser, caused by variations in quantities, changes or modifications subsequent to the sale of timber made in accordance with applicable timber sale contract provisions, then".

And on page 147, line 24 strike the words "appraised value" and insert the following in lieu thereof: "estimated cost".

And on page 148, strike lines 15 through 22 and insert the following in lieu thereof:

"thereafter) upon the earlier of—

"(A) April 1, 1999; or

"(B) the date that is the later of—:

"(i) the effective date of regulations issued by the Secretary of Agriculture to implement this section; and

"(ii) the date on which new timber sale contract provisions designed to implement this section, that have been published for public comment, are approved by the Secretary.".

And on page 149, line 3, strike the comma after the word "date" and insert the following in lieu thereof: "shall remain in effect, and".

AMENDMENT NO. 3548

On page 134, line 8, delete Sec. 331, lines 8–14, and insert the following in lieu thereof:

SEC. 331. The Forest Service shall rescind its decision prohibiting the use of fixed anchors for rock climbing in wilderness areas of any National Forest. No decision to prohibit the use of such anchors in the National Forests shall be implemented until the Forest Service conducts a rulemaking to develop a national policy on the proper management of fixed climbing anchors.

AMENDMENT NO. 3549

Beginning on page 41 of the bill, line 21, following "That", strike all the language through page 42 line 5 and insert the following: "notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least eighteen months and has a balance of $1.00 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the accountholder."

AMENDMENT NO. 3550

On page 16, line 13, strike "the report accompanying this bill:" and insert in lieu thereof "Senate Report 105–56:".

AMENDMENT NO. 3551

On page 32 of S. 2237, line 22, strike "funds." and insert the following: "funds: *Provided further,* That the sixth proviso under Operation of Indian Programs in Public Law 102–154, for the fiscal year ending September 30, 1992, (105 Stat. 1004), is hereby amended to read as follows: *Provided further,* That until such time as legislation is enacted to the contrary, no funds shall be used to take land into trust within the boundaries of the original Cherokee territory in Oklahoma without consultation with the Cherokee Nation:".

REID AMENDMENT NO. 3552

Mr. GORTON (for Mr. REID) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 62, strike lines 6 through 13 and insert the following in lieu thereof:

Bginning on line 5, following the words "without consideration" insert: ", subject to the requirements of 43 U.S.C. 869, all right, title and interest of the land subject to all valid existing rights in the public lands located south and west of Highway 160 within Sections 32 and 33, T. 20 S., R. 54 E., Mount Diablo Meridian."

GORTON AMENDMENT NO. 3553

Mr. GORTON proposed an amendment to the bill, S. 2237, supra; As follows:

Strike line 25 on page 88 and lines 1 through 4 of page 89. Insert the following in lieu thereof:

"House of Representatives and Senate;

"(1) Proposed definitions for use with the fiscal year 2000 budget for overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units that are not directly related to the accomplishment of specific work on the ground;

"(2) A recommendation of the amount of funds, in accordance with definitions under (1), which are appropriate to be charged to the Reforestation, Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and the Salvage Sale funds; and

"(3) A plan to incrementally adjust expenditures under (2) to this recommended level no later than September 30, 2001:

Provided further, That the Forest Service".

On page 89, strike line 18 and insert the following in lieu thereof: "budget allocation. Changes to funding levels, for appropriated funds, permanent funds and trust funds, and".

McCAIN (AND OTHERS) AMENDMENT NO. 3554

Mr. McCAIN (for himself, Mr. FEINGOLD, Mr. THOMPSON, Mrs. SNOWE, Ms. COLLINS, and Mr. JEFFORDS) proposed an amendment to the bill, S. 2237, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—CAMPAIGN FINANCE REFORM

SEC. ___01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Bipartisan Campaign Reform Act of 1997".

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

TITLE ___—CAMPAIGN FINANCE REFORM

Sec. ___01. Short title; table of contents.

Subtitle A—Reduction of Special Interest Influence

Sec. ___101. Soft money of political parties.
Sec. ___102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. ___103. Reporting requirements.

Subtitle B—Independent and Coordinated Expenditures

PART I—ELECTIONEERING COMMUNICATIONS

Sec. ___200. Disclosure of electioneering communications.
Sec. ___200A. Coordinated communications as contributions.
Sec. ___200B. Prohibition of corporate and labor disbursements for electioneering communications.

PART II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. ___201. Definition of independent expenditure.
Sec. ___202. Civil penalty.
Sec. ___203. Reporting requirements for certain independent expenditures.
Sec. ___204. Independent versus coordinated expenditures by party.
Sec. ___205. Coordination with candidates.

Subtitle C—Disclosure

Sec. ___301. Filing of reports using computers and facsimile machines; filing by Senate candidates with Commission.
Sec. ___302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. ___303. Audits.
Sec. ___304. Reporting requirements for contributions of $50 or more.
Sec. ___305. Use of candidates' names.
Sec. ___306. Prohibition of false representation to solicit contributions.
Sec. ___307. Soft money of persons other than political parties.
Sec. ___308. Campaign advertising.

Subtitle D—Personal Wealth Option

Sec. ___401. Voluntary personal funds expenditure limit.
Sec. ___402. Political party committee coordinated expenditures.

Subtitle E—Miscellaneous

Sec. ___501. Codification of Beck decision.
Sec. ___502. Use of contributed amounts for certain purposes.
Sec. ___503. Limit on congressional use of the franking privilege.
Sec. ___504. Prohibition of fundraising on Federal property.
Sec. ___505. Penalties for knowing and willful violations.
Sec. ___506. Strengthening foreign money ban.
Sec. ___507. Prohibition of contributions by minors.
Sec. ___508. Expedited procedures.
Sec. ___509. Initiation of enforcement proceeding.

Subtitle F—Severability; Constitutionality; Effective Date; Regulations

Sec. ___601. Severability.
Sec. ___602. Review of constitutional issues.
Sec. ___603. Effective date.
Sec. ___604. Regulations.

Subtitle A—Reduction of Special Interest Influence

SEC. ___101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF POLITICAL PARTIES.

"(a) NATIONAL COMMITTEES.—

"(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) FEDERAL ELECTION ACTIVITY.—

"(A) IN GENERAL.—The term 'Federal election activity' means—

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

"(iii) the costs of a State, district, or local political convention;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

"(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

"(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Secretary of the Internal Revenue Service for determination of tax-exemption under such section).

"(e) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds for a Federal election activity on behalf of such candidate, individual, agent or any other person, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(A) STATE LAW.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for any activity other than a Federal election activity.

"(B) FUNDRAISING EVENTS.—Paragraph (1) does not apply in the case of a candidate who attends, speaks, or is a featured guest at a fundraising event sponsored by a State, district, or local committee of a political party.".

SEC. __102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000".

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

SEC. __103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section __203) is amended by adding at the end the following:

"(e) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee (not described in paragraph (1)) to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2) and (3)(A)(v) of section 324(b).

"(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

Subtitle B—Independent and Coordinated Expenditures

PART I—ELECTIONEERING COMMUNICATIONS

SEC. __200. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL STATEMENTS ON ELECTIONEERING COMMUNICATIONS.—

"(1) STATEMENT REQUIRED.—Every person who makes a disbursement for electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

"(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

"(A) The identification of the person making the disbursement, of any entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

"(B) The State of incorporation and the principal place of business of the person making the disbursement.

"(C) The amount of each disbursement during the period covered by the statement and

the identification of the person to whom the disbursement was made.

"(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

"(E) If the disbursements were paid out of a segregated account to which only individuals could contribute, the names and addresses of all contributors who contributed an aggregate amount of $500 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $500 or more to the organization or any related entity during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(G) Whether or not any electioneering communication is made in coordination, cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee, any political party or committee, or any agent of the candidate, political party, or committee and if so, the identification of any candidate, party, committee, or agent involved.

"(3) ELECTIONEERING COMMUNICATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'electioneering communication' means any broadcast from a television or radio broadcast station which—

"(i) refers to a clearly identified candidate for Federal office;

"(ii) is made (or scheduled to be made) within—

"(I) 60 days before a general, special, or runoff election for such Federal office, or

"(II) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for such Federal office, and

"(iii) is broadcast from a television or radio broadcast station whose audience includes the electorate for such election, convention, or caucus.

"(B) EXCEPTIONS.—Such term shall not include—

"(i) communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate, or

"(ii) communications which constitute expenditures or independent expenditures under this Act.

"(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

"(A) the first date during any calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000, and

"(B) any other date during such calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

"(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(6) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act."

SEC. ___200A. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

Section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended by inserting after clause (ii) the following new clause:

"(iii) if—

"(I) any person makes, or contracts to make, any payment for any electioneering communication (within the meaning of section 304(d)(3)), and

"(II) such payment is coordinated with a candidate for Federal office or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee,

such payment or contracting shall be treated as a contribution to such candidate and as an expenditure by such candidate; and".

SEC. ___200B. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting "or for any applicable electioneering communication" before ", but shall not include".

(b) APPLICABLE ELECTIONEERING COMMUNICATION.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

"(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (within the meaning of section 304(d)(3)) which is made by—

"(A) any entity to which subsection (a) applies other than a section 501(c)(4) organization, or

"(B) a section 501(c)(4) organization from amounts derived from the conduct of a trade or business or from an entity described in subparagraph (A).

"(2) SPECIAL OPERATING RULES.—For purposes of paragraph (1), the following rules shall apply:

"(A) An electioneering communication shall be treated as made by an entity described in paragraph (1)(A) if—

"(i) the entity described in paragraph (1)(A) directly or indirectly disburses any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1)(A), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

"(B) A section 501(c)(4) organization that derives amounts from business activities or from any entity described in paragraph (1)(A) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute.

"(3) DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) the term 'section 501(c)(4) organization' means—

"(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

"(B) a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(4) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 from carrying out any activity which is prohibited under such Code."

PART II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. ___201. DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure by a person—

"(A) expressly advocating the election or defeat of a clearly identified candidate; and

"(B) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

SEC. ___202. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.".

SEC. ___203. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2) (as amended by paragraph (1)) the following:

"(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

"(1) EXPENDITURES AGGREGATING $1,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the

person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) EXPENDITURES AGGREGATING $10,000.—

"(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)"; and

(2) by adding at the end the following:

"(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

"(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

"(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

"(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

"(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.".

SEC. 205. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office."; and

(B) by adding at the end the following:

"(C) The term 'provided in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

"(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

"(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

"(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

"(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

"(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

"(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.".

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

Subtitle C—Disclosure

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; FILING BY SENATE CANDIDATES WITH COMMISSION.

(a) USE OF COMPUTER AND FACSIMILE MACHINE.—Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

"(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

"(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

(b) SENATE CANDIDATES FILE WITH COMMISSION.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 302, by striking subsection (g) and inserting the following:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission."; and

(2) in section 304—

(A) in subsection (a)(6)(A), by striking "the Secretary or"; and

(B) in the matter following subsection (c)(2), by striking "the Secretary or".

SEC. ___302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.".

SEC. ___303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

"(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. ___304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;".

SEC. ___305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name; or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. ___306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a) IN GENERAL.—"; and

(2) by adding at the end the following:

"(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. ___307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section ___103(c)) is amended by adding at the end the following:

"(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person, other than a political committee or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

"(A) on a monthly basis as described in subsection (a)(4)(B); or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) Federal election activity;

"(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

"(C) an activity described in subparagraph (C) of section 316(b)(2).

"(3) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursements made;

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

"(C) the date made, amount, and purpose of the disbursement; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section ___201(b)) is amended by adding at the end the following:

"(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.".

SEC. ___308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in paragraphs (1) or (2) of subsection (a) shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in paragraph (3) of subsection (a) shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

Subtitle D—Personal Wealth Option

SEC. ___401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section ___101) is amended by adding at the end the following:

"SEC. 325. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

"(a) ELIGIBLE SENATE CANDIDATE.—

"(1) PRIMARY ELECTION.—

"(A) DECLARATION.—A candidate is an eligible primary election Senate candidate if

the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(2) GENERAL ELECTION.—

"(A) DECLARATION.—A candidate is an eligible general election Senate candidate if the candidate files with the Commission—

"(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

"(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

"(i) the date on which the candidate qualifies for the general election ballot under State law; or

"(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Senate candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

"(2) SOURCES.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(c) CERTIFICATION BY THE COMMISSION.—

"(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate.

"(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Senate candidate.

"(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

"(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

"(d) PENALTY.—If the Commission revokes the certification of an eligible Senate candidate—

"(1) the Commission shall notify the candidate of the revocation; and

"(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).".

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

"(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for the Senate who is not an eligible Senate candidate (as defined in section 325(a)).".

Subtitle E—Miscellaneous

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

"(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

"(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

"(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

"(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

"(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

"(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

"(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures;

"(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

"(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.".

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

"SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

"(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) PROHIBITED USE.—

"(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

"(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(I) dues, fees, and other payments to a health club or recreational facility.".

SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended by—

(1) striking subsection (a) and inserting the following:

"(a) PROHIBITION.—

"(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value for a political committee or a candidate for Federal, State or local office from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value for a political committee or candidate for Federal, State or local office,

while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

"(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.".

(2) inserting in subsection (b) after "Congress" "or Executive Office of the President".

SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking "$5,000" and inserting "$10,000"; and

(2) in paragraphs (5)(B) and (6)(C), by striking "$10,000 or an amount equal to 200 percent" and inserting "$20,000 or an amount equal to 300 percent".

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting ", and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).".

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) PENALTY FOR LATE FILING.—

"(A) IN GENERAL.—

"(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

"(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

"(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

"(B) FILING AN EXCEPTION.—

"(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

"(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.";

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: "In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A)."; and

(B) by inserting before the period at the end of the last sentence the following: "or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)"; and

(3) in paragraph (6)(A), by striking "paragraph (4)(A)" and inserting "paragraph (4)(A) or (13)".

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: "CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS"; and

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

"(a) PROHIBITION.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office; or

"(ii) a contribution or donation to a committee of a political party; or

"(B) for a person to solicit, accept, or receive such contribution or donation from a foreign national.".

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

"SEC. 326. PROHIBITION OF CONTRIBUTIONS BY MINORS.

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.".

SEC. 508. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of title 26, United States Code, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

Subtitle F—Severability; Constitutionality; Effective Date; Regulations

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act or January 1, 1998, whichever occurs first.

SEC. 604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

GORTON AMENDMENTS NOS. 3555–3557

Mr. BENNETT (for Mr. GORTON) proposed three amendments to the bill, S. 2237, supra; as follows:

AMENDMENT NO. 3555

Beginning on page 152, line 7, strike all through line 3 on page 154 and insert in lieu thereof the following:

"SEC. 343. Unless specifically authorized by Congress or with the consent of licensees for dams licensed by the Federal Energy Regulatory Commission, a Federal or State agency shall not require, approve, authorize, fund or undertake any action that would remove or breach any dam on the Federal Columbia River Power System or any dam on the Columbia or Snake Rivers or their tributaries licensed by the Federal Energy Regulatory Commission or diminish below present operational plans the Congressionally authorized uses of flood control, irrigation, navigation and electric power and energy generating capacity of any such dam."

AMENDMENT NO. 3556

Strike Section 129 of Senate bill 2237 and add the following in the nature of a substitute:

"SEC. 129. (a) In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

"(b) The Bureau of Indian Affairs shall develop alternative methods to fund TPA base programs in future years. The alternatives shall consider tribal revenues and relative needs of tribes and tribal members. No later than April 1, 1999, the BIA shall submit a report to Congress containing its recommendations and other alternatives. The report shall also identify the methods proposed to be used by BIA to acquire data that is not currently available to BIA and any data gathering mechanisms that may be necessary to encourage tribal compliance. Notwithstanding any other provision of law, for the purposes of developing recommendations, the Bureau of Indian Affairs is hereby authorized access to tribal revenue-related data held by any Federal agency, excluding information held by the Internal Revenue Service.

"(c) Except as provided in subsection (d), tribal revenue shall include the sum of tribal net income, however derived, from any business venture owned, held, or operated, in whole or in part, by any tribal entity which is eligible to receive TPA on behalf of the members of any tribe, all amounts distributed as per capita payments which are not otherwise included in net income, and any income from fees, licenses or taxes collected by any tribe.

"(d) The calculation of tribal revenues shall exclude payments made by the Federal Government in settlement of claims or judgments and income derived from lands, natural resources, funds, and assets held in trust by the Secretary of the Interior.

"(e) In developing alternative TPA distribution methods, the Bureau of Indian Affairs will take into account the financial obligations of a tribe, such as budgeted health, education and public works service costs; its compliance, obligations and spending requirements under the Indian Gaming Regulatory Act; its compliance with the Single Audit Act; and its compact with its state".

AMENDMENT NO. 3557

Starting on page 91, line 23, strike all through the colon on page 92, line 3, and insert in lieu thereof the following:

"For necessary expenses in carrying out energy conservation activities, $670,701,000, to remain available until expended, including, notwithstanding any other provision of law, $64,000,000, which shall be transferred to this account from amounts held in escrow under section 3002(d) of Public Law 95–509 (15 U.S.C. 4501(d)):";

At the end of Title III, add the following new section:

"SEC. . Section 3003 of the Petroleum Overcharge Distribution and Restitution Act of 1986 (15 U.S.C. 4502) is amended by adding after subsection (d) the following new subsection:

"(e) Subsections (b), (c), and (d) of this section are repealed, and any rights that may have arisen are extinguished, on the date of the enactment of the Department of the Interior and Related Agencies Appropriations Act, 1999. After that date, the amount available for direct restitution to current and future refined petroleum product claimants under this Act is reduced by the amounts specified in title II of that Act as being derived from amounts held in escrow under section 3002(d). The Secretary shall assure that the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among the claimants.";

On page 2, line 13, strike "$600,096,000" and insert in lieu thereof the following: "$603,396,000";

On page 5, line 20, strike "$15,650,000" and insert "$16,650,000";

On page 11, line 1, strike "$624,019,000" and insert in lieu thereof the following: "$631,019,000";

On page 12, line 21, strike "$48,734,000" and insert in lieu thereof the following: "$50,059,000";

On page 13, line 8, strike "$62,120,000" and insert in lieu thereof the following: "$63,370,000";

On page 17, line 12, strike "$1,288,903,000" and insert in lieu thereof the following: "$1,298,903,000";

On page 17, line 25, strike "$48,800,000" and insert in lieu thereof the following: "$50,800,000";

On page 18, line 25, strike "$210,116,000" and insert in lieu thereof the following: "$217,166,000";

On page 19, line 3, insert the following after the ":" *Provided further*, That $500,000 may be derived from the Historic Recreation Fund, for the Hecksher Museum";

On page 19, line 17, strike "$88,100,000" and insert in lieu thereof the following: "$90,075,000";

On page 22, line 10, strike "$772,115,000" and insert in lieu thereof the following: "$773,115,000";

On page 22, line 18, strike "$154,581,000" and insert in lieu thereof the following: "$155,581,000";

On page 30, line 2, strike "$1,544,695,000" and insert in lieu thereof the following: "$1,555,295,000";

On page 30, line 21, strike "$50,588,000" and insert in lieu thereof the following: "$52,788,000";

On page 75, line 6, strike "$212,927,000" and insert in lieu thereof the following: "$214,127,000";

On page 75, line 13, strike "$165,091,000" and insert in lieu thereof the following: "$168,091,000";

On page 77, line 5, strike "$353,850,000" and insert in lieu thereof the following: "$358,840,000";

On page 96, line 25, strike "$1,888,602,000" and insert in lieu thereof the following: "$1,893,602,000";

On page 98, line 16, strike "$170,190,000" and insert in lieu thereof the following: "$175,190,000".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 24, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

ADDITIONAL STATEMENTS

LABOR DAY AND THE RESERVISTS' MODEL EMPLOYER PROGRAM

• Mr. CRAIG. Mr. President, as America celebrated the Labor Day holiday this past weekend, it seems appropriate to take a moment to highlight the recent efforts to renew the partnership between the National Guard and Reserve forces and their community employers. Now, more than in any recent decade, the Guard and Reserve are key to maintaining our military commitments. More than a quarter million members served in Operation Desert Storm, and more than 17,000 have been called to active duty to support operations in Bosnia.

The partnership between all employers, whether in the private or government sector, and the Reserve forces must extend beyond the 1994 Uniformed Services Employment and Reemployment Rights Act (USERRA). Communications and cooperation between employers and their employees who participate in the National Guard and Reserve must be maintained to support our military structure. Without employers' full support, it becomes much more difficult to maintain our military strength.

In Idaho, we have more than 5,400 Guard and Reservists. These men and women not only serve to support our national security, but also carry out a wide range of domestic missions. Last year, Idaho lost two Reservists who were responding to flooding emergencies. We do not forget that they paid the ultimate price to protect our community during disaster. Although we may never be able to thank our Guard and Reserve forces enough for their efforts and commitment, we can ensure that they have flexibility to serve in their units and secure employment upon their return. This renewed partnership between employers and our Guard and Reserve will do just that.

Labor Day is not just Labor's Day. It is a celebration of an all-American accomplishment and an all-American ethic. Here, the dignity of labor is not a matter of partisan politics, but civic pride. Public recognition of the partnership between individuals who serve their country and communities, and the employers who support them, is a true way to celebrate this Labor Day holiday.•

TRIBUTE TO DR. JOHNATHAN MANN AND DR. MARY LOU MANN

• Mr. KERRY. Mr. President, I wish today to speak for a few moments about a terrible loss for the state of Massachusetts, and for all those around the world who care about our fight to cure AIDS. Among the dead in the crash of SwissAir flight 111 was a special couple, Dr. Jonathan Mann and Dr. Mary Lou Clement Mann. Both devoted their lives to finding a cure for AIDS, and today I join thousands of people all over this country and across the world in mourning the tragedy of SwissAir flight 111 and the loss of everyone on board. Jonathan and Mary Lou Clement Mann selflessly gave of themselves and cared for patients from Zaire to New Mexico, Boston to Geneva, embodying the best of their profession by bringing hope and comfort to countless individuals and families.

Jonathan Mann was born in Boston, Massachusetts in 1947 and graduated from Harvard College in 1969. After attending the Washington University School of Medicine in St. Louis, he returned to Boston for his formal entry into the medical profession. In 1975 he joined the Centers for Disease Control as an Epidemic Intelligence Service Officer, and from 1977 to 1984 he was the State Epidemiologist and Chief Medical Officer for the state of New Mexico.

After receiving his Masters in Public Health from Harvard University in 1980, Dr. Mann returned to the CDC and it was then that AIDS became his primary, professional focus. During these years he established and directed the Zaire AIDS Research Project, which conducted the first comprehensive study of the disease on the continent where AIDS has brought the most widespread devastation and suffering. Dr. Mann's work there led him to the World Health Organization's Global Programme on AIDS in 1986, a post of global impact which he held until his return to Harvard's School of Public Health in 1990.

Dr. Mann's involvement in this issue was total; his life and the fight to find a cure for AIDS soon became, in everyone's eyes, synonymous. Beyond his professional service to the cause, he participated in the AIDS Walk in Boston, World AIDS Day, and countless events, workshops, symposiums and conferences. His ultimate foe was the stigma that was attached to AIDS victims. His only weapons in the fight against AIDS were his passion, his intellect, and his belief in the truth, and with those tools he was well armed to fight his battle on the fields not just of science, but against a public that too often fell short of the compassion and humanity that a war on AIDS required. Dr. Mann was not afraid to declare that AIDS will not be beaten as long as we stigmatize those that fall victim to it. He was one of the first and unfortunately few researchers who took AIDS seriously in the infancy of the epidemic, when AIDS was still called GRIDS—gay-related immunodeficiency syndrome. Jonathan and Mary Lou Mann understood that AIDS was a challenge for every community in this country and he was not afraid to speak out and criticize anyone—an administration, a society, an entire nation—who denied that truth.

Dr. Mann's work echoed from the best of human instincts: to reach out to those in need and to wield his power to alleviate suffering. We mourn the loss of Dr. Jonathan Mann and his wife Dr. Mary Lou Mann. On behalf of Massachusetts, the United States Senate, and all those who were fortunate enough to know these two gifted individuals, we remember them for their energy, their compassion for others, and realize that the world is better off for their time on this earth.•

HOOSIERS TEACH IMPORTANCE OF GEOGRAPHY

• Mr. LUGAR. Mr. President, I rise before you today to recognize two excellent high school teachers who have been chosen by the National Geographic Society to represent the State of Indiana in the promotion of Geography Awareness Week.

I wish to commend Christine Bullock of Walkerton, Indiana and Kevin Leineweber of Lafayette, Indiana for their efforts in advancing Geography Awareness Week throughout Indiana.

Ms. Bullock and Mr. Leineweber visited our nation's capital for three weeks this summer to study methods for improving geographic education in our schools. They have set themselves apart as Hoosier leaders who understand that geography should be an intregal part of American education.

Geography offers a unique perspective in understanding ourselves, our relationship to the Earth and its resources and our interdependence with other people of the world. With an ever expanding global network of trading partners, the United States must look to its future entrepreneurs and citizens to have an understanding of the world and its geography in order to promote American interests abroad.

I urge all teachers to stress to their students the importance of geography, and I appeal to students to study geography and its effects on the makeup of our global societies.

I extend my congratulations to Ms. Bullock and Mr. Leineweber for recognizing the importance of geography and working toward the development of geographic knowledge in our communities and schools.•

NURSING HOME PATIENT PROTECTION ACT

• Ms. MIKULSKI. Mr. President, I rise today in support of the Nursing Home Patient Protection Act. I wish this legislation was not necessary, but it is. It is necessary and we must pass this bill because senior citizens and people with disabilities are being cruelly forced to leave their homes. Why? Not because of some failure of their own, not because they haven't spent their lives working hard, and not because they deserve to be kicked out for any other reason. These people, mostly senior citizens, are being told to leave their homes because of inadequacies in our Medicaid program. This is not right, Mr. President. It is unfair, unacceptable, and Un-American to sit by while many of our senior citizens are shuffled around like a deck of cards. I think honoring your mother and father is not just good practice—it is good public policy.

Most seniors begin paying their nursing home bills with their own life's savings. Later, when they run out of money, they typically enter the Medical Assistance Program. All too often, nursing homes then tell these residents, some of whom have lived in a home for 20 years or more, that they must leave because Medicaid payment rates are too low. No warning is given, and little assistance for relocation is available. They are, quite literally, left out on the street to find another facility on their own. Think of your parents in a similar situation: their health is not what it once was, they are accustomed to their current surroundings, and they were promised by their nursing home that they would be allowed to stay when they ran out of money and became Medicaid recipients. Then, without any warning, they are told that they must leave what has been their home within the next two months. How would you react? I know how I would react—with anger, fear, and disbelief. It is wrong and dangerous to disrupt seniors in such a manner. Getting adjusted to a new environment is difficult at any age, but for seniors, the added stress is often enough to significantly diminish their health, leading to additional medical problems, and even premature death.

This bill does not attempt to force nursing homes to accept Medicaid patients. Rather, it recognizes the fact that nursing homes should have the right to take only "private pay" patients if they so choose. That is the nature of the marketplace.

This bill does require nursing homes to be honest about their policies concerning Medicaid and ensures that patients are not misled. This bill would require nursing homes to formally notify potential residents of their policy regarding Medicaid. Furthermore, under this legislation, if a nursing home converts to private pay only status, it must still honor its previous promise to current residents and accept their Medicaid payments.

Senior citizens' advocacy groups strongly support this legislation. As

noteworthy, the nursing home industry supports the bill. Calling it "intelligent public policy," the American Health Care Association, which represents over 11,000 nursing homes, acknowledges the fact that no one should be lied to and kicked out of their homes. Nursing home officials realize, as we do, that this bill will not damage the economic viability of running a nursing home. It will simply give seniors the security of knowing they will not be suddenly forced to leave their homes when they run out of their own savings.

I also want to say a bit about the last section of the bill. The final section is crucial because it requires the Secretary of HHS to examine Medicaid reimbursement rates and make sure they are reasonable. This work will then be compiled and submitted to Congress within five years after the bill's passage. Hopefully, this report will shed light on the Medicaid system's problems and initiate the process of correcting them.

This legislation will provide some much needed security for our seniors. I hope it will also start the process of improving our Medicaid system. People on Medicaid are regularly denied services by nursing homes and hospitals because the reimbursement rates are unreasonably low. The Secretary's report, required by this bill, is a step in the right direction.

In closing, I would like to thank Senator GRAHAM for introducing this important legislation. I know that he sincerely shares my concern for the well-being of older Americans, as do all of the bill's cosponsors. We have a responsibility to make sure that Americans are treated fairly and humanely. This bill does just that. Let's take care of our parents, our grandparents, and ourselves by passing this important legislation.•

TRIBUTE TO AUBREY "COTTON" LAKE

• Mr. SHELBY. Mr. President, I rise today to pay tribute to Aubrey "Cotton" Lake, a long-time friend and respected member of the Tuscaloosa community, who passed away on Friday, August 14, 1998 at the age of 69.

Aubrey was a valued employee of the Tuscaloosa News for 18 years and traveled extensively with the Alabama Crimson Tide football team. His photographs of the team won him the coveted Look Magazine National Sports Photography award, and many of his photographs hang in Tuscaloosa's Coach Bear Bryant Museum. Aubrey captured many of the Crimson Tide images that have become emblazoned on our memories—from photographs of Bear Bryant coaching the team to victory, to Joe Namath before his tenure with the NFL. Aubrey was there, documenting sports history, shooting and selecting the most descriptive photographs for the next day's Tuscaloosa News sports page.

Aubrey was more than a sports photographer, however, and served both God and country throughout his life. In addition to his active membership at the First Freewill Baptist Church of Tuscaloosa, he also served many of Alabama's elected officials. For more than 24 years, Aubrey worked for late Representatives Walter Flowers and Claude Harris, and most recently for me, on my own staff.

More than just an employee, Aubrey was a friend and a confidant. He was loyal, had a lifetime of experience in Alabama, and was a true servant to the people of our state. I could never have asked for a more dedicated staff member or friend.

After leaving public service, Aubrey worked as president of Tuscaloosa Insulation Company, and served as a member of the Tuscaloosa Home Builders Association. He was an avid sportsman, and attended as many Alabama football games as possible.

Aubrey was a loving father, devoted community member, and friend to most anyone he met. He will be missed by all who knew him, especially his wife Dot, his daughter Suzanne, his son Greg, his grandchildren, and other family members and friends.

I'm glad I had the opportunity to know and work with Aubrey Lake. He was a good friend, and I will miss him.•

REMEDIATION WASTE

• Mr. BAUCUS. Mr. President, I rise to make a few remarks regarding efforts to amend the Resource Conservation and Recovery Act as it relates to remediation waste. The Majority Leader and the Chair of the Environment and Public Works Committee recently concluded that there is not enough time to complete legislation in this area this Congress, due to the press of other business and the limited time remaining.

I would like to commend both the process and the progress that has been made this year in discussions concerning remediation waste legislation. I also would like to commend Senators LOTT, CHAFEE, SMITH, LAUTENBERG and BREAUX for their roles in this process. I believe that the RCRA hazardous waste cleanup program could be improved through responsible reforms that tailor certain provisions of RCRA to hazardous waste that is generated during cleanup. Targeted amendments in this area could promote cleanup, ensure meaningful opportunities for community involvement, and reduce cleanup costs, without sacrificing protection of human health and the environment. Republican and Democratic staff of the Environment and Public Works Committee, together with representatives of the Administration, have for several months been engaged in productive, bipartisan negotiations to reach agreement on targeted RCRA amendments in this important area. Despite these efforts, there are still a number of issues yet to be resolved, which I had hoped we would resolve in the time remaining this Congress.

The Administration contributed significantly to the progress made this year. We also received valuable input from representatives of various interests that would be affected by the legislation, including industry, the environmental community, state and local governments and communities in the vicinity of hazardous waste cleanup sites. We need to continue close coordination with a range of interested persons.

I hope that next year we can resume this bi-partisan process. This year's work creates a foundation for efforts next year to achieve responsible reform.•

HONORING HARVEY FINKELSTEIN'S RETIREMENT AS THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE JEWISH HOME AND HOSPITAL

• Mr. D'AMATO. Mr. President, I rise today to join with my colleagues in recognizing Harvey Finkelstein, one of New York's most beloved and esteemed health care executives, as he prepares for his retirement. In a career spanning more than three decades, Harvey Finkelstein, the President and Chief Executive Officer of the Jewish Home and Hospital, has been a pillar of New York's continuing care community. This exceptional individual has devoted his life to caring for and improving the lives of the elderly in New York.

Throughout Harvey's distinguished career, he has demonstrated a great knowledge of and commitment to the field of continuing care. He has served as the President and Chief Executive Officer of the Jewish Home and Hospital since 1988. Prior to joining the Jewish Home and Hospital, Harvey was the Associate Executive Director of the Daughters of Jacob Geriatric Center and held positions with Long Island Jewish-Hillside Medical Center and the Queensboro Tuberculosis and Health Association. His sharp intellect combined with his selfless and compassionate spirit have made Harvey a unique leader who is valued and respected by all.

During Harvey's tenure as President and CEO, the Jewish Home and Hospital has gained widespread recognition as an exemplary long term care organization, developing a reputation of excellence for both its extensive continuum of senior care services and its innovative geriatric education programs. Most important, it has remained ever focused on its essential

mission—providing its residents with the opportunity to live lives filled with dignity, meaning, and respect.

In addition to his professional responsibilities at the Jewish Home, Harvey has also made a wide range of important contributions to the New York health care community. Harvey has taught extensively on topics related to geriatrics and long term care. His teaching includes classes at the Mt. Sinai School of Medicine, the New School for Social Research, The Brookdale Center on Aging of Hunter College and New York University. Harvey has also published in Journal of Vision Rehabilitation, Contemporary Administrator, and Journal of American College of Emergency Physicians. Harvey has been an active member of several provider associations including the Greater New York Hospital Association and the National Association of Jewish Aging Services. He also advises the UJA-Federation of New York and the Council of Jewish Federations.

Mr. President, as Harvey Finkelstein looks toward his retirement, I ask my colleagues to join with me in expressing their great appreciation and admiration for all of the contributions and achievements of this exceptional leader. We wish him and his family health and happiness in the upcoming years.•

IN MEMORY OF MARYLANDERS MARK AND CAULEY CHAPMAN, DR. JONATHAN MANN, AND DR. MARY LOU CLEMENTS-MANN

• Ms. MIKULSKI. Mr. President, and to all who are with us in the proceedings today, I rise with melancholy to pay tribute to four Marylanders who were killed in the tragic crash of Swissair Flight 111 late Wednesday night, September 2, 1998. Dr. Jonathan Mann and Dr. Mary Lou Clements-Mann lived in Columbia. Mark Chapman and Cauley lived in Olney.

Mark Chapman was an engineer, and his wife was a flight attendant for American Airlines. They were on their way to Greece to visit his parents. Friends in their 10-house neighborhood in Olney tell stories about their kindness and thoughtfulness, how the Chapmans kept everyone entertained and had the whole neighborhood over for backyard barbeques.

Mark and Cauley loved animals, and every morning Mrs. Chapman would be out with her beagle Ruby trotting along on her daily walk. In a world that too often lacks a sense of community, the Chapmans went out of their way to be a part of their community and to make others feel welcome in it. According to one neighbor, "Knowing Cauley, she was probably helping out the other stewardesses on the plane."

Dr. Jonathan Mann created the World Health Organization's AIDS program, and Dr. Mary Louise Clements-Mann was the director of the vaccine research at the Johns Hopkins School of Public Health. They were partners in science and partners in life, having met at a scientific conference three years ago and married last year.

Their loss is felt deeply by the medical research community, and it is felt deeply by the community of caring they helped to create. More than being dedicated to research, they were dedicated to the people they were trying to help. They believed, as I do, that our policies should reflect our values.

Dr. Mann was among the first to declare that AIDS was a disease that rightfully concerned all of us, that it did not recognize class, gender, or global boundaries. In 1984, he became director of an AIDS project in the central African nation of Zaire (now the Congo). It was there that he traced the transmission patterns and risk factors for AIDS. Unusual for a medical researcher, he also traced the political and social implications of this deadly disease. He spoke out about the connection between AIDS and human rights, and he worked with governments to fight cruelty and discrimination against people with AIDS. In February 1987, he was appointed head of the WHO AIDS office, and he and his staff visited 77 nations in nine months to assess the epidemic.

Early this year, Dr. Mann took on a new responsibility as dean of the School of Public Health at Allegheny University of the Health Sciences. He has been described as 'a dapper man who wore starched white shirts and red bow ties', who boarded the train every day to Philadelphia. Since January, he had also been a visiting professor at the Hopkins School of Public Health.

Dr. Clements-Mann had an equally stellar list of accomplishments and a reputation as a gentle woman who could also be a tough taskmaster when it came to life-saving medical research. Born in Longview, Texas, she graduated from Texas Tech with a degree in chemistry at a time when few women were encouraged to consider science careers. She earned another degree in chemistry from the University of Texas Southwestern Medical School in Dallas, and advanced degrees from the University of London and from the Johns Hopkins School of Public Health.

In 1986, she moved to Johns Hopkins to start and direct its vaccine center. She became one of the world's experts in developing vaccines against life-threatening diseases, from Hepatitis C to influenza. Her reputation was built on selecting vaccines for medical trials that had the best chance of success, and one of the vaccines she helped develop was just approved by the FDA last week. Even as an internationally famous researcher, colleagues said she preferred to be called Mary Lou by coworkers and volunteers alike.

Dr. Clements-Mann loved to garden and they both loved to travel and go camping. Neighbors in their Hickory Ridge neighborhood in Columbia often saw the two of them taking walks and holding hands. It is a tragedy that the world has been deprived of their knowledge, their compassion, and their ability to affect public policy in the face of worldwide epidemics.•

TRIBUTE TO THE UNITED STATES AIR FORCE

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the men and women who serve in the United States Air Force as we celebrate the 51st anniversary of its founding.

In 1947, Congress passed the National Security Act, creating the United States Air Force. Although military aviation units were around as early as 1907, these units were a division of the Army and the Navy. It was not until forty years later that the Air Force was established as a separate military service. Ironically, President Harry Truman signed the legislation creating the United States Air Force while aboard the presidential aircraft, which later became known as Air Force One. W. Stuart Symington became the first Secretary of the Air Force and General Carl A. Spaatz became the first Chief of Staff of the Air Force.

The inherent strengths of air power—speed, global range, stealth, flexibility and precision—are crucial to the achievement of our military goals in the world today. Through innovation, the Air Force is evolving into an air and space force that will be able to meet the challenges of the next century. Working with the other Armed Forces, the Air Force provides the citizens of the United States with the security we enjoy as it watches over America's airspace. On the same day the Air Force was established, the Air National Guard was also born, and seven months later, on April 14, 1948, the Air Force Reserve was created. Today, these two are an integral part of the total Air Force.

Minnesota is home to two Air National Guard units, the 148th Fighter Wing in Duluth and the 133rd Airlift Wing in the Twin Cities. The 133rd Airlift Wing was the first federally recognized Air National Guard flying unit. A division of the 133rd unit, the Security Forces Squadron, was awarded the Air National Guard's Outstanding Security Force Unit for 1994.

In addition, Minnesota has one Air Force Reserve unit, the 934th Airlift Wing in St. Paul. The Airlift Wing provides support for the transporting of passengers and cargo around the world. In 1992, the brave men and women of the 934th Airlift Wing provided airlift of passengers and cargo as part of a humanitarian relief effort in Bosnia-Herzegovina.

Mr. President, since its birth in 1947, the Air Force has shown the utmost

dedication and service to this country, while protecting our national interests. I truly appreciate its commitment to defending this nation and am honored today to pay tribute to the men and women of the Air Force.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through August 31, 1998. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84), show that current level spending is below the budget resolution by $17.1 billion in budget authority and above the budget resolution by $1.9 billion in outlays. Current level is $1.0 billion below the revenue floor in 1998 and $2.9 billion above the revenue floor over the five years 1998–2002. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $176.4 billion, $2.9 billion above the maximum deficit amount for 1998 of $173.5 billion.

Since my last report, dated July 30, 1998, CBO has completed its estimate of the budget authority for the Transportation Equity Act for the 21st Century (P.L. 105–178). As a result, the current level of budget authority has been reduced by $923 million. This report also incorporates the budget authority, outlay, and revenue impacts of the Homeowners' Protection Act (P.L. 105–216), the Credit Union Membership Access Act (P.L. 105–219), and an Act to establish the United States Capitol Police Memorial Fund (P.L. 105–223).

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 3, 1998.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 1998 shows the effects of Congressional action on the 1998 budget and is current through August 31, 1998. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 30, 1998, CBO has completed its estimate of the budget authority for the Transportation Equity Act for the 21st Century (P.L. 105–178). As a result, the current level of budget authority has been reduced by $923 million.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosures.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1998, 105TH CONGRESS, 2ND SESSION, AS OF CLOSE OF BUSINESS AUGUST 31, 1998

[In billions of dollars]

	Budget Resolution H. Con. Res. 84	Current level	Current level over/under resolution
ON-BUDGET			
Budget authority	1,403.4	1,386.3	−17.1
Outlays	1,372.5	1,374.4	1.9
Revenues:			
1998	1,199.0	1,198.0	−1.0
1998–2002	6,477.7	6,480.6	2.9
Deficit	173.5	176.4	2.9
Debt subject to limit	5,593.5	5,457.0	−136.5
OFF-BUDGET			
Social Security outlays:			
1998	317.6	317.6	0.0
1998–2002	1,722.4	1,722.4	0.0
Social Security revenues:			
1998	402.8	402.7	−0.1
1998–2002	2,212.1	2,212.3	0.2

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Source.—Congressional Budget Office.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 2ND SESSION: SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998 AS OF CLOSE OF BUSINESS AUGUST 31, 1998

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues			1,206,379
Permanents and other spending legislation	880,459	867,037	
Appropriation legislation		241,036	
Offsetting receipts	−211,291	−211,291	
Total previously enacted	669,168	896,782	1,206,379
Enacted First Session:			
Authorization Acts:			
Balanced Budget Act of 1997 (P.L. 105–33)	1,525	477	267
Taxpayer Relief Act of 1997 (P.L. 105–34)			−9,281
Stamp Out Breast Cancer Act (P.L. 105–41)			(1)
Oklahoma City National Memorial Act of 1997 (P.L. 105–58)	14	3	14
National Defense Authorization Act for 1998 (P.L. 105–85)	−159	−159	
Adoption and Safe Families Act of 1997 (P.L. 105–89)	−3	−1	
Savings Are Vital to Everyone's Retirement Act of 1997 (P.L. 105–92)	1	1	1
Veterans' Benefits Act of 1997 (P.L. 105–114)	3	1	
Food and Drug Modernization Act of 1997 (P.L. 105–115)			(1)
50 States Commemorative Coin Program Act of 1997 (P.L. 105–124)	1	1	
Hispanic Cultural Center Act of 1997 (P.L. 105–127)	13	0	
Surface Transportation Extension Act of 1997 (P.L. 103–130)	29,586	65	
Small Business Reauthorization Act of 1997 (P.L. 105–135)	0	2	
Acquisition of Real Property for Library of Congress (P.L. 105–144)	5	3	5
Act Amending Sec. 13031 of COBRA of 1985 (P.L. 105–150)	2	2	
Appropriation Acts:			
1997 Emergency Supplemental Appropriations (P.L. 105–18)	−350	−280	
Agriculture, Rural Development (P.L. 105–86)	49,047	41,511	
Commerce, Justice, State (P.L. 105–119)	31,744	21,242	
Defense (P.L. 105–56)	247,709	164,702	
District of Columbia (P.L. 105–100)	855	554	
Energy and Water Development (P.L. 105–62)	20,732	13,533	
Foreign Operations (P.L. 105–118)	13,191	5,082	

	Budget authority	Outlays	Revenues
Interior and Related Agencies (P.L. 105–83)	13,841	9,091	.....
Labor, HHS, and Education (P.L. 105–78)	171,761	128,411	.....
Legislative Branch (P.L. 105–55)	2,251	2,023	.....
Military Construction (P.L. 105–45)	9,183	3,024	.....
Transportation (P.L. 105–66)	13,064	13,485	.....
Treasury and General Government (P.L. 105–61)	17,106	14,168	−4
Veterans, HUD (P.L. 105–65)	90,689	52,864	.....
Total enacted first session	711,811	469,805	−8,998
Enacted Second Session:			
1998 Emergency Supplemental Appropriations and Rescissions (P.L. 105–174)	−2,039	310	.....
Transportation Equity Act for the 21st Century (P.L. 105–178)[2]	−923	−440	.....
Care for Police Survivors Act of 1998 (P.L. 105–180)	1	1	.....
Agriculture Export Relief Act of 1998 (P.L. 105–194)	7	7	.....
Internal Revenue Service Restructuring and Reform Act of 1998 (P.L. 105–206)[3]	−15	440	608
Homeowners' Protection Act (P.L. 105–216)	2	2	.....
Credit Union Membership Access Act (P.L. 105–219)	.....	.....	(1)
Act to establish the United States Capitol Police Memorial Fund (P.L. 105–223)	.....	.....	(1)
Total, enacted second session	−2,967	320	608
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	8,280	7,461	.....
Totals:			
Total Current Level	1,386,292	1,374,368	1,197,989
Total Budget Resolution	1,403,402	1,372,512	1,199,000
Amount remaining:			
Under Budget Resolution	17,110	.....	1,011
Over Budget Resolution	.....	1,856	.....
Addendum:			
Emergencies	5,691	3,357	−8
Contingent Emergencies	329	53	.....
Total	6,020	3,410	−8
Total Current Level Including Emergencies	1,392,312	1,377,778	1,197,981

[1] The revenue effect of this act begins in fiscal year 1999.

[2] At the request of the Senate Budget Committee, the scoring for this act excludes $365 million in budget authority and $165 million in outlays for student loans that were excluded from the PAYGO scorecard pursuant to Sec. 8102 of the Act.

[3] Budget authority and outlays shown reflect extension of the PAYGO scorecard exclusion from the Transportation Equity Act for the 21st Century (P.L. 105–178) to cover sec. 1102 of that Act. Sec. 1102 affects spending for Federal aid to highways.

Notes.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Current level estimates include $390 million in budget authority and $298 million in outlays for projects that were cancelled by the President pursuant to the Line Item Veto Act, P.L. 104–130.

Source: Congressional Budget Office.•

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The text of the bill (S. 2334), the Foreign Operations, Export Financing and Related Agencies Appropriations Act, 1999, as passed by the Senate on September 2, 1998, is as follows:

S. 2334

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $785,000,000 to remain available until September 30, 2002: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1999, 2000, 2001, and 2002: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $49,000,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1999.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000 of which not more than $16,500,000 may be made available until the Corporation reports to the Committees on Appropriations on measures taken to (1) establish sector specific investment funds; and (2) support regional investment initiatives in Georgia, Armenia and Azerbaijan through the Caucasus Fund: *Provided further*, That the Corporation shall provide a report to the Committees on Appropriations within 45 days of enactment regarding the use of funds it has made or plans to make available consistent with the President's Global Climate Change Initiative: *Provided further*,

That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $50,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1999 and 2000: *Provided further*, That such sums shall remain available through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999, and through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000: *Provided further*, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $43,000,000, to remain available until September 30, 2000: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2000, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1999, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, section 301, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,904,000,000, to remain available until September 30, 2000: *Provided*, That of the amount appropriated under this heading, up to $20,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: *Provided further*, That of the amount appropriated under this heading, up to $8,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: *Provided further*, That of the amount appropriated under this heading, the amount made available for activities to strengthen global surveillance and control of infectious diseases, that is in addition to funds made available for the prevention, treatment, and control of, and research on, HIV/AIDS, shall be at least equal to the amount available in fiscal year 1998 for such purposes under the heading "Child Survival and Disease Programs Fund": *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading, not less than $50,000,000 should be made available for activities addressing the health and nutrition needs of pregnant women and mothers: *Provided further*, That of the funds appropriated under this heading, not less than $100,000,000 shall be made available for the United Nations Children's Fund: *Provided further*, That not less than $435,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 shall be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): *Provided further*, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for Eastern European Democracy Act of 1989, $305,000,000 should be made available for agriculture and rural development programs including international agriculture research programs: *Provided further*, That of the funds appropriated under the previous proviso not less than $80,000,000 shall be made available for alternative development programs to drug production in Colombia, Peru and Bolivia: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated under this heading, not less than $2,000,000 shall be made available for agriculture programs in Laos: *Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for the American Schools and Hospitals Abroad Program: *Provided further*, That of the funds appropriated under this heading not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: *Provided further*, That of the funds appropriated under this heading that are made available for Haiti, $250,000 shall be made available to support a program to assist Haitian children in orphanages: *Provided further*, That, of the funds appropriated under this heading and made available for activities pursuant to the Microenterprise Initiative, not less than one-half shall be expended on programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans: *Provided further*, That notwithstanding any other provision of law, of the amounts made available under title II of this Act, not less than $10,000,000 shall be made available only for assistance to the Iraqi democratic opposition for such activities as organization, training, communication and dissemination of information, and developing and implementing agreements among opposition groups: *Provided further*, That any agreement reached regarding the obligation of funds under the previous proviso shall include provisions to ensure appropriate monitoring on the use of such funds: *Provided further*, That of this amount not less than $3,000,000 shall be made available as a grant to Iraqi National Congress, to be administered by its Executive Committee for the benefit of all constituent groups of the Iraqi National Congress: *Provided further*, That of the amounts previously appropriated under section 10008 of Public Law 105–174 not less than $2,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes: *Provided further*, That of the amounts made available under this section, not less than $1,000,000 shall be made available as a grant to INDICT, the International Campaign to Indict Iraqi War Criminals, for the purpose of compiling information to support the indictment of Iraqi officials for war crimes: *Provided further*, That of the amounts made available under this section, not less than $3,000,000 shall be made available only for the conduct of activities by the Iraqi democratic opposition inside Iraq: *Provided further*, That within 30 days of enactment of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on implementation of this heading.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the heading "Development Assistance", not less than $10,000,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: *Provided*, That of the funds made available under this heading, not less than $500,000 shall be made available for newspapers, media, and publications promoting democracy in and related to Burma: *Provided further*, That of the funds made available under this heading, $5,000,000 shall be made available to support the provision of medical supplies and services, education and humanitarian assistance to displaced Burmese along the Burma borders: *Provided further*, That of the funds made available for democracy activities under this heading, not less than $2,000,000 shall be made available subject to written consultation and guidelines provided by the leadership of the Burmese government elected in 1990: *Provided further*, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: *Provided further*, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated by this Act may be made available for activities or programs for Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that: (1) Cambodia has held free and fair elections; (2) during the twelve months prior to the elections, no candidate of any opposition party was murdered; (3) all political candidates were permitted freedom of speech, assembly and equal access to the media; (4) voter registration and participation rates did not exceed the eligible population in any region; (5) refugees and overseas Cambodians were permitted to vote; (6) the Central Election Commission was comprised of representatives from all parties; and (7) international monitors were accorded appropriate access to polling sites: *Provided*, That the restriction on funds made available under this paragraph shall not apply to demining or humanitarian programs or activities administered by nongovernmental organizations.

INDONESIA

Of the funds appropriated under the headings "Economic Support Fund" and "Development Assistance", not less than $100,000,000 shall be made available for assistance for Indonesia: *Provided*, That not less than 50 percent of such funds shall be made available to address nationwide food, medical, fuel, and other shortages: *Provided further*, That not less than 80 percent of the assistance made available for Indonesia under this heading shall be made available, administered or distributed through indigenous non-governmental or private voluntary organizations: *Provided further*, That not less than $6,000,000 shall be made available to support the development of political institutions and parties: *Provided further*, That not less than $8,000,000 of the funds made available under this heading shall be made available to improve transparency and regulation of banking, financial, insurance, and securities institutions: *Provided further*, That not less than $8,000,000 of the funds made available under this heading shall be made available to support legal and judicial reforms: *Provided further*, That thirty days after enactment of this Act, the Administrator of the Agency for International Development shall provide the Committees on Appropriations with a nationwide assessment of economic, legal, political and humanitarian consequences and needs resulting from the economic collapse in Indonesia.

MITCH MC CONNELL CONSERVATION FUND

Of the funds made available under the headings "Economic Support Fund" and "Development Assistance", not less than $1,200,000 shall be made available for research, conservation, training and related activities for the Province of the Galapagos Islands, Ecuador, of which not less than $500,000 shall be made available for activities conducted by the Charles Darwin Research Station: *Provided*, That of the funds made available under this heading, $200,000 shall be made available to support training and conservation activities conducted by the Galapagos National Park Service: *Provided further*, That of the funds made available under this heading, not less than $500,000 shall be made available as a contribution to an endowment for the Charles Darwin Research Station and Foundation: *Provided further*, That additional funds for this endowment may be made available to match private sector donations.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $200,000,000, to remain available until expended: *Provided*, That, of the funds appropriated under this heading, not less than $500,000 shall be available only to Catholic Relief Services solely for the purpose of the purchase, transport, or installation of a hydraulic drilling machine to provide potable drinking water in the region of the Nuba Mountains in Sudan.

TREASURY INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out Department of the Treasury international affairs technical assistance activities, $3,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic technical assistance and for related programs.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agriculture Trade and Assistance Act of 1954 as amended; and of modifying any obligation, or portion of such obligation of Honduras to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501); $25,000,000, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That section 108(i)(2)(C) of the Foreign Assistance Act of 1961 is amended to read as follows: "(C) No guarantee of any loan may guarantee more than 50 percent of the principal amount of any such loan, except guarantees of loans in support of microenterprise activites may guarantee up to 70 percent of the principal amount of any such loan.". In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 2000.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $3,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize loan principal, 100 per centum of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $4,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That the second and third sentences of section 222(a) of the Foreign Assistance Act of 1961, and the third and fourth sentences of section 223(j) of such Act are repealed.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency: *Provided further*, That section 123(g)

of the Foreign Assistance Act of 1961 and the paragraph entitled "Private and Voluntary Organizations" in title II of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98–473) are hereby repealed.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,552,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $475,000,000, to remain available until September 30, 2000: *Provided*, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $30,000,000, to remain available until September 30, 2000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,305,600,000, to remain available until September 30, 2000: *Provided*, That of the funds appropriated under this heading, not less than $1,080,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That not less than $775,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years and, of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That of the funds appropriated under this heading for Egypt not less than $40,000,000 shall be made available to establish an Enterprise Fund for Egypt, notwithstanding any other provision of law: *Provided further*, That the provisions of subsection (b) under the heading "Assistance for Eastern Europe and the Baltic States" shall be applicable to funds made available for an Enterprise Fund for Egypt: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: *Provided further*, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for assistance for Jordan: *Provided further*, That notwithstanding any other provision of law, not to exceed $10,000,000 may be used to support victims of and programs related to the Holocaust.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $432,500,000, to remain available until September 30, 2000, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That of the funds made available under this heading and the headings "International Narcotics and Law Enforcement", "Development Assistance", and "Economic Support Fund", not to exceed $200,000,000 shall be made available for Bosnia and Herzegovina.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 533 of this Act shall apply.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the New Independent States of the former Soviet Union and for related programs, $740,000,000, to remain available until September 30, 2000: *Provided*, That the provisions of such chapter shall apply to funds appropriated by this paragraph: *Provided further*, That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the New Independent States.

(b) Of the funds appropriated under this heading, not less than $210,000,000 shall be made available for assistance for Ukraine: *Provided*, That 50 percent of the amount made available in this subsection, exclusive of funds made available for nuclear safety, Free Market Democracy Fund activities and law enforcement reforms, shall be withheld from obligation and expenditure until the Secretary of State reports to the Committees on Appropriations that Ukraine has undertaken significant economic reforms additional to those achieved in fiscal year 1998, and include: (1) reform and effective enforcement of commercial and tax codes; and (2) continued progress on resolution of complaints by U.S. investors: *Provided further*, That the report in the previous proviso shall be provided 120 days after the date of enactment of this Act: *Provided further*, That if the Secretary cannot certify that progress has been achieved, the funds withheld shall be returned to the United States Treasury: *Provided further*, That of the funds made available for Ukraine under this subsection, not less than $22,000,000 shall be made available only for assistance for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, and the implementation of reforms necessary to establish an independent judiciary including the education of judges, attorneys, and law students: *Provided further*, That of the funds made available for Ukraine under this subsection, not less than $8,000,000 shall be made available to support law enforcement institutions and training: *Provided further*, That not less than $25,000,000 of such funds shall be made available for nuclear reactor safety programs, of which not less than $1,000,000 shall be made available for personnel security initiatives at all nuclear reactor installations: *Provided further*, That of such funds, not less than $700,000 shall be made available to establish and support a Free Market Democracy Fund to be administered by the United States Ambassador to Ukraine in consultation with the Coordinator for the New Independent States of the former Soviet Union.

(c) Of the funds appropriated under this heading, not less than $95,000,000 shall be made available for assistance for Georgia, of which not less than $35,000,000 shall be made available to support economic reforms including small business development and the development of banking, insurance and securities institutions: *Provided*, That of the funds made available under this subsection, not less than $8,000,000 shall be made available for judicial reform and law enforcement training: *Provided further*, That of the funds made available under this subsection, not less than $20,000,000 shall be made available to support training and infrastructure for secure communications and surveillance systems for border and customs control.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia, of which not less than $10,000,000 shall be made available for an endowment for the American University of Armenia: *Provided*, That of the funds made available under this subsection, not less than $4,000,000 shall be made available for nuclear safety activities.

(e) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps

to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh: *Provided*, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of the "National Defense Authorization Act for Fiscal Year 1997";

(2) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(3) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(4) any financing provided under the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.);

(5) any activity carried out by a member of the Foreign Commercial Service while acting within his or her official capacity; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 9 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States national lab in administering said project.

(g) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $10,000,000 shall be made available for assistance for Mongolia: *Provided*, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) None of the funds appropriated under this heading may be made available for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $221,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2000.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $222,000,000: *Provided*, That of this amount not less than $9,000,000 shall be made available for Law Enforcement Training and Demand Reduction: *Provided further*, That in addition to any funds previously made available for the International Law Enforcement Academy for the Western Hemisphere, not less than $5,000,000 shall be made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere at the deBremond Training Center in Roswell, New Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: *Provided*, That not more than $12,000,000 shall be available for administrative expenses: *Provided further*, That not less than $70,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $20,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $170,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, clearance of unexploded ordnance, and related activities notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): *Provided*, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for countries other than the New Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading not to exceed $35,000,000 may be made available for demining, clearance of unexploded ordnance, and related activities: *Provided further*, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That of the funds appropriated under this heading up to $40,000,000 may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That notwithstanding any other provision of law, not to exceed $35,000,000 may be made available to the Korean Peninsula Energy Development Organization only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provided further*, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with all provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors; (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended; (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea); and (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law: *Provided further*, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: *Provided further*, That no funds may be obligated for KEDO until 30 days after submission to Congress of the waiver permitted under the preceding proviso: *Provided further*, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: *Provided further*, That the Director of Central Intelligence will provide for review and consideration by the House Permanent Select Committee on Intelligence, House International Relations Committee, House National Security Committee, Senate Appropriations Committee, Senate Select Committee on Intelligence, Senate Foreign Relations Committee and Senate Armed Services Committee all relevant intelligence bearing on

North Korea's compliance with the provisions of this proviso. Such provision will occur not less than 45 days prior to the President's certification as provided for under this heading: *Provided further*, That for the purposes of this heading, the term intelligence includes National Intelligence Estimates, Intelligence Memoranda, Findings and other intelligence reports based on multiple sources or including the assessment of more than one member of the Intelligence Community.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Guatemala may only be available for expanded international military education and training.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,322,910,000: *Provided*, That of the funds appropriated under this heading, not less than $1,860,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.5 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, not less than $48,000,000 shall be available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, a total of $15,300,000 shall be available for assistance for Estonia, Latvia, and Lithuania: *Provided further*, That of the funds appropriated by this paragraph, not less than $7,000,000 shall be made available for assistance for Tunisia: *Provided further*, That during fiscal year 1999, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That $30,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $20,000,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $167,000,000.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds under this heading shall be available for Guatemala: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $29,910,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1999 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,000,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available under this heading for the Multilateral Force and Observers (MFO) may be made available until the Secretary of State certifies to the Committees on Appropriations that the Director General employed prior to 1998 has not been retained in any capacity by the MFO.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $800,000,000, to remain available until expended: *Provided*, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies that the Comptroller General has been provided full and regular access to: (1) the financial and related records of IDA for the purposes of conducting audits of current loans and financial assistance provided by the institution; and (2) management personnel manuals, procedures, and policy guidelines: *Provided further*, That following the review conducted in the previous proviso, the Comptroller General shall report to the Committees on Appropriations on the results of the audit and recommendations to improve institutional personnel procedures, especially regarding the protection of individuals alleging mismanagement, fraud, or abuses: *Provided further*, That the obligation of funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the

United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $170,000,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That not less than $5,000,000 shall be made available to the World Food Program: *Provided further*, That none of the funds made available under this heading, may be provided to the Climate Stabilization Fund until fifteen days after the Department of State provides a report to the Committees on Foreign Relations and Appropriations detailing the number of Fund employees and associated salaries and the fiscal year 1998 and 1999 Fund activities, programs or projects and associated costs: *Provided further*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS OF FUNDS

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Antiterrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1999, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1999.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any

country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. (a) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(b) The Secretary of the Treasury shall instruct the United States executive directors of international financial institutions listed in subsection (a) of this section to use the voice and vote of the United States to support the purchase of American produced agricultural commodities with funds appropriated or made available pursuant to this Act.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purpose of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance", "Debt restructuring", "International organizations and programs", "Trade and Development Agency", "International narcotics control and law enforcement", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", the Inter-American Foundation, the African Development Foundation, "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961, is amended by inserting before the period at the end thereof ", or at the discretion of the President, Communist countries listed in section 620(f) of this Act".

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

FUNDING FOR FAMILY PLANNING

SEC. 519. In determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, non-governmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance.

NORTH KOREAN NARCOTICS REPORT

SEC. 520. REPORTING REQUIREMENTS REGARDING NORTH KOREAN NARCOTICS ACTIVITY. (a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the President shall transmit to the appropriate committees a report on the cultivation, production, and transshipment of opium by North Korea. The report shall be based on all available information.

(b) ANNUAL REPORTING REQUIREMENT.—Notwithstanding any other provision of law, beginning on March 1, 1999, the President shall include in the annual International Narcotics Control Strategy Report required by section 489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h) information regarding the cultivation, production, and transshipment of opium by North Korea.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 521. None of the funds appropriated in this Act shall be obligated or expended for Colombia, India, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committee on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 522. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 523. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the prevention, treatment and control of acquired immune deficiency syndrome or other diseases in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 524. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 525. Section 61(a) of the Arms Export Control Act is amended by striking out "1998" and inserting in lieu thereof "the current fiscal year".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 526. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 527. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 528. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 529. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 530. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 531. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 532. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 533. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing, or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections

531(d) and 609 of the Foreign Assistance Act of 1961 are repealed.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 534. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 535. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 536. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for "International Organizations and Programs" in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SANCTIONS RELATING TO KOSOVA

SEC. 539. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement with respect to Serbia or Montenegro, may cease to be effective, unless the President first submits to the Congress a certification described in subsection (b).

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova; and

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova; and

(5) the requirements of the Contact Group demarche to the Government of Kosova of June 1998 have been met.

(c) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of subsection (a) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

SPECIAL AUTHORITIES

SEC. 540. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 541. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said county;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 542. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961 are repealed.

ELIGIBILITY FOR ASSISTANCE

SEC. 543. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1999, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 546. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 547. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 548. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 549. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 550. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 551. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the

appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 552. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 per centum of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 553. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 554. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for the tribunal shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 555. (a) STATEMENT OF POLICY.—It is the policy of the United States Government to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction as soon as practicable. This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of the Convention is consistent with the combat requirements and safety of the Armed Forces of the United States.

(b) DEMINING EQUIPMENT.—Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 556. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 557. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or

on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 per centum of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 560. (a) LIMITATION.—None of the funds appropriated by this Act may be provided for assistance for the central Government of Haiti until the President reports to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives, that the central Government of Haiti—

(1) has completed privatization of (or placed under long-term private management or concession) three major public entities including the completion of all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(2) has re-signed or is implementing the bilateral Repatriation Agreement with the United States and in the preceding six months that the central Government of Haiti is cooperating with the United States in halting illegal emigration from Haiti;

(3) is conducting thorough investigations of extrajudicial and political killings and has made substantial progress in bringing to justice a person or persons responsible for one or more extrajudicial or political killings in Haiti;

(4) is cooperating with United States authorities and with U.S.-funded technical advisors supporting the Haitian National Police in the investigations of political and extrajudicial killings;

(5) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights or credibly alleged to have engaged in or conspired to engage in narcotics trafficking; and

(6) has ratified or is implementing in the Haitian National Assembly the counter-narcotics agreements signed in October 1997.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to the provision of counter-narcotics assistance, support for the Haitian National Police's Special Investigations Unit, the International Criminal Investigative Assistance Program (ICITAP), anticorruption programs for the Haitian National Police, customs assistance, humanitarian assistance, and education programs.

(c) AVAILABILITY OF ELECTORAL ASSISTANCE.—Funds appropriated by this Act may be available to the central Government of Haiti to support elections in Haiti when the President reports to the Congress that the central Government of Haiti—

(1) has achieved a transparent settlement of the contested April 1997 elections; and

(2) has made concrete progress on the constitution of a credible and competent provisional election council that is acceptable to a broad spectrum of political parties and civic groups.

(d) SUPPORT FOR POLITICAL PARTIES AND GRASS ROOTS CIVIC ORGANIZATIONS.—Notwithstanding the limitations set forth in subsections (a) or (c) of this section, or any other provision of law, of funds otherwise allocated for Haiti not to exceed $3,000,000 may be made available for the development and support of political parties and for the development of grass roots civic organizations in Haiti.

(e) AVAILABILITY OF ADMINISTRATION OF JUSTICE ASSISTANCE.—(1) Funds appropriated under this Act for the Ministry of Justice shall only be provided if the President certifies to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that Haiti's Ministry of Justice—

(A) has demonstrated a commitment to the professionalization of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School;

(B) is making progress in making the judicial branch in Haiti independent from the executive branch, as outlined in the 1987 Constitution; and

(C) has re-instituted judicial training with the Office of Prosecutorial Development and Training (OPDAT).

(2) The limitation in subsection (e)(1) shall not apply to the provision of funds to support the training of prosecutors, judicial mentoring, and case management.

(f) REPORTING.—The Secretary of State shall provide to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations and of the Senate on a biannual basis—

(1) in consultation with the Secretary of Defense and the Administrator of the Drug Enforcement Administration, a report showing the status and number of U.S. personnel deployed in and around Haiti in Department of Defense, Drug Enforcement Administration, or United Nations missions, including breakdowns by functional or operational assignment for these personnel, and the cost to the United States of these operations; and

(2) an activity report of the OAS/U.N. International Civilian Mission to Haiti (MICIVIH).

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 561. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1998.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

BURMA LABOR REPORT

SEC. 562. Not later than ninety days after enactment of this Act, the Secretary of Labor shall provide to the Committees on Appropriations a report addressing labor practices in Burma: *Provided*, That the report shall provide comprehensive details on child labor practices, worker's rights, forced relocation of laborers, forced labor performed to support the tourism industry, and forced labor performed in conjunction with, and in support of, the Yadonna gas pipeline: *Provided further*, That the report should address whether the government is in compliance with international labor standards: *Provided further*, That the report should provide details regarding the United States government's efforts to address and correct practices of forced labor in Burma.

HAITI

SEC. 563. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: *Provided*, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible information to believe such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

CAMBODIA

SEC. 565. The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs, unless: (1) Cambodia has held free and fair elections; (2) during the twelve months prior to the elections, no candidate of any opposition party was murdered; (3) all political candidates were permitted freedom of speech, assembly and equal access to the media; (4) voter registration and participation rates did not exceed the eligible population in any region; (5) refugees and overseas Cambodians were permitted to vote; (6) the Central Election Commission was comprised of representatives from all parties; and (7) international monitors were accorded appropriate access to polling sites.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 566. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that such items will not be used in East Timor.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 567. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 568. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs may be provided for any country, entity, or canton described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries, including the names of individuals with a controlling or substantial financial interest in the project.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provisions of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a nonsanctioned entity, or lending passed on by the national government to a nonsanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(2) NOTIFICATION.—Not less than 15 days after any assistance described in subsection (a) is disbursed to any country, entity, or canton described in subsection (e), the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register a justification for the proposed assistance, including a description of the location of the proposed assistance project by municipality, its purpose, and the intended recipient of the assistance, including the names of individuals, companies and their boards of directors, and shareholders with controlling or substantial financial interest in the companies.

(d) FURTHER LIMITATIONS.—

(1) PROHIBITION ON ASSISTANCE WHERE INDICTED WAR CRIMINALS HAVE INTERESTS.—Notwithstanding subsection (c) or subsection (f), no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (e), for a program, project, or activity in which an indicted war criminal is known to have any financial or material interest.

(2) PROHIBITION ON ASSISTANCE WHERE RESPONSIBLE AUTHORITIES FAIL TO ACT.—Notwithstanding subsection (c) or subsection (f)(1), no assistance (other than emergency foods, medical assistance, demining assistance, or democratization assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity, or canton described in subsection (e) if authorities within that community are failing to arrest and transfer or arrange for the surrender and transfer to the Tribunal of all persons within their community who have been publicly indicted by the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) WAIVER.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of State may waive the application of subsection (a) with respect to specified bilateral programs or projects, or subsection (b) with respect to specified international financial institution programs or projects, in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal; and

(2) LIMITED WAIVER WITH RESPECT TO BRCKO.—The Secretary of State may only waive the application of subsection (a), subsection (b), or subsection (d)(2) with respect to any project of assistance for Brcko—

(A) upon the transmittal of a written determination described in paragraph (1); and

(B) until the international arbitration panel determines the status of Brcko.

(3) LIMITED WAIVER WITH RESPECT TO BANJA LUKA.—The Secretary of State may only waive the application of subsection (a), subsection (b), or subsection (d)(2) with respect to any project of assistance for Banja Luka—

(A) upon the transmittal of a written determination described in paragraph (1); and

(B) until a date which is 30 days after the date of parliamentary elections in the Bosnian-Serb entity which are currently scheduled for September 1998.

(g) REPORT.—Not later than 15 days after the date of any written determination under paragraphs (f)(1), (2) or (3), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(h) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a), (b), and (d)(2) with respect to a country, entity, or canton shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(i) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, and Serbia-Montenegro (Federal Republic of Yugoslavia).

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(j) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this subsection, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants or loans provided to or in any country, entity, or canton described in subsection (e).

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 569. Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1999 and 2000".

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 570. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking the word "and" after "1997", and inserting in lieu thereof a comma and inserting before the period at the end the following: "and $340,000,000 for fiscal year 1999".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 571. (a) None of the funds appropriated under this Act may be made available for the Government of Russian Federation, after 180 days from the date of enactment of this Act, unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 572. (a) Funds made available in this Act to support programs or activities promoting country participation in the Framework Convention on Climate Change or climate change activities in the energy, industry, urban, land use (primarily forestry, biodiversity and agriculture) sectors shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1998, planned obligations for such activities in fiscal year 1999, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the Framework Convention on Climate Change (FCCC) in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2000: *Provided*, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 573. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 574. PROHIBITION ON ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO. (a) None of the funds appropriated or otherwise made available by this Act may be provided to the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Speaker of the House of Representatives, the Majority Leader of the Senate, the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo is—

(1) investigating and prosecuting those responsible for civilian massacres, serious human rights violations, or other atrocities committed in the Congo; and

(2) implementing a credible democratic transition program, which includes—

(A) the establishment of an independent electoral commission;

(B) the release of individuals detained or imprisoned for their political views;

(C) the maintenance of a conducive environment for the free exchange of political views, including the freedoms of association, speech, and press; and

(D) the conduct of free and fair national elections for both the legislative and executive branches of government.

(b) Notwithstanding the aforementioned restrictions, the President may provide electoral assistance to the central Government of the Democratic Republic of Congo for any fiscal year if the President certifies to the International Relations Committee of the House, the Foreign Relations Committee of the Senate, the Appropriations Committee of the Senate, and the Appropriations Committee of the House that the central Government of the Democratic Republic of Congo has taken steps to ensure that conditions in subsections (a)(2) (A), (B), and (C) have been met.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 575. Not to exceed 5 per centum of any appropriation other than for administrative expenses made available for fiscal year 1999 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 per centum by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 576. (a) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for a Government of the New Independent States of the former Soviet Union—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for a Government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the New Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the New Independent States of the Former Soviet Union" for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(h) None of the funds appropriated for assistance for the New Independent States of the Former Soviet Union in this or any other Act shall be made available for Russia until the Secretary of State certifies that agreement has been reached with the Government of Russia that such assistance is not taxed nor is subject to taxation.

PUBLICATION OF CERTAIN NOTIFICATIONS

SEC. 577. Section 516(f) of the Foreign Assistance Act of 1961 is amended by adding the following new paragraph:

"(3) PUBLICATION.—Each notice required by this subsection shall be published in the Federal Register as soon as practicable after it has been provided to the congressional committees specified in section 634A(a). In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a notice has been provided pursuant to this subsection to such committees shall be published.".

REIMBURSEMENT REQUIREMENTS FOR FOREIGN STUDENTS

SEC. 578. LIMITED WAIVER OF REIMBURSEMENT REQUIREMENT FOR CERTAIN FOREIGN STUDENTS. Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)), as added by section 625(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-699), is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking "(l)(1)" and inserting "(l)(1)(A)"; and

(4) by adding at the end the following new subparagraph:

"(B) The Attorney General shall waive the application of subparagraph (A)(ii) for an alien seeking to pursue a course of study in a public secondary school served by a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) if the agency determines and certifies to the Attorney General that such waiver will promote the educational interest of the agency and will not impose an undue financial burden on the agency.".

NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

SEC. 579. (a) Notwithstanding any other provision of law, each annual report required by subsection 1701(a) of the International Financial Institutions Act, as amended (Public Law 95-118, 22 U.S.C. 262r), shall comprise—

(1) an assessment of the effectiveness of the major policies and operations of the international financial institutions;

(2) the major issues affecting United States participation;

(3) the major developments in the past year;

(4) the prospects for the coming year;

(5) the progress made and steps taken to achieve United States policy goals (including major policy goals embodied in current law) with respect to the international financial institutions; and

(6) such data and explanations concerning the effectiveness, operations, and policies of the international financial institutions, such recommendations concerning the international financial institutions, and such other data and material as the Chairman may deem appropriate.

(b) The requirements of Sections 1602(e), 1603(c), 1604(c), and 1701(b) of the International Financial Institutions Act, as amended (Public Law 95-118, 22 U.S.C. 262p-1, 262p-2, 262p-3 and 262(r)), Section 2018(c) of the International Narcotics Control Act of 1986, as amended (Public Law 99-570, 22 U.S.C. 2291 note), Section 407(c) of the Foreign Debt Reserving Act of 1989 (Public Law 101-240, 22 U.S.C. 2291 note), Section 14(c) of the Inter-American Development Bank Act, as amended (Public Law 86-147, 22 U.S.C. 283j-1(c)), and Section 1002 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511) (22 U.S.C. 2861l(b)) shall no longer apply to the contents of such annual reports.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 580. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

SENSE OF SENATE REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU

SEC. 581. It is the sense of the Senate that—

(1) as a signatory of the International Covenant on Civil and Political Rights, the Government of Peru is obligated to grant prisoners timely legal proceedings pursuant to Article 9 of the International Covenant on Civil and Political Rights, which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release", and that "any one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful";

(2) the Government of Peru should respect the rights of prisoners to timely legal procedures, including the rights of all United States citizens held in prisons in that country; and

(3) the Government of Peru should take all necessary steps to ensure that any United States citizen charged with committing a crime in that country is accorded open and fair proceedings in a civilian court.

REPORT ON TRAINING PROVIDED TO FOREIGN MILITARY PERSONNEL IN THE UNITED STATES

SEC. 582. (a) Not later than January 31, 1999, the Inspector General of the Department of Defense and the Inspector General of the Department of State shall jointly submit to Congress a report describing the following:

(1) The training provided to foreign military personnel within the United States under any programs administered by the Department of Defense or the Department of State during fiscal year 1998.

(2) The training provided (including the training proposed to be provided) to such personnel within the United States under such programs during fiscal year 1999.

(b) For each case of training covered by the report under subsection (a), the report shall include—

(1) the location of the training;

(2) the duration of the training;

(3) the number of foreign military personnel provided the training by country, including the units of operation of such personnel;

(4) the cost of the training;

(5) the purpose and nature of the training; and

(6) an analysis of the manner and the extent to which the training meets or conflicts with the foreign policy objectives of the United States, including the furtherance of democracy and civilian control of the military and the promotion of human rights.

SENSE OF THE CONGRESS REGARDING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES.

SEC. 583. (a) FINDINGS.—Congress finds that—

(1) many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

(2) children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

(3) there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

(4) although the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

(5) decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States Government should promote international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

SUPPORT FOR PEACEFUL ECONOMIC AND POLITICAL TRANSITION IN INDONESIA

SEC. 584. (a) FINDINGS.—Congress makes the following findings:

(1) Indonesia is the World's 4th most populous nation, with a population in excess of 200,000,000 people.

(2) Since 1997, political, economic, and social turmoil in Indonesia has escalated.

(3) Indonesia is comprised of more than 13,000 islands located between the mainland of Southeast Asia and Australia. Indonesia occupies an important strategic location, straddling vital sea lanes for communication and commercial transportation including all or part of every major sea route between the Pacific Ocean and the Indian Ocean, more than 50 percent of all international shipping trade, and sea lines of communication used by the United States Pacific Command to support operations in the Persian Gulf.

(4) Indonesia has been an important ally of the United States, has made vital contributions to the maintenance of regional peace and stability through its leading role in the Association of South East Asian Nations (ASEAN) and the Asia Pacific Economic Cooperation forum (APEC), and has promoted United States economic, political, and security interests in Asia.

(5) In the 25 years before the onset of the recent financial crisis in Asia, the economy of Indonesia grew at an average rate of 7 percent per year.

(6) Since July 1997, the Indonesian rupiah has lost 70 percent of its value, and the Indonesian economy is now at a near standstill characterized by inflation, tight liquidity, and rising unemployment.

(7) Indonesia has also faced a severe drought and massive fires in the past year which have adversely affected its ability to produce sufficient food to meet its needs.

(8) As a consequence of this economic instability and the drought and fires, as many as 100,000,000 people in Indonesia may experience food shortages, malnutrition, and possible starvation as a result of being unable to purchase food. These conditions increase the potential for widespread social unrest in Indonesia.

(9) Following the abdication of Indonesia President Suharto in May 1998, Indonesia is in the midst of a profound political transition. The current president of Indonesia, B.J. Habibie, has called for new parliamentary elections in mid-1999, allowed the formation of new political parties, and pledged to resolve the role of the military in Indonesian society.

(10) The Government of Indonesia has taken several important steps toward political reform and support of democratic institutions, including support for freedom of expression, release of political prisoners, formation of political parties and trade unions, preparations for new elections, removal of ethnic designations from identity cards, and commitments to legal and civil service reforms which will increase economic and legal transparency and reduce corruption.

(11) To address the food shortages in Indonesia, the United States Government has made more than 230,000 tons of food available to Indonesia this year through grants and so-called "soft" loans and has pledged support for additional wheat and food to meet emergency needs in Indonesia.

(12) United States national security interests are well-served by political stability in Indonesia and by friendly relations between the United States and Indonesia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the decision of the Clinton Administration to make available at least 1,500,000 tons of wheat, wheat products, and rice for distribution to the most needy and vulnerable Indonesians is vital to the well-being of all Indonesians;

(2) the Clinton Administration should work with the World Food Program and nongovernmental organizations to design programs to make the most effective use of food donations in Indonesia and to expedite delivery of food assistance in order to reach those in Indonesia most in need;

(3) the Clinton Administration should adopt a more active approach in support of democratic institutions and processes in Indonesia and provide assistance for continued economic and political development in Indonesia, including—

(A) support for humanitarian programs aimed at preventing famine, meeting the needs of the Indonesian people, and inculcating social stability;

(B) leading a multinational effort (including the active participation of Japan, the nations of Europe, and other nations) to assist the programs referred to in subparagraph (A);

(C) calling on donor nations and humanitarian and food aid programs to make additional efforts to meet the needs of Indonesia and its people while laying the groundwork for a more open and participatory society in Indonesia;

(D) working with international financial institutions to recapitalize and reform the banking system, restructure corporate debt, and introduce economic and legal transparency in Indonesia;

(E) urging the Government of Indonesia to remove, to the maximum extent possible, barriers to trade and investment which impede economic recovery in Indonesia, including tariffs, quotas, export taxes, nontariff barriers, and prohibitions against foreign ownership and investment;

(F) urging the Government of Indonesia to—

(i) recognize the importance of the participation of all Indonesians, including ethnic and religious minorities, in the political and economic life of Indonesia;

(ii) take appropriate action to assure the support and protection of minority participation in the political, social, and economic life of Indonesia; and

(iii) release individuals detained or imprisoned for their political views;

(G) support for efforts by the Government of Indonesia to cast a wide social safety net in order to provide relief to the neediest Indonesians and to restore hope to those Indonesians who have been harmed by the economic crisis in Indonesia;

(H) support for efforts to build democracy in Indonesia in order to strengthen political participation and the development of legitimate democratic processes and the rule of law in Indonesia, including support for organizations, such as the Asia Foundation and the National Endowment for Democracy, which can provide technical assistance in developing and strengthening democratic political institutions and processes in Indonesia;

(I) calling on the Government of Indonesia to repeal all laws and regulations that discriminate on the basis of religion or ethnicity and to ensure that all new laws are in keeping with international standards on human rights; and

(J) calling on the Government of Indonesia to establish, announce publicly, and adhere to a clear timeline for parliamentary elections in Indonesia.

(c) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) A description and assessment of the actions taken by the Government of the United States to work with the Government of Indonesia to further the objectives referred to in subsection (b)(3).

(B) A description and assessment of the actions taken by the Government of Indonesia to further such objectives.

(C) An evaluation of the implications of the matters described and assessed under subparagraphs (A) and (B), and any other appropriate matters, for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

CONDEMNING ETHNIC VIOLENCE IN INDONESIA IN MAY 1998

SEC. 585. (a) FINDINGS.—Congress makes the following findings:

(1) In May 1998, more than 1,200 people died in Indonesia as a result of riots, targeted attacks, and violence in Indonesia. According to numerous reports by human rights groups, United Nations officials, and the press, ethnic Chinese in Indonesia were specifically targeted in the riots for attacks which included acts of brutality, looting, arson, and rape.

(2) Credible reports indicate that, between May 13 and May 15, 1998, at least 150 Chinese women and girls, some as young as 9 years of age, were systematically raped as part of a campaign of racial violence in Indonesia, and 20 of these women subsequently died from injuries incurred during these rapes.

(3) Credible evidence indicates that these rapes were the result of a systematic and organized operation and may well have continued to the present time.

(4) Indonesia President Habibie has stated that he believes the riots and rapes to be "the most inhuman acts in the history of the nation", that they were "criminal" acts, and that "we will not accept it, we will not let it happen again.".

(5) Indonesian human rights groups have asserted that the Indonesia Government failed to take action necessary to control the riots, violence, and rapes directed against ethnic Chinese in Indonesia and that some elements of the Indonesia military may have participated in such acts.

(6) The Executive Director of the United Nations Development Fund for Women has stated that the attacks were an "organized reaction to a crisis and culprits must be brought to trial" and that the systematic use of rape in the riots "is totally unacceptable . . . and even more disturbing than rape war crimes, as Indonesia was not at war with another country but caught in its own internal crisis".

(7) The Indonesia Government has established the Joint National Fact Finding Team to investigate the violence and allegations of gang rapes, but there are allegations that the investigation is moving slowly and that the Team lacks the authority necessary to carry out an appropriate investigation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the mistreatment of ethnic Chinese in Indonesia and the criminal acts carried out against them during the May 1998 riots in Indonesia is deplorable and condemned;

(2) a complete, full, and fair investigation of such criminal acts should be completed by the earliest possible date, and those identified as responsible for perpetrating such criminal acts should be brought to justice;

(3) the investigation by the Government of Indonesia, through its Military Honor Council, of those members of the armed forces of Indonesia suspected of possible involvement in the May 1998 riots, and of any member of the armed forces of Indonesia who may have participated in criminal acts against the people of Indonesia during the riots, is commended and should be supported;

(4) the Government of Indonesia should take action to assure—

(A) the full observance of the human rights of the ethnic Chinese in Indonesia and of all other minority groups in Indonesia;

(B) the implementation of appropriate measures to prevent ethnic-related violence and rapes in Indonesia and to safeguard the physical safety of the ethnic Chinese community in Indonesia;

(C) prompt follow through on its announced intention to provide damage loans to help rebuild businesses and homes for those who suffered losses in the riots; and

(D) the provision of just compensation for victims of the rape and violence that occurred during the May 1998 riots in Indonesia, including medical care;

(5) the Clinton Administration and the United Nations should provide support and assistance to the Government of Indonesia, and to nongovernmental organizations, in the investigations into the May 1998 riots in Indonesia in order to expedite such investigations; and

(6) Indonesia should ratify the United Nations Convention on Racial Discrimination, Torture, and Human Rights.

(c) SUPPORT FOR INVESTIGATIONS.—Of the amounts appropriated by this Act for Indonesia, the Secretary of State, after consultation with Congress, shall make available such funds as the Secretary considers appropriate in order to provide support and technical assistance to the Government of Indonesia, and to independent nongovernmental organizations, for purposes of conducting full, fair, and impartial investigations into the allegations surrounding the riots, violence, and rape of ethnic Chinese in Indonesia in May 1998.

(d) REPORT.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of State shall submit to Congress a report containing the following:

(A) An assessment of—

(i) whether or not there was a systematic and organized campaign of violence, including the use of rape, against the ethnic Chinese community in Indonesia during the May 1998 riots in Indonesia; and

(ii) the level and degree of participation, if any, of members of the Government or armed forces of Indonesia in the riots.

(B) An assessment of the adequacy of the actions taken by the Government of Indonesia to investigate the May 1998 riots in Indonesia, bring the perpetrators of the riots to justice, and ensure that similar riots do not recur.

(C) An evaluation of the implications of the matters assessed under subparagraphs (A) and (B) for relations between the United States and Indonesia.

(2) The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 586. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, training, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation or any similar organization.

TRAFFICKING IN WOMEN AND CHILDREN

SEC. 587. The Secretary of State, in consultation with the Attorney General and appropriate nongovernmental organizations, shall—

(1) develop curricula and conduct training for United States consular officers on the prevalence and risks of trafficking in women and children, and the rights of victims of such trafficking; and

(2) develop and disseminate to aliens seeking to obtain visas written materials describing the potential risks of trafficking, including—

(A) information as to the rights of victims in the United States of trafficking in women and children, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(B) the names of support and advocacy organizations in the United States.

SENSE OF CONGRESS CONCERNING THE MURDER OF FOUR AMERICAN CHRUCHWOMEN IN EL SALVADOR

SEC. 588. (a) FINDINGS.—Congress makes the following findings—

(1) the December 2, 1980 brutal assault and murder of four American churchwomen by members of the Salvadoran National Guard was covered up and never fully investigated;

(2) on July 22 and July 23, 1998, Salvadoran authorities granted three of the National Guardsmen convicted of the crimes early release from prison;

(3) the United Nations Truth Commission for El Salvador determined in 1993 that there was sufficient evidence that the Guardsmen were acting on orders from their superiors;

(4) in March 1998, four of the convicted Guardsmen confessed that they acted after receiving orders from their superiors;

(5) recently declassified documents from the State Department show that United States Government officials were aware of information suggesting the involvement of superior officers in the murders;

(6) United States officials granted permanent residence to a former Salvadoran military official involved in the cover-up of the murders, enabling him to remain in Florida; and

(7) despite the fact that the murders occurred over 17 years ago, the families of the four victims continue to seek the disclosure of information relevant to the murders.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) information relevant to the murders should be made public to the fullest extent possible;

(2) the Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders to the victims' families and to the American public, in prompt response to congressional requests;

(3) the President should order all other Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible;

(4) in making determinations concerning the declassification and release of relevant information, the Federal agencies and departments should presume in favor of releasing, rather than of withholding, such information; and

(5) the President should direct the Attorney General to review the circumstances under which individuals involved in either the murders or the cover-up of the murders obtained residence in the United States, and the Attorney General should submit a report to the Congress on the results of such review not later than January 1, 1999.

REPORT ON ALL UNITED STATES MILITARY TRAINING PROVIDED TO FOREIGN MILITARY PERSONNEL

SEC. 589. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for

the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House.

SENSE OF CONGRESS REGARDING THE TRIAL IN THE NETHERLANDS OF THE SUSPECTS INDICTED IN THE BOMBING OF PAN AM FLIGHT 103

SEC. 590. (a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am Flight 103 over Lockerbie, Scotland.

(2) Britain and the United States indicted 2 Libyan intelligence agents—Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah—in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader, Colonel Muammar Qadaffi, refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

(4) The sanctions in Security Council Resolutions 748 and 883 include a worldwide ban on Libya's national airline, a ban on flights into and out of Libya by other nations' airlines, a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a freeze on Libyan government funds in other countries.

(5) Colonel Qaddafi has continually refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he will only transfer the suspects to a third and neutral country to stand trial.

(6) On August 24, 1998, the United States and the United Kingdom proposed that Colonel Qadaffi transfer the suspects to the Netherlands, where they would stand trial before a Scottish court, under Scottish law, and with a panel of Scottish judges.

(7) The United States-United Kingdom proposal is consistent with those previously endorsed by the Organization of African Unity, the League of Arab States, the Non-Aligned Movement, and the Islamic Conference.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998, in United Nations Security Council Resolution 1192.

(9) The United States Government has stated that this proposal is nonnegotiable and has called on Colonel Qadaffi to respond promptly, positively, and unequivocally to this proposal by ensuring the timely appearance of the two accused individuals in the Netherlands for trial before the Scottish court.

(10) The United States Government has called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(11) Secretary of State Albright has said that the United States will urge a multilateral oil embargo against Libya in the United Nations Security Council if Colonel Muammar Qadaffi does not transfer the suspects to the Netherlands to stand trial.

(12) The United Nations Security Council will convene on October 30, 1998, to review sanctions imposed on Libya.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Colonel Qadaffi should promptly transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands to stand trial before the Scottish court;

(2) the United States Government should remain firm in its commitment not to negotiate with Colonel Qadaffi on any of the details of the proposal approved by the United Nations in United Nations Security Council Resolution 1192; and

(3) if Colonel Qadaffi does not transfer the indicted suspects Abdel Basset Al-Megrahi and Lamen Khalifa Fhimah to the Netherlands by October 29, 1998, the United States Permanent Representative to the United Nations should—

(A) introduce a resolution in the United Nations Security Council to impose a multilateral oil embargo against Libya;

(B) actively promote adoption of the resolution by the United Nations Security Council; and

(C) assure that a vote will occur in the United Nations Security Council on such a resolution.

DEVELOPMENT ASSISTANCE IN NIGERIA

SEC. 591. (a) FINDINGS.—Congress makes the following findings:

(1) The bilateral development assistance program in Nigeria has been insufficiently funded and staffed, and the United States has missed opportunities to promote democracy and good governance as a result.

(2) The recent political upheaval in Nigeria necessitates a new strategy for United States bilateral assistance program in that country that is focused on promoting a transition to democracy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Agency for International Development, should—

(1) develop a new strategy for United States bilateral assistance for Nigeria that is focused on the development of civil society and the rule of law and that involves a broad cross-section of Nigerian society but does not provide for any direct assistance to the Government of Nigeria, other than humanitarian assistance, unless and until that country successfully completes a transition to civilian, democratic rule;

(2) increase the number of United States personnel at such Agency's office in Lagos, Nigeria, from within the current, overall staff resources of such Agency in order for such office to be sufficiently staffed to carry out paragraph (1); and

(3) consider the placement of such Agency's personnel elsewhere in Nigeria.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President, acting through the United States Agency for International Development, shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on the strategy developed under subsection (b)(1).

COUNTERTERRORISM COOPERATION CERTIFICATION

SEC. 592. Section 40A of the Arms Export Control Act (22 U.S.C. 2781) is amended—

(1) in subsection (a), by striking "that the President" and all that follows and inserting "unless the President determines and certifies to Congress for purposes of that fiscal year that the government of the country is cooperating fully with the United States, or is taking adequate actions on its own, to help achieve United States antiterrorism objectives.";

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after subsection (a), as so amended, the following new subsections (b), (c), and (d):

"(b) REQUIREMENT FOR CONTINUING COOPERATION.—(1) Notwithstanding the submittal of a certification with respect to a country for purposes of a fiscal year under subsection (a), the prohibition in that subsection shall apply to the country for the remainder of that fiscal year if the President determines and certifies to Congress that the government of the country has not continued to cooperate fully with United States, or to take adequate actions on its own, to help achieve United States antiterrorism objectives.

"(2) A certification under paragraph (1) shall take effect on the date of its submittal to Congress.

"(c) SCHEDULE FOR CERTIFICATIONS.—(1) The President shall, to the maximum extent practicable, submit a certification with respect to a country for purposes of a fiscal year under subsection (a) not later than September 1 of the year in which that fiscal year begins.

"(2) The President may submit a certification with respect to a county under subsection (a) at any time after the date otherwise specified in paragraph (1) if the President determines that circumstances warrant the submittal of the certification at such later date.

"(d) CONSIDERATIONS FOR CERTIFICATIONS.—In making a determination with respect to the government of a country under subsection (a) or subsection (b), the President shall consider—

"(1) the government's record of—

"(A) apprehending, bringing to trial, convicting, and punishing terrorists in areas under its jurisdiction;

"(B) taking actions to dismantle terrorist organizations in areas under its jurisdiction and to cut off their sources of funds;

"(C) condemning terrorist actions and the groups that conduct and sponsor them;

"(D) refusing to bargain with or make concessions to terrorist organizations;

"(E) isolating and applying pressure on states that sponsor and support terrorism to force such states to terminate their support for terrorism;

"(F) assisting the United States in efforts to apprehend terrorists who have targeted United States nationals and interests;

"(G) sharing information and evidence with United States law enforcement agencies during the investigation of terrorist attacks against United States nationals and interests;

"(H) extraditing to the United States individuals in its custody who are suspected of participating in the planning, funding, or conduct of terrorist attacks against United States nationals and interests; and

"(I) sharing intelligence with the United States about terrorist activity, in general, and terrorist activity directed against

United States nationals and interests, in particular; and

"(2) any other matters that the President considers appropriate."; and

(4) in subsection (e), as so redesignated, by striking "national interests" and inserting "national security interests".

EQUALITY FOR ISRAEL IN THE UNITED NATIONS

SEC. 593. (a) SHORT TITLE.—This section may be cited as the "Equality for Israel at the United Nations Act of 1998".

(b) EFFORT TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.—

(1) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that—

(A) the United States must help promote an end to the inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations region blocs, which serve as the basis for participation in important activities of the United Nations, including rotating membership on the United Nations Security Council; and

(B) the United States Ambassador to the United Nations should take all steps necessary to ensure Israel's acceptance in the Western Europe and Others Group (WEOG) regional bloc, whose membership includes the non-European countries of Canada, Australia, and the United States.

(2) REPORTS TO CONGRESS.—Not later than 60 days after the date of the enactment of this legislation and on a semiannual basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate)—

(A) actions taken by representatives of the United States, including the United States Ambassador to the United Nations, to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(B) efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body;

(C) specific responses solicited and received by the Secretary of State from each of the nations of Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization; and

(D) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SANCTIONS AGAINST SERBIA-MONTENEGRO

SEC. 594. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect until January 1, 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia-Montenegro in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia-Montenegro to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia-Montenegro to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia-Montenegro from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia-Montenegro.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia-Montenegro.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the government of Serbia-Montenegro is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia-Montenegro, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the government of Serbia-Montenegro is implementing internal democratic reforms; and

(5) Serbian, Serbian-Montenegrin federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia-Montenegro until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO.—The sanctions described in subsection (b)(1) should not apply to the government of Montenegro.

(f) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—

(1) The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

(2) Such a wavier may only be effective upon certification by the President to Congress that the United States has transferred and will continue to transfer (subject to adequate protection of intelligence sources and methods) to the International Criminal Tribunal for the former Yugoslavia all information it has collected in support of an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, or genocide.

(3) In the event of a waiver, within seven days the President must report the basis upon which the waiver was made to the Select Committee on Intelligence and the Committee on Foreign Relations in the Senate, and the Permanent Select Committee on Intelligence and the Committee on International Relations in the House of Representatives.

FUNDING FOR THE COMPREHENSIVE NUCLEAR TEST BAN TREATY PREPARATORY COMMISSION

SEC. 595. Of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, not less than $28,900,000 shall be made available for expenses related to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That such funds may be made available through the regular notification procedures of the Committee on Appropriations.

REPORT ON IRAQI DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION

SEC. 596. (a) FINDINGS.—Congress finds that—

(1) Iraq is continuing efforts to mask the extent of its weapons of mass destruction and missile programs;

(2) proposals to relax the current international inspection regime would have potentially dangerous consequences for international security; and

(3) Iraq has demonstrated time and again that it cannot be trusted to abide by international norms or by its own agreements, and that the only way the international community can be assured of Iraqi compliance is by ongoing inspection.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the international agencies charged with inspections in Iraq—the International Atomic Energy Agency (IAEA) and the United Nations Special Commission (UNSCOM) should maintain vigorous inspections, including surprise inspections, within Iraq; and

(2) the United States should oppose any efforts to ease the inspections regimes on Iraq until there is clear, credible evidence that the Government of Iraq is no longer seeking to acquire weapons of mass destruction and the means of delivering them.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the President shall submit a report to Congress on the United States Government's assessment of Iraq's nuclear and other weapons of mass destruction programs and its efforts to move toward procurement of nuclear weapons and the means to deliver weapons of mass destruction. The report shall also—

(1) assess the United States view of the International Atomic Energy Agency's action team reports and other IAEA efforts to monitor the extent and nature of Iraq's nuclear program; and

(2) include the United States Government's opinion on the value of maintaining the ongoing inspection regime rather than replacing it with a passive monitoring system.

SENSE OF SENATE REGARDING IRAN

SEC. 597. (a) The Senate finds that—

(1) according to the Department of State, Iran continues to support international terrorism, providing training, financing, and weapons to such terrorist groups as Hizballah, Islamic Jihad and Hamas;

(2) Iran continues to oppose the Arab-Israeli peace process and refuses to recognize Israel's right to exist;

(3) Iran continues aggressively to seek weapons of mass destruction and the missiles to deliver them;

(4) it is long-standing United States policy to offer official government-to-government dialogue with the Iranian regime, such offers having been repeatedly rebuffed by Tehran;

(5) more than a year after the election of President Khatemi, Iranian foreign policy continues to threaten American security and that of our allies in the Middle East; and

(6) despite repeated offers and tentative steps toward rapprochement with Iran by the Clinton Administration, including a decision to waive sanctions under the Iran-Libya Sanctions Act and the President's veto of the Iran Missile Proliferation Sanctions Act, Iran has failed to reciprocate in a meaningful manner.

(b) Therefore it is the sense of the Senate that—

(1) the Administration should make no concessions to the government of Iran unless and until that government moderates its objectionable policies, including taking steps to end its support of international terrorism, opposition to the Middle East peace process, and the development and proliferation of weapons of mass destruction and their means of delivery; and

(2) there should be no change in United States policy toward Iran until there is credible and sustained evidence of a change in Iranian policies.

JOINT UNITED STATES-CANADA COMMISSION ON CATTLE, BEEF, AND DAIRY PRODUCTS

SEC. 598. (a) ESTABLISHMENT.—There is established a Joint United States-Canada Commission on Cattle, Beef, and Dairy Products to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of cattle, beef, and dairy products, with particular emphasis on—

(1) animal health requirements;

(2) transportation differences;

(3) the availability of feed grains;

(4) other market-distorting direct and indirect subsidies;

(5) the expansion of the Northwest Pilot Project;

(6) tariff rate quotas; and

(7) other factors that distort trade between the United States and Canada.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 3 members representing the United States, including—

(i) 1 member appointed by the Majority Leader of the Senate;

(ii) 1 member appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 3 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, producers, and other members.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 180 days after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to tariff rate quotas and the production, processing, and sale of cattle, beef, and dairy products.

SENSE OF THE SENATE CONCERNING THE OPERATION OF AGRICULTURAL COMMODITY FOREIGN ASSISTANCE PROGRAMS

SEC. 599. (a) It is the sense of the Senate that:

(1) The United States Department of Agriculture should use the GSM-102 credit guarantee program to provide 100 percent coverage, including shipping costs, in some markets where it may be temporarily necessary to encourage the export of United States agricultural products.

(2) The United States Department of Agriculture should increase the amount of GSM export credit available above the $5,500,000,000 minimum required by the 1996 Farm Bill (as it did in the 1991/1992 period). In addition to other nations, extra allocations should be made in the following amounts to—

(A) Pakistan—an additional $150,000,000;

(B) Algeria—an additional $140,000,000;

(C) Bulgaria—an additional $20,000,000; and

(D) Romania—an additional $20,000,000.

(3) The United States Department of Agriculture should use the PL-480 food assistance programs to the fullest extent possible, including the allocation of assistance to Indonesia and other Asian nations facing economic hardship.

(4) Given the President's reaffirmation of a Jackson-Vanik waiver for Vietnam, the United States Department of Agriculture should consider Vietnam for PL-480 assistance and increased GSM.

FUNDING FOR THE CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY

SEC. 599A. That of the funds made available by prior Foreign Operations Appropriations Acts, not to exceed $750,000 shall be made available for the Claiborne Pell Institute for International Relations and Public Policy at Salve Regina University.

AID OFFICE OF SECURITY

SEC. 599B. (a) ESTABLISHMENT OF OFFICE.—There shall be established within the Office of the Administrator of the Agency for International Development, an Office of Security. Such Office of Security shall, notwithstanding any other provision of law, have the responsibility for the supervision, direction, and control of all security activities relating to the programs and operations of that Agency.

(b) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Office of Security all security functions exercised by the Office of Inspector General of the Agency for International Development exercised before the date of enactment of this Act. The Administrator shall transfer from the Office of the Inspector General of such Agency to the Office of Security established by subsection (a), the personnel (including the Senior Executive Service position designated for the Assistant Inspector General for Security), assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, and other funds held, used, available to, or to be made available in connection with such functions. Unexpended balances of appropriations, and other funds made available or to be made available in connection with such functions, shall be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the Agency for International Development".

(c) TRANSFER OF EMPLOYEES.—Any employee in the career service who is transferred pursuant to this section shall be placed in a position in the Office of Security established by subsection (a) which is comparable to the position the employee held in the Office of the Inspector General of the Agency for International Development.

SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEVELOPMENT BY NORTH KOREA

SEC. 599C. (a) Congress makes the following findings:

(1) North Korea has been active in developing new generations of medium-range and intermediate-range ballistic missiles, including both the Nodong and Taepo Dong class missiles.

(2) North Korea is not an adherent to the Missile Technology Control Regime, actively cooperates with Iran and Pakistan in ballistic missile programs, and has declared its intention to continue to export ballistic missile technology.

(3) North Korea has shared technology involved in the Taepo Dong I missile program with Iran, which is concurrently developing the Shahab-3 intermediate-range ballistic missile.

(4) North Korea is developing the Taepo Dong II intermediate-range ballistic missile, which is expected to have sufficient range to put at risk United States territories, forces, and allies throughout the Asia-Pacific area.

(5) Multistage missiles like the Taepo Dong class missile can ultimately be extended to intercontinental range.

(6) The bipartisan Commission to Assess the Ballistic Missile Threat to the United States emphasized the need for the United States intelligence community and United States policy makers to review the methodology by which they assess foreign missile programs in order to guard against surprise developments with respect to such programs.

(b) It is the sense of Congress that—

(1) North Korea should be forcefully condemned for its August 31, 1998, firing of a Taepo Dong I intermediate-range ballistic missile over the sovereign territory of another country, specifically Japan, an event that demonstrated an advanced capability for employing multistage missiles, which are by nature capable of extended range, including intercontinental range;

(2) the United States should reassess its cooperative space launch programs with countries that continue to assist North Korea and Iran in their ballistic missile and cruise missile programs;

(3) any financial or technical assistance provided to North Korea should take into account the continuing conduct by that county of activities which destabilize the region, including the missile firing referred to in paragraph (1), continued submarine incursions into South Korea territorial waters, and violations of the demilitarized zone separating North Korea and South Korea;

(4) the recommendations of the Commission to Assess the Ballistic Missile Threat to the United States should be incorporated into the analytical processes of the United States intelligence community as soon as possible; and

(5) the United States should accelerate cooperative theater missile defense programs with Japan.

SENSE OF SENATE REGARDING THE DEVELOPMENT BY THE INTERNATIONAL TELECOMMUNICATION UNION OF WORLD STANDARDS FOR WIRELESS TELECOMMUNICATIONS SERVICES

SEC. 599D. (a) The Senate makes the following findings:

(1) The International Telecommunication Union, an agency of the United Nations, is currently developing recommendations for world standards for the next generation of wireless telecommunications services based on the concept of a "family" of standards.

(2) On June 30, 1998, the Department of State submitted four proposed standards to the ITU for consideration in the development of those recommendations.

(3) Adoption of an open and inclusive set of multiple standards, including all four submitted by the Department of State, would enable existing systems to operate with the next generation of wireless standards.

(4) It is critical to the interest of the United States that existing systems be given this ability.

(b) It is the sense of the Senate that the Federal Communications Commission and appropriate executive branch agencies take all appropriate actions to promote development, by the ITU, of recommendations for digital wireless telecommunications services based on a family of open and inclusive multiple standards, including all four standards submitted by the Department of State, so as to allow operation of existing systems with the next generation of wireless standards.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999".

TITLE VI—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FISCAL YEAR 1998 SUPPLEMENTAL

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $47,500,000 to remain available until expended for contributions previously due.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

FUND FOR SPECIAL OPERATIONS

For payment to the Inter-American Bank by the Secretary of the Treasury, for the United States share of the increase in resources for the Fund for Special Operations, $21,152,000, to remain available until expended for contributions previously due.

CONTRIBUTION TO THE ENTERPRISE FOR AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund, $50,000,000 to remain available until expended for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $187,000,000, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $5,000,000 to remain available until expended, for contributions previously due.

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

CONDITIONS AND REPORTS

SEC. 601. CONDITIONS FOR THE USE OF QUOTA RESOURCES. (a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide for conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requiring that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the International Monetary Fund and its members to encourage the International Monetary Fund to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

(4) promote international cooperation in insolvency matters by including—

(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

(B) other provisions appropriate for promoting such cooperation.

The Secretary of the Treasury shall report back to Congress six months after the enactment of this Act, and annually, thereafter, on the progress in achieving this requirement.

(e) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. 602. TRANSPARENCY AND OVERSIGHT. (a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than October 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. 603. ADVISORY COMMISSION. (a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. 604. BRETTON WOODS CONFERENCE. Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. 605. REPORTS. (a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which the borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account—

(1) of outcomes related to the requirements of section 5010; and

(2) of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. 606. CERTIFICATIONS. (a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in support to the semiconductor, steel, automobile, shipbuilding, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, shipbuilding, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

(e) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry;

(D) the textile and apparel industry; and

(E) shipbuilding;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(f) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(g) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (e).

SEC. 607. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA. The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension of International Monetary Fund resources—

(1) directly to or for the direct benefit of the President of Indonesia or any member of the President's family; and

(2) the Secretary of the Treasury shall instruct the Executive Director to use the United States voice and vote to oppose further disbursement of funds to Indonesia on any International Monetary Fund terms or conditions less stringent than those imposed on the Republic of Korea and the Philippines Republic.

SEC. 608. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND. The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

SEC. 609. ADVISORY COMMITTEE ON IMF POLICY. (a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as "Advisory Committee").

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows—

(1) at least 2 members shall be representatives from organized labor;

(2) at least 2 members shall be representatives from nongovernmental environmental organizations;

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual International Monetary Fund country programs meet requisite policy goals, particularly those set forth as follows—

(1) in this Act;

(2) in Article I(2) of the Fund's Articles of Agreements, to promote and maintain high levels of employment and real income and the development of the productive resources of all members;

(3) in section 1621 of Public Law 103–306, the Frank/Sanders amendment on encouragement of fair labor practices;

(4) in section 1620 of Public Law 95–118, as amended, on respect for, and full protection of, the territorial rights, traditional economies, cultural integrity, traditional knowledge, and human rights of indigenous peoples;

(5) in section 1502 of Public Law 95–118, as amended, on military spending by recipient countries and military involvement in the economies of recipient countries;

(6) in section 701 of Public Law 95–118, on assistance to countries that engage in a pattern of gross violations of internationally recognized human rights; and

(7) in section 1307 of Public Law 95–118, on assessments of the environmental impact and alternatives to proposed actions by the International Monetary Fund which would have a significant effect on the human environment.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 610. BORROWER COUNTRIES. The Secretary of the Treasury shall consult with the office of the United States Trade Representative regarding prospective International Monetary Fund borrower countries, including their status with respect to title III of the Trade Act of 1974 or any executive order issued pursuant to the aforementioned title, and shall take these consultations into account before instructing the United States Executive Director of the International Monetary Fund on the United States position regarding loans or credits to such borrowing countries.

SEC. 611. DEFINITIONS. For the purposes of this title, "appropriate committees" includes the Appropriations Committee, the

Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

SEC. 612. AVAILABILITY OF FUNDS. Funds made available in Title VI shall be available upon date of enactment of this Act.

SEC. 613. PROGRESS REPORTS TO CONGRESS ON UNITED STATES INITIATIVES TO UPDATE THE ARCHITECTURE OF THE INTERNATIONAL MONETARY SYSTEM. Not later than July 15, 1999 and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking Members of the Senate Committees on Appropriations, Foreign Relations, and Banking, Housing, and Urban Affairs and House Committees on Appropriations and Banking and Financial Services on the progress of efforts to reform the architecture of the international monetary system. The reports shall include a discussion of the substance of the United States position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

(1) Adapting the mission and capabilities of the International Monetary Fund to take better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

(2) Advancing measures to prevent, and improve the management of, international financial crises, including by—

(A) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

(B) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets—

in order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

(3) Improving international economic policy cooperation, including among the Group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

(4) Improving international cooperation in the supervision and regulation of financial institutions and markets.

(5) Strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

(6) Advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.

SEC. 614. SENSE OF CONGRESS REGARDING THE IMF RESPONSE TO THE ECONOMIC CRISIS IN RUSSIA. (a) Congress finds that—

(1) Russia is currently facing a severe economic crisis that threatens President Boris Yeltsin's ability to maintain power;

(2) the Russian Communist Party may well soon be a part of the government of the Russian Republic and may be given real influence over Russian economic policies;

(3) the International Monetary Fund has continued to provide funding to Russia despite Russia's refusal to implement reforms tied to the funding;

(4) the Russian economic crisis follows a similar crisis in Asia;

(5) the International Monetary Fund imposed strict requirements on the Republic of Korea and other democratic and free market nations in Asia;

(6) the International Monetary Fund has not imposed the same requirements on Russia; and

(7) Russia has not made the same commitment to free market economic principles as the Republic of Korea, and other Asian nations receiving assistance from the International Monetary Fund.

(b) It is the sense of Congress that the International Monetary Fund should not provide funding to a Russian government whose economic policies are significantly affected by the Russian Communist Party, or under significantly less free market conditions than those imposed on the Republic of Korea and other democratic, free market nations in Southeast Asia.

This title may be cited as the "International Monetary Fund Appropriations Act of 1998".

TITLE VII—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 701. AFRICA FOOD SECURITY INITIATIVE. In providing development assistance under the Africa Food Security Initiative, or any comparable program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women, and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

SEC. 702. MICROENTERPRISE ASSISTANCE. In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

SEC. 703. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS. The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders in order to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, and technical expertise.

SEC. 704. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION. (a) IN GENERAL.—The Overseas Private Investment Corporation shall exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guarantees, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(1) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(2) have a clear track record of support for sound business management practices; and

(3) have demonstrated experience with participatory development methods.

(b) USE OF CERTAIN FUNDS.—The Overseas Private Investment Corporation shall utilize existing equity funds, loan, and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 705. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES. (a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education, and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—The plan described in subsection (a) shall be designed to ensure that—

(1) research and extension activities respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa; and

(2) sustainable agricultural methods of farming is considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The text of the bill (H.R. 4104), the Treasury and General Government Appropriations Act, 1999, as passed by the Senate on September 3, 1998, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 4104) entitled "An Act

making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, namely:*

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $120,671,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $6,560,800: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $28,990,000, of which $8,000,000 shall be available to the United States Customs Service for the Customs Modernization project, of which $5,400,000 shall be available to the Departmental Offices for the International Trade Data System, and of which $15,590,000 shall be available to the Departmental Offices to modernize its information technology infrastructure, for modernizing Treasury's human resource systems, and for business solution software: Provided, That these funds shall remain available until expended: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations, Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems: Provided further, That none of the funds appropriated for the Customs Modernization project may be transferred to the United States Customs Service or obligated until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system: Provided further, That none of the funds made available for the Customs Modernization project may be obligated for any major system investments prior to the development of an architecture which is compliant with the Treasury Information Systems Architecture Framework (TISAF) and the General Accounting Office certifies to Congress the establishment of measures to enforce compliance with the architecture: Provided further, That of the amount provided, $8,000,000 shall not be available for obligation until September 30, 1999.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $30,678,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $27,000,000, to remain available until expended: Provided, That none of the funds provided shall be available for obligation until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement; $23,670,000: Provided, That funds appropriated in this account may be used to procure personal services contracts: Provided further, That of the funds provided, $600,000 shall be provided for the Gateway program.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $117,761,000; of which $1,800,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms for lab equipment; of which $1,400,000 shall be available to the Financial Crimes Enforcement Network, including $800,000 for cyberpayment studies, $100,000 for money laundering regulations, $300,000 for Suspicious Activity Reporting form data analysis, and $200,000 for training for Federal, State and local law enforcement; of which $158,000 shall be available to the Federal Law Enforcement Training Center for equipment replacement needs; $15,403,000 shall be available to the United States Secret Service, including $5,000,000 for counterfeiting investigations, $7,732,000 for the 2000 candidate/nominee protection program, and $2,671,000 for forensic and related support of investigations of missing and exploited children, of which $671,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $45,000,000 shall be available for the Interagency Law Enforcement for interagency crime and drug enforcement; and of which $54,000,000 shall be made available for the United States Customs Service for the purchase of non-intrusive inspection technology, including $10,000,000 for a high energy container inspection system for sea-going containers, $3,400,000 for the automated targeting system, and $40,600,000 to purchase equipment for the Southern land border;

(2) As authorized by section 32401, $13,239,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations;

(3) As authorized by section 180103, $1,000,000 to the Federal Law Enforcement Training Center for specialized training for rural law enforcement officers.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109; $66,251,000, of which up to $13,450,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2001: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with ATF: Provided further, That the Federal Law Enforcement Training Center is

authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $15,360,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $196,490,000, of which not to exceed $13,235,000 shall remain available until September 30, 2001 for information systems modernization initiatives: Provided, That of the amount provided, $4,500,000 shall remain available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

DEBT COLLECTION IMPROVEMENT ACCOUNT

To make payments by the Secretary of the Treasury to reimburse agencies for qualified expenses, as authorized by 31 U.S.C. 3720C, not to exceed $3,000,000, to be derived from increased agency collections of delinquent debt, as authorized by such provision, and to remain available until September 30, 2001.

FEDERAL FINANCING BANK

For liquidation of certain debts to the United States Treasury incurred by the Federal Financing Bank pursuant to section 9(b) of the Federal Financing Bank Act of 1973, $3,317,690,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 650 vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $12,500 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement; $529,489,000, of which $27,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): Provided, That such funds shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in the fiscal year ending on September 30, 1998: Provided further, That of the funds made available, $4,500,000 shall be made available for the expansion of the National Tracing Center: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 985 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $30,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,630,273,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"), as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research, not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That of the amount provided, an additional $2,400,000 shall be made available for staffing and resources for the child pornography cybersmuggling initiative: Provided further, That of the amount provided, $1,200,000 shall be available to transfer to the Office of the Under Secretary of the Treasury for the oversight of the Customs Integrity Awareness Program: Provided further, That $500,000 shall be available to fund the expansion of services at the Vermont World Trade Office: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000: Provided further, That of the amount provided, $28,480,000 shall not be available for obligation until September 30, 1999.

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $113,488,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 1999 without the prior approval of the Committees on Appropriations: Provided further, That of the amount provided, $3,200,000 shall not be available for obligation for P3 annualization until September 30, 1999: Provided further, That of the amount provided, $20,100,000 shall not be available for obligation until September 30, 1999: Provided further, That of the amount provided, $15,000,000 shall be made available for drug interdiction activities in South Florida and the Caribbean.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $176,500,000, of which not to exceed $2,500 shall be available for official reception and representation expenses; and, of which not to exceed $1,000,000 shall remain available until September 30, 2001 for information systems modernization initiatives: Provided, That the sum appropriated herein from the General Fund for fiscal year 1999 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at $172,100,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial

management of the Fund, as authorized by section 102 of Public Law 101–380: Provided further, That notwithstanding any other provisions of law, effective upon enactment and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in Public Law 101–136, title I, section 104, 103 Stat. 789 for costs and services performed by the Bureau in the administration of such funds: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,077,353,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That of the amount provided, $105,000,000 shall remain available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,164,399,000: Provided, That of the amount provided, $175,000,000 shall not be available for obligation until September 30, 1999.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $143,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,329,486,000, which shall be available until September 30, 2000: Provided, That of the amount provided, $68,700,000 shall not be available for obligation until September 30, 1999: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, $137,569,000, to remain available until September 30, 2002, for: the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisition, including contractual costs associated with operations as authorized by 5 U.S.C. 3109: Provided, That none of these funds is available for obligation until September 30, 1999: Provided further, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submits to Congress for approval, a plan for expenditure.

ADMINISTRATIVE PROVISIONS

INTERNAL REVENUE SERVICE

SECTION 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 107. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigations in Wisconsin and South Dakota from the 1996 level.

SEC. 108. SENSE OF THE SENATE ON THE USE OF RANDOM SELECTION OF RETURNS FOR EXAMINATION BY THE INTERNAL REVENUE SERVICE. (a) FINDINGS.—The Senate finds that—

(1) in 1995, the Internal Revenue Service indefinitely postponed the 1994 Taxpayer Compliance Measurement Program, a program of audits using random selection techniques (in this section referred to as "random audits");

(2) Congress, taxpayer groups, tax practitioners, and others criticized the program because of its cost to and burden on taxpayers;

(3) there is no law preventing the Internal Revenue Service from resuming its Taxpayer Compliance Measurement Program; and

(4) random audits may be overly burdensome on taxpayers, particularly low-income taxpayers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Internal Revenue Service should make it a top priority to ensure fairness to taxpayers when selecting returns for audit;

(2) the Senate does not approve of the use of random audits of the general population of taxpayers or tax returns; and

(3) the Internal Revenue Service should not conduct random audits of the general population of taxpayers or tax returns.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase not to exceed 705 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Senate Committee on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $584,902,000: Provided, That the $6,000,000 provided for the acquisition of the Armored Primary Limousines is not obligated before September 30, 1999: Provided further, That of the amount provided, $7,860,000 shall not be available for obligation until September 30, 1999: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,068,000, to remain available until expended.

GENERAL PROVISIONS

DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on

September 30, 1999, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1999 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. The Secretary is authorized to promote the benefits of and encourage the use of electronic tax administration programs, as they become available, through the use of mass communications and other means. Additionally, the Secretary may implement procedures to pay appropriate incentives to commercial concerns for electronic filing services: Provided, That such payment may not be made unless the electronic filing service is provided without charge to the taxpayer whose return is so filed: Provided further, That the Internal Revenue Service shall assure the security of all electronic transmissions and the full protection of the privacy of taxpayer data.

SEC. 116. The Bureau of Engraving and Printing (BEP) and the Department of the Treasury shall award a contract for Solicitation No. BEP-97-13 (TN) which will permit an uninterrupted source of currency paper upon the expiration of the contract for Solicitation 97-10 on September 5, 1999 unless otherwise directed by the Senate Committee on Appropriations.

SEC. 117. EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION. (a) Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the Foreign Missions Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701-1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality or such state) claiming such property is not immune under section 1605(a)(7).

"(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

"(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such state.

"(B) In providing such assistance, the Secretaries—

"(i) may provide such information to the court under seal; and

"(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.".

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after "punitive damages" the following: ", except any action under section 1605(a)(7) or 1610(f)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

SEC. 118. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and insert "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm'—

"(A) means any—

"(i) firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

"(ii) replica of any firearm described in clause (i), if such replica—

"(I) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

"(II) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; and

"(iii) muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, that—

"(I) is designed to use black powder, or a black powder substitute; and

"(II) cannot use fixed ammunition; and

"(B) does not include any—

"(i) weapon that incorporates a firearm frame or receiver;

"(ii) firearm that is converted into a muzzle loading weapon; or

"(iii) muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.".

This title may be cited as the "Treasury Department Appropriations Act, 1999".

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $71,195,000, which shall remain available until September 30, 2000: Provided, That none of the funds provided shall be available for obligation until October 1, 1999: Provided further, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1999.

This title may be cited as the "Postal Service Appropriations Act, 1999".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $52,344,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,691,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event,

and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,512,000.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $334,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,666,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,806,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles $29,140,000: Provided, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $60,617,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: Provided further, That the Director of OMB submit a report within 180 days of enactment to the Senate Committee on Appropriations: (1) evaluating the implementation of specific government-wide procedures for making federally funded research results (including all underlying data and supplementary materials) available as appropriate to the public unless such research results are currently protected from disclosure under current law; and (2) make a determination based on this evaluation for the need for additional or revised guidance: Provided further, That OMB is directed to submit a report to the Senate Committee on Appropriations and Senate Committee on Governmental Affairs that: (1) identifies annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000; and (2) issues guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)–(B).

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $48,042,000, of which $30,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation and $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects, and $13,000,000 for the continued operation of the technology transfer program: Provided, That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $183,977,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $5,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Dallas/Fort Worth and East Texas and $1,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in New England, should the Director of the Office of National Drug Control Policy determine that these locations meet the designated criteria, and of which $3,000,000 shall be used to continue the recently created Central Florida High Intensity Drug Trafficking Area, and of which $1,970,000 shall be used for the addition of North Dakota into the Midwest High Intensity Drug Trafficking Area, and of which $7,000,000 shall be used for methamphetamine programs otherwise provided for in this legislation with not less than half of the $7,000,000 shall expand the Midwest High Intensity Drug Trafficking Area, and of which $1,000,000 shall be used to expand the Cascade High Intensity Drug Trafficking Area, and of which $1,500,000 shall be provided to the Southwest Border High Intensity Drug Trafficking Area, and of which $1,500,000 shall be used to expand the Milwaukee, Wisconsin High Intensity Drug Trafficking Area, and of which $1,500,000 shall be used to continue the Rocky Mountain methamphetamine demonstration program, of which no less than $90,630,000 shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act and up to $80,370,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the fiscal year 1998 level.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100–690, as amended, $200,000,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $175,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: Provided further, That (1) ONDCP will require a pro-bono match commitment up-front as part of its media buy from each and every buyer of ad time and space, (2) ONDCP will dedicate 10 percent of the total amount appropriated specifically for the media campaign for the creation and distribution of grassroots materials aimed at children to be developed in consultation with community groups and experts, and to be distributed to communities and schools to support the national media campaign, (3) ONDCP, or any agent acting on its behalf, may not obligate

any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (A) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (B) it receives prior approval from the Senate Committee on Appropriations, (4) ONDCP will secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002, and will report quarterly on its efforts to meet this goal, (5) ONDCP is mandated to use appropriated funds solely to fund the anti-drug media campaign to include only the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation, (6) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Senate Committee on Appropriations, and may obligate up to 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committees, (7) ONDCP is required to report to the Committee not only quarterly, but also monthly itemized reporting of all expenditures and obligations related to the media campaign, (8) funds shall be provided for obligation for the national media campaign after GAO has submitted and the Committee has approved the GAO report on the evaluation of Phase I of the media campaign and the GAO report on the media campaign financial management review: Provided further, That of the funds provided, $20,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997.

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses related to Year 2000 conversion of Federal information technology systems, and related expenses, $3,250,000,000, to remain available until September 30, 2001: Provided, That the funds made available shall be transferred, as necessary, by the Director of the Office of Management and Budget to all affected federal Departments and Agencies for expenses necessary to ensure the information technology that is used or acquired by the federal government meets the definition of Year 2000 compliant under Federal Acquisition Regulations (concerning accurate processing of date/time data, including calculating, comparing, and sequencing from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations) and to meet other criteria for Year 2000 compliance as the head of each Department or Agency considers appropriate: Provided further, That none of the funds provided under this heading may be transferred to any Department or Agency until fifteen days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations and the Senate Special Committee on the Year 2000 Technology Problem a proposed allocation and plan for that Department or Agency to achieve Year 2000 compliance for technology information systems: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this or any other Act: Provided further, That funds provided under this heading shall be in addition to funds available in this or any other Act for Year 2000 compliance by any federal Department or Agency: Provided further, That the $3,250,000,000 shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the $3,250,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Executive Office Appropriations Act, 1999".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,464,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $33,700,000 (increased by $2,800,000 to be used for enforcement activities), of which not to exceed $5,000 shall be available for reception and representation expenses: Provided, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $22,586,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the $508,752,000 to be deposited into the Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,648,680,000, of which: (1) $538,652,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:
Arkansas:
Little Rock, U.S. courthouse, $3,436,000
California:
San Diego, U.S. courthouse, $15,400,000
San Jose, U.S. courthouse, $10,800,000
Colorado:
Denver, U.S. courthouse, $83,959,000
District of Columbia:
Southeast Federal Center remediation, $10,000,000
Florida:
Jacksonville, U.S. courthouse, $86,010,000
Orlando, U.S. courthouse, $1,930,000
Georgia:
Savannah, U.S. courthouse, $46,462,000
Massachusetts:
Springfield, U.S. courthouse, $5,563,000
Michigan:
Sault Sainte Marie, border station, $572,000
Mississippi:
Biloxi-Gulfport U.S. courthouse, $7,543,000
Missouri:
Cape Girardeau U.S. courthouse, $2,196,000
Montana:
Babb, Piegan border station, $6,165,000
New York:
Brooklyn, U.S. courthouse, $152,626,000
New York U.S. Mission to the United Nations, $3,163,000
Oregon:
Eugene, U.S. courthouse, $7,190,000
Tennessee:
Greenville, U.S. courthouse, $28,229,000
Texas:
Laredo, U.S. courthouse, $28,105,000
West Virginia:
Wheeling, U.S. courthouse, $29,303,000
Nationwide:
Nonprospectus, $10,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction

projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the House and Senate Committees on Appropriations of a greater amount: Provided further, That notwithstanding any other provision of law in order to rescind a General Services Administration property sale, the General Services Administration is authorized to reacquire that parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to its present owner pursuant to paragraphs (6) and (7) of section 12 of Public Law 94–204 (43 U.S.C. 1611 note) at a price equivalent to the 1988 auction sale price plus the amount of cumulative consumer price index, pursuant to the methodology as used in Public Law 104–42, Sec. 107(a), from the closing date of the sale until the date of re-acquisition by the Federal government, offset by any net income received from the property by the present owner since the 1988 sale: Provided further, That the funds provided in Public Law 102–393 for Hilo, Hawaii shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center, notwithstanding Public Law 103–123, and of the funds provided not more than $475,000 is to be disbursed in this fiscal year: Provided further, That of the amount provided, $14,105,000 for the design of the Department of Transportation headquarters building shall not be available for obligation by the Administrator of General Services until the Secretary of the Department of Transportation approves airport landing rights for British Airways at Denver International Airport, Denver, Colorado and certifies that he has received a guarantee for year-round commercially viable landing and take off slots for the U.S. carrier authorized to serve the Charlotte-London (Gatwick) route: Provided further, That all funds for direct construction projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $668,031,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That of the amount provided, $323,800,000 shall not be available for obligation until September 30, 1999: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the House and Senate Committees on Appropriations of a greater amount:

Repairs and alterations:

California:

San Francisco, Appraisers Building, $29,778,000

Colorado:

Lakewood, Denver Federal Center, Building 25, $29,351,000

District of Columbia:

Federal Office Building, 10B, $13,844,000

Interstate Commerce Commission, Connecting Wing Complex, Customs Building, Phase 3/3, $83,959,000

Old Executive Office Building, $25,210,000

Department of State, Phase 1, $29,779,000

New York:

Brookhaven, Internal Revenue Service, Service Center, $20,019,000

New York, U.S. Courthouse, 40 Foley Square, $4,782,000

Pennsylvania:

Philadelphia, Byrne-Green, Federal Building-U.S. Courthouse, $11,212,000

Virginia:

Reston, J.W. Powell Building, $9,151,000

Nationwide:

Chlorofluorocarbons Program, $25,000,000

Energy Programs, $25,000,000

Design Program, $16,710,000

Basic Repairs and Alteration, $344,236,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That funds made available in this Act or any previous Act for "Repairs and Alterations" shall, for prospectus projects, be limited to the amount originally made available, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the amount provided, $100,000 shall be used to address the lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,600,000 shall be provided to complete the alterations required at the Milwaukee, Wisconsin Courthouse: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,100,000 may be used to provide a new fence surrounding the Suitland Federal Complex in Suitland, Maryland: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $215,764,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,583,261,000 for rental of space which shall remain available until expended: Provided further, That of the amount provided, $51,667,000 shall not be available for obligation until September 30, 1999; and (5) $1,554,772,000 for building operations which shall remain available until expended: Provided further, That of the amount provided $31,095,000 shall not be available for obligation until September 30, 1999: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: Provided further, That the remaining balances and associated assets and liabilities of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998, and that all income earned after that effective date that would otherwise have been deposited to the Pennsylvania Avenue Activities account shall thereafter be deposited to the Federal Buildings Fund, to be available for the purposes authorized by Public Laws 104–134 and 104–208, notwithstanding subsection 210(f)(2) of the Federal Property and Administrative Services Act, as amended: Provided further, That of the amount provided, $475,000 shall be made available for the 1999 Women's World Cup Soccer event: Provided further, That of the amount provided, $475,000 shall be made available for the 1999 World Alpine Ski Championships: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1999, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,648,680,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $106,494,000: Provided, That none of the funds appropriated from this Act or any other Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C. from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations: Provided further, That no funds from this Act or any other Act shall be available

to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $32,000,000: Provided, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

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 1999 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 2000 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 2000 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. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, 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. 407. From funds made available under the heading "Federal Buildings Fund Limitations on Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House and Senate.

SEC. 408. From the funds made available under the heading "Federal Buildings Fund Limitations on Revenue", in addition to amounts provided in budget activities above, up to $5,000,000 shall be available for the demolition, cleanup and conveyance of the property at block 35 and lot 2 of block 36 in Anchorage, Alaska: Provided, That notwithstanding any other provision of law, the Administrator of General Services shall, not later than 18 months after the date of enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property at block 35 and lot 2 of block 36, Anchorage Original Townsite East Addition, Anchorage, Alaska, excluding any portion dedicated for use by the Centers for Disease Control and Prevention: Provided further, That the remediation of said parcel shall include the removal of all asbestos, lead and any other contamination, and restoration of the property, to the extent practicable, to an undeveloped condition: Provided further, That upon completion of the activities required for the demolition and removal of buildings, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

SEC. 409. The Administrator of General Services may convey, without consideration, to the City of Racine, Wisconsin all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located on 2310 Center Street, commencing at the intersection of the North line of 24th Street and the center line of Center Street, being the point of the beginning; thence Northerly along the center line of Center Street, 426 feet to the South line of 23rd Street extended East; thence Westerly along the South line of 23rd street extended East; 325 feet to the West line of Franklin Street extended South; thence southerly along the West line of Franklin Street extended South to a point on the North line of 24th Street; thence Easterly along the North line of 24th Street to the point of beginning located in Racine, Wisconsin and which contains the U.S. Army Reserve Center.

SEC. 410. DEPARTMENT OF TRANSPORTATION HEADQUARTERS. (a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998:

Provided, That the annual rent payment does not exceed $55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 411. SECURITY OF CAPITOL COMPLEX. There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex $14,105,000.

SEC. 412. LAND CONVEYANCE, UNITED STATES NAVAL OBSERVATORY/ALTERNATE TIME SERVICE LABORATORY, FLORIDA. (a) CONVEYANCE AUTHORIZED.—If the Secretary of the Navy reports to the Administrator of General Services that the property described in subsection (b) is excess property of the Department of the Navy under section 202(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(b)), and if the Administrator of General Services determines that such property is surplus property under that Act, then the Administrator may convey to the University of Miami, by negotiated sale or negotiated land exchange within one year after the date of the determination by the Administrator, all right, title, and interest of the United States in and to the property.

(b) COVERED PROPERTY.—The property referred to in subsection (a) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(c) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,805,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles,

$221,030,000: Provided, That of the amount provided, $4,277,000 shall not be available for obligation until September 30, 1999: Provided further, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the amount provided, funds are authorized to be used for year 2000 conversion costs pending the availability of funding through emergency appropriation, pursuant to "Funds Appropriated to the President, Information Technology Systems and Related Expenses".

ARCHIVES FACILITIES REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,325,000, to remain available until expended, of which $2,000,000 is for an architectural and engineering study for the renovation of the Archives I facility, and of which $4,000,000 is for encasement of the Charters of Freedom, and of which $875,000 is for the requirements study and design of the National Archives Anchorage facility: Provided, That of the amount provided, $2,000,000 shall not be available for obligation until September 30, 1999.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $11,000,000, to remain available until expended: Provided, That of the amount provided, $5,500,000 shall not be available for obligation until September 30, 1999.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100–598, and the Ethics Reform Act of 1989, Public Law 101–194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,492,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 through 1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1999, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,145,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $8,720,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $32,765,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1999".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1999, for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in

America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through September 30, 2000, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 511. PROVISIONS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF THE FEDERAL ELECTION COMMISSION. (a) APPOINTMENT AND TERM OF SERVICE.—

(1) IN GENERAL.—Section 306c(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)) is amended by striking paragraph (1) and inserting the following:

"(1)(A) The Commission shall have a staff director and a general counsel who shall be appointed by an affirmative vote of not less than 4 members of the Commission. Subject to exception in subparagraph (D), the staff director and general counsel shall, beginning January 1, 1999, serve for terms of 6 years and such terms may be renewed by an affirmative vote of not less than 3 members of the Commission.

"(B) The staff director and general counsel may serve after the expiration of his or her term until his or her successor has been appointed.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the staff director or general counsel he or she succeeds.

"(D) The term of any individual appointed prior to and serving on the date of enactment of this Act as general counsel shall be until January 1, 2008 and shall not be subject to renewal under subparagraph (A) until such date.".

(b) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING STAFF DIRECTOR OR GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following:

"(5) Nothing in this Act shall be construed to prohibit any individual serving as an acting staff director of the Commission from performing any functions of the staff director of the Commission or any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.".

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any

other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1999, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1998, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1999, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 1999, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1999 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1999 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1998 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1998, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1998, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1998.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 622. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 623. No funds appropriated in this or any other Act for fiscal year 1999 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 624. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 625. (a) IN GENERAL.—Beginning in calendar year 2000, and every 2 calendar years thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 626. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 627. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 628. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 629. Notwithstanding section 611, interagency financing is authorized to carry out the purposes of the National Bioethics Advisory Commission.

SEC. 630. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 631. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 632. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 633. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 634. The Director of the United States Marshals Service is directed to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy.

SEC. 635. Section 636(c) of Public Law 104–208 is amended as follows:

(1) In subparagraph (1) by inserting after "United States Code" the following: "any agency or court in the Judicial Branch,";

(2) In subparagraph (2) by amending "prosecution, or detention" to read: "prosecution, detention, or supervision"; and

(3) In subparagraph (3) by inserting after "title 5," the following: "and, with regard to the Judicial Branch, mean a justice or judge of the United States as defined in 28 U.S.C. 451 in regular active service or retired from regular active service, other judicial officers as authorized by the Judicial Conference of the United States, and supervisors and managers within the Judicial Branch as authorized by the Judicial Conference of the United States,".

SEC. 636. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities.

SEC. 637. Section 626(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in section 101(f) of Public Law 104–208 (110 Stat. 3009–360), the Omnibus Appropriations Act, 1997, is amended to read as follows: "(b) Until September 30, 1999, or until the end of the current FTS 2000 contracts, whichever is earlier, subsection (a) shall continue to apply to the use of the funds appropriated by this or any other Act.".

SEC. 638. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 639. For purposes of each provision of law amended by section 704(a)(2) of the Ethics

Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.

SEC. 640. Notwithstanding any other provision of law, no part of any funds provided by this Act or any other Act beginning in fiscal year 1999 and thereafter shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 641. Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to, upon submission of proper documentation (as determined by the Secretary), reimburse importers of large capacity military magazine rifles as defined in the Treasury Department's April 6, 1998 "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles", for which authority had been granted to import such firearms into the United States on or before November 14, 1997, and released under bond to the importer by the U.S. Customs Service on or before February 10, 1998: Provided, That the importer abandons title to the firearms to the United States: Provided further, That reimbursements are submitted to the Secretary for his approval within 120 days of enactment of this provision. In no event shall reimbursements under this provision exceed the importers cost for the weapons, plus any shipping, transportation, duty, and storage costs related to the importation of such weapons. Money made available for expenditure under 31 U.S.C. section 1304(a) in an amount not to exceed $1,000,000 shall be available for reimbursements under this provision: Provided, That accepting the compensation provided under this provision is final and conclusive and constitutes a complete release of any and all claims, demands, rights, and causes of action whatsoever against the United States, its agencies, officers, or employees arising from the denial by the Department of the Treasury of the entry of such firearms into the United States. Such compensation is not otherwise required by law and is not intended to create or recognize any legally enforceable right to any person.

SEC. 642. The Federal Acquisition Regulation shall be revised, within 180 days after the date of enactment of this Act, to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

SEC. 643. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under section 5303 and 5304 of title 5, United States Code, shall be an increase of 3.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 1999.

SEC. 644. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998. (a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a)."; and

(2) by inserting after section 5545a the following new section:

"§5545b. Pay for firefighters

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS-081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section. The overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters.".

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.".

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and "; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1998, or the 180th day following the date of enactment of this section.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

SEC. 645. INTERNATIONAL MAIL REPORTING REQUIREMENT. (a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

"§3663. Annual report on international services

"(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each

House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

"(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

"3663. Annual report on international services.".

SEC. 646. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES. (a) IN GENERAL.—An Executive agency which provides or proposes to provide child care services for Federal employees may use agency funds to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts provided under subsection (a) with respect to any facility or contractor described in such subsection shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management and the General Services Administration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. 647. EXTENSION OF SUNSET PROVISION. Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "(2)" and all that follows through "10 years" and inserting the following:

"(2) SUNSET.—Effective 15 years".

SEC. 648. SENSE OF CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED HONORING OSKAR SCHINDLER. (a) FINDINGS.—

(1) Since during the Nazi occupation of Poland, Oskar Schindler personally risked his life and that of his wife to provide food and medical care and saved the lives of over 1,000 Jews from death, many of whom later made their homes in the United States.

(2) Since Oskar Schindler also rescued about 100 Jewish men and women from the Golezow concentration camp, who lay trapped and partly frozen in 2 sealed train cars stranded near Brunnlitz.

(3) Since millions of Americans have been made aware of the story of Schindler's bravery.

(4) Since on April 28, 1962, Oskar Schindler was named a "Righteous Gentile" by Yad Vashem.

(5) Since Oskar Schindler is a true hero and humanitarian deserving of honor by the United States Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Postal Service should issue a stamp honoring the life of Oskar Schindler.

SEC. 649. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 650. The provision of section 649 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 651. (a) None of the funds appropriated by this Act may be expended by the Office of Personnel Management to enter into or renew any contract under section 8902 of title 5, United States Code, for a health benefits plan—

(1) which provides coverage for prescription drugs, unless such plan also provides equivalent coverage for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration; or

(2) which provides benefits for outpatient services provided by a health care professional, unless such plan also provides equivalent benefits for outpatient contraceptive services.

(b) Nothing in this section shall apply to a contract with any of the following religious plans:

(1) SelectCare.

(2) PersonalCare's HMO.

(3) Care Choices.

(4) OSF Health Plans, Inc.

(5) Yellowstone Community Health Plan.

(6) Any other existing or future religious based plan whose religious tenets are in conflict with the requirements in this Act.

(c) For purposes of this section—

(1) the term "contraceptive drug or device" means a drug or device intended for preventing pregnancy; and

(2) the term "outpatient contraceptive services" means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent pregnancy.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion related services.

SEC. 652. IMPORTATION OF CERTAIN GRAINS. (a) FINDINGS.—The Congress finds that—

(1) importation of grains into the United States at less than the cost to produce those grains is causing injury to the United States producers of those grains;

(2) importation of grains into the United States at less than the fair value of those grains is causing injury to the United States producers of those grains;

(3) the Canadian Government and the Canadian Wheat Board have refused to disclose pricing and cost information necessary to determine whether grains are being exported to the United States at prices in violation of United States trade laws or agreements.

(b) REQUIREMENTS.—

(1) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall conduct a study of the efficiency and effectiveness of requiring that all spring wheat, durum or barley imported into the United States be imported into the United States through a single port of entry.

(2) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall determine whether such spring wheat, durum and barley could be imported into the United States through a single port of entry until either the Canadian Wheat Board or the Canadian Government discloses all information necessary to determine the cost and price for all such grains being exported to the United States from Canada and whether such cost or price violates any law of the United States, or violates, is inconsistent with, or denies benefits to the United States under, any trade agreement.

(3) The Customs Service shall report to the Committees on Appropriations and Finance not later than ninety days after the effective date of this Act on the results of the study required by paragraphs (1) and (2).

SEC. 653. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES. (a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term "agency" has the meaning given the term "Executive agency" by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term "family" means—

(A) a group of individuals related by blood, marriage, adoption, or other legal custody who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable income or poverty of families and children;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) JUDICIAL REVIEW.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 654. FAMILY WELL-BEING AND CHILDREN'S IMPACT STATEMENT. Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on family well-being and on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

SEC. 655. ADDITIONAL PURCHASES OF OIL FOR THE STRATEGIC PETROLEUM RESERVE. In response to historically low prices for oil produced domestically and to build national capacity for response to future energy supply emergencies, the Secretary of Energy shall purchase and transport an additional $420,000,000 of oil for the Strategic Petroleum Reserve upon a determination by the President that current market conditions are imperiling domestic oil production from marginal and small producers: Provided, That an official budget request for the purchase of oil for the Strategic Petroleum Reserve and including a designation of the entire request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount in the preceding proviso is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 656. POSTAGE STAMP HONORING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF IRISH IMMIGRATION TO THE UNITED STATES. (a) FINDINGS.—The Senate finds that—

(1) more than 44,000,000 Americans trace their ancestry to Ireland;

(2) of these 44,000,000, many are descended from the nearly 2,000,000 Irish immigrants who were forced to flee Ireland during the "Great Hunger" of 1845–1850;

(3) those immigrants dedicated themselves to the development of our Nation and contributed immensely to it by helping to build our railroads, our canals, our cities and our schools;

(4) 1998 marks the one hundred fiftieth anniversary of the mass immigration of Irish immigrants to America during the Irish Potato Famine;

(5) commemorating this tragic but defining episode in the history of American immigration would be deserving of honor by the United States Government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Postal Service should issue a stamp honoring the one hundred fiftieth anniversary of Irish immigration to the United States during the Irish Famine of 1845–1850.

SEC. 657. POST OFFICE RELOCATIONS, CLOSINGS, AND CONSOLIDATIONS. (a) SHORT TITLE.—This section may be cited as the "Community and Postal Participation Act of 1998".

(b) GUIDELINES FOR RELOCATION, CLOSING, OR CONSOLIDATION OF POST OFFICES.—Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

"(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

"(B) The notification under paragraph (1) shall include—

"(i) an identification of the relocation, closing, or consolidation of the post office involved;

"(ii) a summary of the reasons for the relocation, closing, or consolidation; and

"(iii) the proposed date for the relocation, closing, or consolidation.

"(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

"(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing at the request of the community served. Persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

"(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

"(i) the extent to which the post office is part of a core downtown business area;

"(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

"(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

"(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

"(v) whether the relocation, closing, or consolidation of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

"(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

"(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

"(viii) whether management of the post office contributed to a desire to relocate;

"(ix)(I) the adequacy of the existing post office; and

"(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

"(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

"(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

"(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

"(i) the determination and findings under subparagraph (A); and

"(ii) each alternative proposal and a response by the Postal Service.

"(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

"(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a post office until the applicable date described in subparagraph (B).

"(B) The applicable date specified in this subparagraph is—

"(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

"(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph (7)(A), but not later than 120 days after the date on which the appeal is made.

"(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

"(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(ii) without observance of procedure required by law; or

"(iii) unsupported by substantial evidence on the record.

"(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

"(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

"(E) A determination made by the Commission shall not be subject to judicial review.

"(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

"(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

"(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h–2).".

(c) POLICY STATEMENT.—Section 101(g) of title 39, United States Code, is amended by adding at

the end the following: "In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the service provided by any facility in operation at the time that a determination is made whether to plan or build that facility.".

SEC. 658. DESIGNATION OF EUGENE J. MCCARTHY POST OFFICE BUILDING. (a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office Building".

SEC. 659. Within the amounts appropriated in this Act, up to $20,300,000 may be transferred to the Acquisition, Construction, Improvements, and Related Expenses account of the Federal Law Enforcement Training Center for new construction.

SEC. 660. (a) DEFINITIONS.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term "law enforcement officer" means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

TITLE VII—CHILD CARE IN FEDERAL FACILITIES

SEC. 701. SHORT TITLE. This title may be cited as "Quality Child Care for Federal Employees".

SEC. 702. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES. (a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term "child care accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term "entity sponsoring a child care facility" means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term "executive facility"—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency or a legislative office.

(7) JUDICIAL OFFICE.—The term "judicial office" means an entity of the judicial branch of the Federal Government.

(8) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(9) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(10) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraph (2) that, at a minimum, include applicable State or local licensing requirements, as appropriate, related to the provision of child care in the State or locality involved; or

(ii) obtain the applicable State or local licenses, as appropriate, for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) or obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care services in executive facilities to comply with the standards. Such standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities. The Administrator may conduct the evaluation of such a child care facility or entity directly, or through an agreement with another Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care facility is the agency—

(I) not later than 2 business days after the date of receipt of the notification, correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the child care facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the child care facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) require the contractor or licensee to bring the child care facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an Executive facility, upon receipt by the child care facility or the entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom an application has been submitted to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall issue regulations, approved by the Committee on House Oversight of the House of Representatives, governing the operation of the House of Representatives Child Care Center. The Librarian of Congress shall issue regulations, approved by the appropriate House and Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Subject to paragraph (3), the head of a designated entity in the Senate shall issue regulations, approved by the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees' Child Care Center.

(B) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative officers, with the approval of the appropriate House or Senate committees with oversight responsibility for the centers, may jointly or independently determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress, shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the Administrator has under subsection (b)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities in the corresponding legislative facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administration has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) ENFORCEMENT.—Subject to paragraph (3), the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency has under subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(3) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes, or the head of the designated Senate entity establishes, standards described in paragraphs (1), (2), and (3) of subsection (b) governing the operation of the Senate Employees' Child Care Center, such facility shall maintain current accreditation status.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (b)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care facilities in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of the designated Senate entity described in subsection (c), may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for the corresponding legislative offices, and entities operating child care facilities in the corresponding legislative facilities, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) COUNCIL.—The Administrator shall establish an interagency council, comprised of representatives of all Executive agencies described in subsection (d), a representative of the Chief Administrative Officer of the House of Representatives, a representative of the designated Senate entity described in subsection (c), and a representative of the Librarian of Congress, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care, including the provision of areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 1999 and such sums as may be necessary for each subsequent fiscal year.

SEC. 703. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES. (a) IN GENERAL.—An Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of such agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Director of the Office of Personnel Management shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. 704. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES. (a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—Section 616(a) of the Act of December 22, 1987 (40 U.S.C. 490b), is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

"(2) such officer or agency determines that such space will be used to provide child care and related services to—

"(A) children of Federal employees or onsite Federal contractors; or

"(B) dependent children who live with Federal employees or onsite Federal contractors; and

"(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and onsite Federal contractors."; and

(2) by adding at the end the following:

"(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers

governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

"(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

"(C) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. Such plan shall be approved by the Administrator of General Services based on—

"(i) compliance of the plan with standards established by the Administrator; and

"(ii) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

"(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.".

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is amended to read as follows:

"(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.".

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

"(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which such private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

"(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

"(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through such arrangement than through establishment of a Federal child care facility.

"(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.

"(3) This subsection does not apply to residential child care programs.".

(d) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.

"(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.

"(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.".

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

"(g) Each child care center located in a federally owned or leased facility shall ensure that each employee of such center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).".

SEC. 705. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES. (a) DEFINITIONS.—In this section, the terms "Federal agency", "executive facility", and "legislative facility" have the meanings given the terms in section 702.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care facility in an executive facility or a legislative facility that is first operated after the 1-year period beginning on the date of enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breast-fed infants and their mothers, including providing a lactation area or a room for nursing mothers in part of the operating plan for the facility.

TITLE VIII—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

SEC. 801. SHORT TITLE. This title may be cited as the "Office of National Drug Control Policy Reauthorization Act of 1998".

SEC. 802. DEFINITIONS. In this title:

(1) DEMAND REDUCTION.—The term "demand reduction" means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) drug abuse education;

(B) drug abuse prevention;

(C) drug abuse treatment;

(D) drug abuse research;

(E) drug abuse rehabilitation;

(F) drug-free workplace programs; and

(G) drug testing.

(2) DIRECTOR.—The term "Director" means the Director of National Drug Control Policy.

(3) DRUG.—The term "drug" has the meaning given the term "controlled substance" in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(4) DRUG CONTROL.—The term "drug control" means any activity conducted by a National Drug Control Program agency involving supply reduction or demand reduction, including any activity to reduce the use of tobacco or alcoholic beverages by underage individuals.

(5) FUND.—The term "Fund" means the fund established under section 803(d).

(6) NATIONAL DRUG CONTROL PROGRAM.—The term "National Drug Control Program" means programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy.

(7) NATIONAL DRUG CONTROL PROGRAM AGENCY.—The term "National Drug Control Program agency" means any department or agency of the Federal Government and all dedicated units thereof, with responsibilities under the National Drug Control Strategy, as designated by the President, or jointly by the Director and the head of the department or agency.

(8) NATIONAL DRUG CONTROL STRATEGY.—The term "National Drug Control Strategy" means the strategy developed and submitted to Congress under section 806.

(9) OFFICE.—Unless the context clearly implicates otherwise, the term "Office" means the Office of National Drug Control Policy established under section 803(a).

(10) STATE AND LOCAL AFFAIRS.—The term "State and local affairs" means domestic activities conducted by a National Drug Control Program agency that are intended to reduce the availability and use of drugs, including—

(A) coordination and facilitation of Federal, State, and local law enforcement drug control efforts;

(B) promotion of coordination and cooperation among the drug supply reduction and demand reduction agencies of the various States, territories, and units of local government; and

(C) such other cooperative governmental activities which promote a comprehensive approach to drug control at the national, State, territory, and local levels.

(11) SUPPLY REDUCTION.—The term "supply reduction" means any activity of a program conducted by a National Drug Control Program agency that is intended to reduce the availability or use of drugs in the United States and abroad, including—

(A) international drug control;

(B) foreign and domestic drug intelligence;

(C) interdiction; and

(D) domestic drug law enforcement, including law enforcement directed at drug users.

SEC. 803. OFFICE OF NATIONAL DRUG CONTROL POLICY. (a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

(1) develop national drug control policy;

(2) coordinate and oversee the implementation of that national drug control policy;

(3) assess and certify the adequacy of national drug control programs and the budget for those programs; and

(4) evaluate the effectiveness of the national drug control programs.

(b) DIRECTOR AND DEPUTY DIRECTORS.—

(1) DIRECTOR.—There shall be at the head of the Office a Director of National Drug Control Policy.

(2) DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—There shall be in the Office a

Deputy Director of National Drug Control Policy, who shall assist the Director in carrying out the responsibilities of the Director under this title.

(3) OTHER DEPUTY DIRECTORS.—There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through (G) of section 802(1);

(B) a Deputy Director for Supply Reduction, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 802(11); and

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 802(10).

(c) ACCESS BY CONGRESS.—The location of the Office in the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of the House of Representatives or the Senate, to any—

(1) information, document, or study in the possession of, or conducted by or at the direction of the Director; or

(2) personnel of the Office.

(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under section 804(c).

(2) CONTRIBUTIONS.—The Office may accept, hold, and administer contributions to the Fund.

(3) USE OF AMOUNTS DEPOSITED.—Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director.

SEC. 804. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS. (a) APPOINTMENT.—

(1) IN GENERAL.—The Director, the Deputy Director of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs, shall each be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.

(2) DUTIES OF DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—The Deputy Director of National Drug Control Policy shall—

(A) carry out the duties and powers prescribed by the Director; and

(B) serve as the Director in the absence of the Director or during any period in which the office of the Director is vacant.

(3) DESIGNATION OF OTHER OFFICERS.—In the absence of the Deputy Director, or if the office of the Deputy Director is vacant, the Director shall designate such other permanent employee of the Office to serve as the Director, if the Director is absent or unable to serve.

(4) PROHIBITION.—No person shall serve as Director or a Deputy Director while serving in any other position in the Federal Government.

(5) PROHIBITION ON POLITICAL CAMPAIGNING.—Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this paragraph from making contributions to individual candidates.

(b) RESPONSIBILITIES.—The Director shall—

(1) assist the President in the establishment of policies, goals, objectives, and priorities for the National Drug Control Program;

(2) promulgate the National Drug Control Strategy and each report under section 806(b) in accordance with section 806;

(3) coordinate and oversee the implementation by the National Drug Control Program agencies of the policies, goals, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such agencies under the National Drug Control Strategy;

(4) make such recommendations to the President as the Director determines are appropriate regarding changes in the organization, management, and budgets of Federal departments and agencies engaged in drug enforcement, and changes in the allocation of personnel to and within those departments and agencies, to implement the policies, goals, priorities, and objectives established under paragraph (1) and the National Drug Control Strategy;

(5) consult with and assist State and local governments with respect to the formulation and implementation of National Drug Control Policy and their relations with the National Drug Control Program agencies;

(6) appear before duly constituted committees and subcommittees of the House of Representatives and of the Senate to represent the drug policies of the executive branch;

(7) notify any National Drug Control Program agency if its policies are not in compliance with the responsibilities of the agency under the National Drug Control Strategy, transmit a copy of each such notification to the President, and maintain a copy of each such notification;

(8) provide, by July 1 of each year, budget recommendations, including requests for specific initiatives that are consistent with the priorities of the President under the National Drug Control Strategy, to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall—

(A) apply to next budget year scheduled for formulation under the Budget and Accounting Act of 1921, and each of the 4 subsequent fiscal years; and

(B) address funding priorities developed in the National Drug Control Strategy;

(9) serve as the representative of the President in appearing before Congress on all issues relating to the National Drug Control Program;

(10) in any matter affecting national security interests, work in conjunction with the Assistant to the President for National Security Affairs; and

(11) serve as primary spokesperson of the Administration on drug issues.

(c) NATIONAL DRUG CONTROL PROGRAM BUDGET.—

(1) RESPONSIBILITIES OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—For each fiscal year, the head of each department, agency, or program of the Federal Government with responsibilities under the National Drug Control Program Strategy shall transmit to the Director a copy of the proposed drug control budget request of the department, agency, or program at the same time as that budget request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

(B) SUBMISSION OF DRUG CONTROL BUDGET REQUESTS.—The head of each National Drug Control Program agency shall ensure timely development and submission to the Director of each proposed drug control budget request transmitted pursuant to this paragraph, in such format as may be designated by the Director with the concurrence of the Director of the Office of Management and Budget.

(2) NATIONAL DRUG CONTROL PROGRAM BUDGET PROPOSAL.—For each fiscal year, following the transmission of proposed drug control budget requests to the Director under paragraph (1), the Director shall, in consultation with the head of each National Drug Control Program agency—

(A) develop a consolidated National Drug Control Program budget proposal designed to implement the National Drug Control Strategy;

(B) submit the consolidated budget proposal to the President; and

(C) after submission under subparagraph (B), submit the consolidated budget proposal to Congress.

(3) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS OF NATIONAL DRUG CONTROL PROGRAM AGENCIES.—

(A) IN GENERAL.—The Director shall review each drug control budget request submitted to the Director under paragraph (1).

(B) REVIEW OF BUDGET REQUESTS.—

(i) INADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to implement those objectives.

(ii) ADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under paragraph (1) is adequate to implement the objectives of the National Drug Control Strategy with respect to the department, agency, or program at issue for the year for which the request is submitted, the Director shall submit to the head of the applicable National Drug Control Program agency a written statement confirming the adequacy of the request.

(iii) RECORD.—The Director shall maintain a record of each description submitted under clause (i) and each statement submitted under clause (ii).

(C) AGENCY RESPONSE.—

(i) IN GENERAL.—The head of a National Drug Control Program agency that receives a description under subparagraph (B)(i) shall include the funding levels and initiatives described by the Director in the budget submission for that agency to the Office of Management and Budget.

(ii) IMPACT STATEMENT.—The head of a National Drug Control Program agency that has altered its budget submission under this subparagraph shall include as an appendix to the budget submission for that agency to the Office of Management and Budget an impact statement that summarizes—

(I) the changes made to the budget under this subparagraph; and

(II) the impact of those changes on the ability of that agency to perform its other responsibilities, including any impact on specific missions or programs of the agency.

(iii) CONGRESSIONAL NOTIFICATION.—The head of a National Drug Control Program agency shall submit a copy of any impact statement under clause (ii) to the Senate and the House of Representatives at the time the budget for that agency is submitted to Congress under section 1105(a) of title 31, United States Code.

(D) CERTIFICATION OF BUDGET SUBMISSIONS.—

(i) IN GENERAL.—At the time a National Drug Control Program agency submits its budget request to the Office of Management and Budget, the head of the National Drug Control Program agency shall submit a copy of the budget request to the Director.

(ii) CERTIFICATION.—The Director—

(I) shall review each budget submission submitted under clause (i); and

(II) based on the review under subclause (I), if the Director concludes that the budget submission of a National Drug Control Program agency does not include the funding levels and initiatives described under subparagraph (B)—

(aa) may issue a written decertification of that agency's budget; and

(bb) in the case of a decertification issued under item (aa), shall submit to the Senate and the House of Representatives a copy of the—

(aaa) decertification issued under item (aa);

(bbb) the description made under subparagraph (B); and

(ccc) the budget recommendations made under subsection (b)(8).

(4) REPROGRAMMING AND TRANSFER REQUESTS.—

(A) IN GENERAL.—No National Drug Control Program agency shall submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding $5,000,000 that is included in the National Drug Control Program budget unless the request has been approved by the Director.

(B) APPEAL.—The head of any National Drug Control Program agency may appeal to the President any disapproval by the Director of a reprogramming or transfer request under this paragraph.

(d) POWERS OF THE DIRECTOR.—In carrying out subsection (b), the Director may—

(1) select, appoint, employ, and fix compensation of such officers and employees of the Office as may be necessary to carry out the functions of the Office under this title;

(2) subject to subsection (e)(3), request the head of a department or agency, or program of the Federal Government to place department, agency, or program personnel who are engaged in drug control activities on temporary detail to another department, agency, or program in order to implement the National Drug Control Strategy, and the head of the department or agency shall comply with such a request;

(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable under level IV of the Executive Schedule under section 5311 of title 5, United States Code;

(5) accept and use gifts and donations of property from Federal, State, and local government agencies, and from the private sector, as authorized in section 803(d);

(6) use the mails in the same manner as any other department or agency of the executive branch;

(7) monitor implementation of the National Drug Control Program, including—

(A) conducting program and performance audits and evaluations;

(B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations; and

(C) commissioning studies and reports by a National Drug Control Program agency, with the concurrence of the head of the affected agency;

(8) transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency for National Drug Control Strategy programs and activities, except that—

(A) the authority under this paragraph may be limited in an annual appropriations Act or other provision of Federal law;

(B) the Director may exercise the authority under this paragraph only with the concurrence of the head of each affected agency;

(C) in the case of an interagency transfer, the total amount of transfers under this paragraph may not exceed 2 percent of the total amount of funds made available for National Drug Control Strategy programs and activities to the agency from which those funds are to be transferred;

(D) funds transferred to an agency under this paragraph may only be used to increase the funding for programs or activities that—

(i) have a higher priority than the programs or activities from which funds are transferred; and

(ii) have been authorized by Congress; and

(E) the Director shall—

(i) submit to Congress, including to the Committees on Appropriations of the Senate and the House of Representatives and other applicable committees of jurisdiction, a reprogramming or transfer request in advance of any transfer under this paragraph in accordance with the regulations of the affected agency or agencies; and

(ii) annually submit to Congress a report describing the effect of all transfers of funds made pursuant to this paragraph or subsection (c)(4) during the 12-month period preceding the date on which the report is submitted;

(9) issue to the head of a National Drug Control Program agency a fund control notice described in subsection (f) to ensure compliance with the National Drug Control Program Strategy; and

(10) participate in the drug certification process pursuant to section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(e) PERSONNEL DETAILED TO OFFICE.—

(1) EVALUATIONS.—Notwithstanding any provision of chapter 43 of title 5, United States Code, the Director shall perform the evaluation of the performance of any employee detailed to the Office for purposes of the applicable performance appraisal system established under such chapter for any rating period, or part thereof, that such employee is detailed to such office.

(2) COMPENSATION.—

(A) BONUS PAYMENTS.—Notwithstanding any other provision of law, the Director may provide periodic bonus payments to any employee detailed to the Office.

(B) RESTRICTIONS.—An amount paid under this paragraph to an employee for any period—

(i) shall not be greater than 20 percent of the basic pay paid or payable to such employee for such period; and

(ii) shall be in addition to the basic pay of such employee.

(C) AGGREGATE AMOUNT.—The aggregate amount paid during any fiscal year to an employee detailed to the Office as basic pay, awards, bonuses, and other compensation shall not exceed the annual rate payable at the end of such fiscal year for positions at level III of the Executive Schedule.

(3) MAXIMUM NUMBER OF DETAILEES.—The maximum number of personnel who may be detailed to another department or agency (including the Office) under subsection (d)(2) during any fiscal year is—

(A) for the Department of Defense, 50; and

(B) for any other department or agency, 10.

SEC. 805. COORDINATION WITH NATIONAL DRUG CONTROL PROGRAM AGENCIES IN DEMAND REDUCTION, SUPPLY REDUCTION, AND STATE AND LOCAL AFFAIRS. (a) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Upon the request of the Director, the head of any National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, reports, and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to—

(A) drug abuse control; or

(B) the manner in which amounts made available to that agency for drug control are being used by that agency.

(2) PROTECTION OF INTELLIGENCE INFORMATION.—

(A) IN GENERAL.—The authorities conferred on the Office and the Director by this title shall be exercised in a manner consistent with provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.). The Director of Central Intelligence shall prescribe such regulations as may be necessary to protect information provided pursuant to this title regarding intelligence sources and methods.

(B) DUTIES OF DIRECTOR.—The Director of Central Intelligence shall, to the maximum extent practicable in accordance with subparagraph (A), render full assistance and support to the Office and the Director.

(3) ILLEGAL DRUG CULTIVATION.—The Secretary of Agriculture shall annually submit to the Director an assessment of the acreage of illegal drug cultivation in the United States.

(b) CERTIFICATION OF POLICY CHANGES TO DIRECTOR.—

(1) IN GENERAL.—Subject to paragraph (2), the head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of that agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the head of that agency in writing whether such change is consistent with the National Drug Control Strategy.

(2) EXCEPTION.—If prior notice of a proposed change under paragraph (1) is not practicable—

(A) the head of the National Drug Control Program agency shall notify the Director of the proposed change as soon as practicable; and

(B) upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control Program.

(c) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Director, in a reimbursable basis, such administrative support services as the Director may request.

SEC. 806. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY. (a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.—

(1) TIMING.—Not later than February 1, 1998, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 10 years, for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

(2) CONTENTS.—

(A) IN GENERAL.—The National Drug Control Strategy submitted under paragraph (1) shall include—

(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States;

(ii) annual, quantifiable, and measurable objectives to accomplish long-term quantifiable goals that the Director determines may be realistically achieved during each year of the period

beginning on the date on which the National Drug Control Strategy is submitted;

(iii) 5-year projections for program and budget priorities; and

(iv) a review of State, local, and private sector drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

(B) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(3) PROCESS FOR DEVELOPMENT AND SUBMISSION.—

(A) CONSULTATION.—In developing and effectively implementing the National Drug Control Strategy, the Director—

(i) shall consult with—

(I) the heads of the National Drug Control Program agencies;

(II) Congress;

(III) State and local officials;

(IV) private citizens and organizations with experience and expertise in demand reduction; and

(V) private citizens and organizations with experience and expertise in supply reduction; and

(ii) may require the National Drug Intelligence Center and the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy.

(B) INCLUSION IN STRATEGY.—The National Drug Control Strategy under this subsection, and each report submitted under subsection (b), shall include a list of each entity consulted under subparagraph (A)(i).

(4) MODIFICATION AND RESUBMITTAL.—Notwithstanding any other provision of law, the President may modify a National Drug Control Strategy submitted under paragraph (1) at any time.

(b) ANNUAL STRATEGY REPORT.—

(1) IN GENERAL.—Not later than February 1, 1999, and on February 1 of each year thereafter, the President shall submit to Congress a report on the progress in implementing the Strategy under subsection (a), which shall include—

(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c), including—

(i) an assessment of drug use and availability in the United States; and

(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c);

(C) an assessment of the manner in which the budget proposal submitted under section 804(c) is intended to implement the National Drug Control Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

(D) beginning on February 1, 1999, and annually thereafter, measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii);

(E) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include—

(i) estimates of drug prevalence and frequency of use as measured by national, State, and local surveys of illicit drug use and by other special studies of—

(I) casual and chronic drug use;

(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

(III) drug use in the workplace and the productivity lost by such use;

(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

(I) the quantities of cocaine, heroin, marijuana, methamphetamine, and other drugs available for consumption in the United States;

(II) the amount of marijuana, cocaine, and heroin entering the United States;

(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed;

(IV) the number of metric tons of marijuana, heroin, and cocaine seized;

(V) the number of cocaine and methamphetamine processing laboratories destroyed;

(VI) changes in the price and purity of heroin and cocaine;

(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(VIII) the effectiveness of Federal technology programs at improving drug detection capabilities in interdiction, and at United States ports of entry;

(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

(I) the burden drug users placed on hospital emergency departments in the United States, such as the quantity of drug-related services provided;

(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

(III) the extent of drug-related crime and criminal activity; and

(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

(iv) a determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment capacity within each State, including information on the treatment capacity available in relation to the capacity actually used;

(II) the extent, within each State, to which treatment is available;

(III) the number of drug users the Director estimates could benefit from treatment; and

(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

(v) a review of the research agenda of the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

(2) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

(A) at any time, upon a determination by the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; and

(B) if a new President or Director takes office.

(c) PERFORMANCE MEASUREMENT SYSTEM.—

(1) IN GENERAL.—Not later than February 1, 1998, the Director shall submit to Congress a description of the national drug control performance measurement system, designed in consultation with affected National Drug Control Program agencies, that—

(A) develops performance objectives, measures, and targets for each National Drug Control Strategy goal and objective;

(B) revises performance objectives, measures, and targets, to conform with National Drug Control Program Agency budgets;

(C) identifies major programs and activities of the National Drug Control Program agencies that support the goals and objectives of the National Drug Control Strategy;

(D) evaluates implementation of major program activities supporting the National Drug Control Strategy;

(E) monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that drug control agency goals and budgets support and are fully consistent with the National Drug Control Strategy; and

(F) coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including an assessment of—

(i) the quality of current drug use measurement instruments and techniques to measure supply reduction and demand reduction activities;

(ii) the adequacy of the coverage of existing national drug use measurement instruments and techniques to measure the casual drug user population and groups that are at risk for drug use; and

(iii) the actions the Director shall take to correct any deficiencies and limitations identified pursuant to subparagraphs (A) and (B) of subsection (b)(4).

(2) MODIFICATIONS.—

(A) IN GENERAL.—A description of any modifications made during the preceding year to the national drug control performance measurement system described in paragraph (1) shall be included in each report submitted under subsection (b).

(B) ANNUAL PERFORMANCE OBJECTIVES, MEASURES, AND TARGETS.—Not later than February 1, 1999, the Director shall submit to Congress a modified performance measurement system that—

(i) develops annual performance objectives, measures, and targets for each National Drug Control Strategy goal and objective; and

(ii) revises the annual performance objectives, measures, and targets to conform with the National Drug Control Program agency budgets.

SEC. 807. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM. (a) ESTABLISHMENT.—There is established in the Office a program to be known as the High Intensity Drug Trafficking Areas Program.

(b) DESIGNATION.—The Director, upon consultation with the Attorney General, the Secretary of the Treasury, heads of the National Drug Control Program agencies, and the Governor of each State, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Areas Program;

(2) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel;

(3) take any other action authorized under section 804 to provide increased Federal assistance to those areas;

(4) coordinate activities under this subsection (specifically administrative, recordkeeping, and funds management activities) with State and local officials.

(c) FACTORS FOR CONSIDERATION.—In considering whether to designate an area under this

section as a high intensity drug trafficking area, the Director shall consider, in addition to such other criteria as the Director considers to be appropriate, the extent to which—

(1) the area is a center of illegal drug production, manufacturing, importation, or distribution;

(2) State and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;

(3) drug-related activities in the area are having a harmful impact in other areas of the country; and

(4) a significant increase in allocation of Federal resources is necessary to respond adequately to drug-related activities in the area.

SEC. 808. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER. (a) ESTABLISHMENT.—There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the "Center"). The Center shall operate under the authority of the Director of National Drug Control Policy and shall serve as the central counter-drug technology research and development organization of the United States Government.

(b) DIRECTOR OF TECHNOLOGY.—There shall be at the head of the Center the Director of Technology, who shall be appointed by the Director of National Drug Control Policy from among individuals qualified and distinguished in the area of science, medicine, engineering, or technology.

(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—

(1) IN GENERAL.—The Director, acting through the Director of Technology shall—

(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local drug supply reduction agencies, including—

(i) advanced surveillance, tracking, and radar imaging;

(ii) electronic support measures;

(iii) communications;

(iv) data fusion, advanced computer systems, and artificial intelligence; and

(v) chemical, biological, radiological (including neutron, electron, and graviton), and other means of detection;

(B) identify demand reduction basic and applied research needs and initiatives, in consultation with affected National Drug Control Program agencies, including—

(i) improving treatment through neuroscientific advances;

(ii) improving the transfer of biomedical research to the clinical setting; and

(iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

(E) provide support to the development and implementation of the national drug control performance measurement system; and

(F) pursuant to the authority of the Director of National Drug Control Policy under section 804, submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

(2) LIMITATION ON AUTHORITY.—The authority granted to the Director under this subsection shall not extend to the award of contracts, management of individual projects, or other operational activities.

(d) ASSISTANCE AND SUPPORT TO OFFICE OF NATIONAL DRUG CONTROL POLICY.—The Secretary of Defense and the Secretary of Health and Human Services shall, to the maximum extent practicable, render assistance and support to the Office and to the Director in the conduct of counter-drug technology assessment.

SEC. 809. PRESIDENT'S COUNCIL ON COUNTER-NARCOTICS. (a) ESTABLISHMENT.—There is established a council to be known as the President's Council on Counter-Narcotics (referred to in this section as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—Subject to paragraph (2), the Council shall be composed of 18 members, of whom—

(A) 1 shall be the President, who shall serve as Chairman of the Council;

(B) 1 shall be the Vice President;

(C) 1 shall be the Secretary of State;

(D) 1 shall be the Secretary of the Treasury;

(E) 1 shall be the Secretary of Defense;

(F) 1 shall be the Attorney General;

(G) 1 shall be the Secretary of Transportation;

(H) 1 shall be the Secretary of Health and Human Services;

(I) 1 shall be the Secretary of Education;

(J) 1 shall be the Representative of the United States of America to the United Nations;

(K) 1 shall be the Director of the Office of Management and Budget;

(L) 1 shall be the Chief of Staff to the President;

(M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council;

(N) 1 shall be the Director of Central Intelligence;

(O) 1 shall be the Assistant to the President for National Security Affairs;

(P) 1 shall be the Counsel to the President;

(Q) 1 shall be the Chairman of the Joint Chiefs of Staff; and

(R) 1 shall be the National Security Adviser to the Vice President.

(2) ADDITIONAL MEMBERS.—The President may, in the discretion of the President, appoint additional members to the Council.

(c) FUNCTIONS.—The Council shall advise and assist the President in—

(1) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and

(2) ensuring coordination among departments and agencies of the Federal Government concerning implementation of the National Drug Control Strategy.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Council may utilize established or ad hoc committees, task forces, or interagency groups chaired by the Director (or a representative of the Director) in carrying out the functions of the Council under this section.

(2) STAFF.—The staff of the Office, in coordination with the staffs of the Vice President and the Assistant to the President for National Security Affairs, shall act as staff for the Council.

(3) COOPERATION FROM OTHER AGENCIES.—Each department and agency of the executive branch shall—

(A) cooperate with the Council in carrying out the functions of the Council under this section; and

(B) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

SEC. 810. PARENTS ADVISORY COUNCIL ON YOUTH DRUG ABUSE. (a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established a Council to be known as the Parents Advisory Council on Youth Drug Abuse (referred to in this section as the "Council").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall be composed of 16 members, of whom—

(i) 4 shall be appointed by the President, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(ii) 4 shall be appointed by the Majority Leader of the Senate, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iii) 2 shall be appointed by the Minority Leader of the Senate, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made;

(iv) 4 shall be appointed by the Speaker of the House of Representatives, 3 of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made; and

(v) 2 shall be appointed by the Minority Leader of the House of Representatives, each of whom shall be a parent or guardian of a child who is not less than 6 and not more than 18 years of age as of the date on which the appointment is made.

(B) REQUIREMENTS.—

(i) IN GENERAL.—Each member of the Council shall be an individual from the private sector with a demonstrated interest and expertise in research, education, treatment, or prevention activities related to youth drug abuse.

(ii) REPRESENTATIVES OF NONPROFIT ORGANIZATIONS.—Not less than 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be a representative of a nonprofit organization focused on involving parents in antidrug education and prevention.

(C) DATE.—The appointments of the initial members of the Council shall be made not later than 60 days after the date of enactment of this section.

(D) DIRECTOR.—The Director may, in the discretion of the Director, serve as an adviser to the Council and attend such meetings and hearings of the Council as the Director considers to be appropriate.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) PERIOD OF APPOINTMENT.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members of the Council—

(i) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 1 year; and

(ii) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 2 years.

(B) VACANCIES.—Any vacancy in the Council shall not affect its powers, provided that a quorum is present, but shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(C) APPOINTMENT OF SUCCESSOR.—To the extent necessary to prevent a vacancy in the membership of the Council, a member of the Council may serve for not more than 6 months after the expiration of the term of that member, if the successor of that member has not been appointed.

(4) INITIAL MEETING.—Not later than 120 days after the date on which all initial members of the Council have been appointed, the Council shall hold its first meeting.

(5) MEETINGS.—The Council shall meet at the call of the Chairperson.

(6) QUORUM.—Nine members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The members of the Council shall select a Chairperson and Vice Chairperson from among the members of the Council.

(B) DUTIES OF CHAIRPERSON.—The Chairperson of the Council shall—

(i) serve as the executive director of the Council;

(ii) direct the administration of the Council;

(iii) assign officer and committee duties relating to the Council; and

(iv) issue the reports, policy positions, and statements of the Council.

(C) DUTIES OF VICE CHAIRPERSON.—If the Chairperson of the Council is unable to serve, the Vice Chairperson shall serve as the Chairperson.

(b) DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The Council—

(A) shall advise the President and the Members of the Cabinet, including the Director, on drug prevention, education, and treatment; and

(B) may issue reports and recommendations on drug prevention, education, and treatment, in addition to the annual report detailed in paragraph (2), as the Council considers appropriate.

(2) SUBMISSION TO CONGRESS.—Any report or recommendation issued by the Council shall be submitted to Congress.

(3) ADVICE ON THE NATIONAL DRUG CONTROL STRATEGY.—Not later than December 1, 1998, and on December 1 of each year thereafter, the Council shall submit to the Director an annual report containing drug control strategy recommendations on drug prevention, education, and treatment. Each report submitted to the Director under this paragraph shall be included as an appendix to the report submitted by the Director under section 806(b).

(c) POWERS OF THE COUNCIL.—

(1) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any department or agency of the Federal Government such information as the Council considers to be necessary to carry out this section. Upon request of the Chairperson of the Council, the head of that department or agency shall furnish such information to the Council, unless the head of that department or agency determines that furnishing the information to the Council would threaten the national security of the United States, the health, safety, or privacy of any individual, or the integrity of an ongoing investigation.

(3) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Council may solicit, accept, use, and dispose of gifts or donations of services or property in connection with performing the duties of the Council under this section.

(d) EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary carry out this section.

SEC. 811. DRUG INTERDICTION. (a) DEFINITION.—In this section, the term "Federal drug control agency" means—

(1) the Office of National Drug Control Policy;

(2) the Department of Defense;

(3) the Drug Enforcement Administration;

(4) the Federal Bureau of Investigation;

(5) the Immigration and Naturalization Service;

(6) the United States Coast Guard;

(7) the United States Customs Service; and

(8) any other department or agency of the Federal Government that the Director determines to be relevant.

(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 90 days after the date of enactment of this Act, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

(i) seized during the year of highest recorded seizures for each drug in each region and during the year of highest recorded overall seizures; and

(ii) disrupted during the year of highest recorded disruptions for each drug in each region and during the year of highest recorded overall seizures; and

(B) the number of persons arrested for violations of section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)) and related offenses during the year of the highest number of arrests on record for each region and during the year of highest recorded overall arrests;

(2) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

(3) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each of the years identified in paragraphs (1) and (2) for each Federal drug control agency.

(b) BUDGET PROCESS.—

(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, as part of each annual drug control budget request submitted by the Federal drug control agency to the Director under section 804(c)(2), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 804(c), which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).

SEC. 812. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE. (a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically elected governments of the Western Hemisphere the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming 1 or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the proposal discussed under subsection (a), which shall include—

(A) an analysis of the reactions of the governments concerned to the proposal;

(B) an assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance;

(C) a determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States;

(D) if the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance; and

(E) if the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of the manner in which the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 813. ESTABLISHMENT OF SPECIAL FORFEITURE FUND. Section 6073 of the Asset Forfeiture Amendments Act of 1988 (21 U.S.C. 1509) is amended—

(1) in subsection (b)—

(A) by striking "section 524(c)(9)" and inserting "section 524(c)(8)"; and

(B) by striking "section 9307(g)" and inserting "section 9703(g)"; and

(2) in subsection (e), by striking "strategy" and inserting "Strategy".

SEC. 814. TECHNICAL AND CONFORMING AMENDMENTS. (a) TITLE 5, UNITED STATES CODE.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5312, by adding at the end the following:

"Director of National Drug Control Policy.";

(2) in section 5313, by adding at the end the following:

"Deputy Director of National Drug Control Policy."; and

(3) in section 5314, by adding at the end the following:

"Deputy Director for Demand Reduction, Office of National Drug Control Policy.

"Deputy Director for Supply Reduction, Office of National Drug Control Policy.

"Deputy Director for State and Local Affairs, Office of National Drug Control Policy.".

(b) NATIONAL SECURITY ACT OF 1947.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

"(f) The Director of National Drug Control Policy may, in the role of the Director as principal adviser to the National Security Council on national drug control policy, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

(c) SUBMISSION OF NATIONAL DRUG CONTROL PROGRAM BUDGET WITH ANNUAL BUDGET REQUEST OF PRESIDENT.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (25) the following:

"(26) a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.".

SEC. 815. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated to carry out this title, to remain available until expended, such sums as may be necessary for each of fiscal years 1998 through 2002.

SEC. 816. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY. (a) IN GENERAL.—Except as provided in subsection (b), effective on September 30, 2002, this title and the amendments made by this title are repealed.

(b) EXCEPTION.—Subsection (a) does not apply to section 813 or the amendments made by that section.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

SEC. 901. SHORT TITLE. This title may be cited as the "Haitian Refugee Immigration Fairness Act of 1998".

SEC. 902. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti who—

(1) was present in the United States on December 31, 1995, who—

(A) filed for asylum before December 31, 1995,

(B) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest, or

(C) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(i) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival,

(ii) became orphaned subsequent to arrival in the United States, or

(iii) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(2) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that he or she has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(i) ADJUSTMENT OF STATUS HAS NO EFFECT ON ELIGIBILITY FOR WELFARE AND PUBLIC BENEFITS.—No alien whose status has been adjusted in accordance with this section and who was not a qualified alien on the date of enactment of this Act may, solely on the basis of such adjusted status, be considered to be a qualified alien under section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as amended by section 5302 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 598), for purposes of determining the alien's eligibility for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.).

(j) PERIOD OF APPLICABILITY.—Subsection (i) shall not apply after October 1, 2003.

SEC. 903. COLLECTION OF DATA ON DETAINED ASYLUM SEEKERS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.

(4) The number of detainees listed by each year of age of the detainees.

(5) The location of each detainee by detention facility.

(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.

(7) The number and frequency of the transfers of detainees between detention facilities.

(8) The average length of detention and the number of detainees by category of the length of detention.

(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.

(10) A description of the disposition of cases.

(b) ANNUAL REPORTS.—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

SEC. 904. COLLECTION OF DATA ON OTHER DETAINED ALIENS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nationwide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 903, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) LENGTH OF DETENTION, TRANSFERS, AND DISPOSITIONS.—With respect to detainees who are criminal aliens and detainees who are noncriminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) CRIMINAL ALIENS.—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) ANNUAL REPORTS.—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

This Act may be cited as the "Treasury and General Government Appropriations Act, 1999".

ORDERS FOR WEDNESDAY, SEPTEMBER 9, 1998

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Wednesday, September 9. I further ask that when the Senate reconvenes on Wednesday, immediately following the prayer, the time until 9:45 be equally divided between Senators COCHRAN and LEVIN or their designees, relating to the motion to proceed to the missile defense bill. I further ask that at 9:45, the Senate proceed to the vote on the motion to invoke cloture on the motion to proceed to the missile defense bill, with the mandatory quorum under rule XXII being waived.

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

Mr. BENNETT. I further ask consent that if cloture is not invoked on the motion to proceed, the Senate resume consideration of S. 2237, the Interior appropriations bill.

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

Mr. BENNETT. Finally, I ask unanimous consent, if cloture is not invoked, that at 4:30 p.m. the Senate begin 30 minutes of debate on the motion to proceed to the bankruptcy bill, equally divided between Senators HATCH and DURBIN; further, that at 5 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to the bankruptcy bill, with the mandatory quorum under rule XXII being waived.

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

PROGRAM

Mr. BENNETT. For the information of all Senators, when the Senate reconvenes on Wednesday at 9 a.m., there will be 45 minutes of debate prior to a cloture vote on the motion to proceed to the missile defense bill. That vote should occur at approximately 9:45 a.m. If cloture is not invoked, the Senate will resume consideration of the Interior appropriations bill. At 4:30, assuming cloture is not invoked on the missile defense legislation, the Senate will begin 30 minutes of debate prior to a cloture vote on the motion to proceed to the bankruptcy bill. That vote will occur at approximately 5 p.m. Therefore, Members should expect votes throughout Wednesday's session, with the first vote occurring at approximately 9:45 a.m.

MEASURE READ FOR THE FIRST TIME—H.R. 3682

Mr. BENNETT. Mr. President, I understand H.R. 3682, the child custody protection bill, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

Mr. BENNETT. I ask for its second reading and I object to my own request on behalf of Senators on the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR ADJOURNMENT

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the additional remarks of the distinguished Democratic leader.

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

The Democratic leader.

REQUEST TO WORK OVERTIME

Mr. DASCHLE. Mr. President, I thank the Senator from Utah. I want to explain, again, what transpired just a couple of moments ago with regard to our unanimous consent request.

For the information of all Senators, we made the request that the Senate have the opportunity to take up the HMO reform bill, the House-passed HMO reform bill, Calendar No. 505, and that it be the pending business every day after the completion of the legislative business as outlined by the majority leader and the distinguished Senator from Utah today.

Why are we suggesting this? We are proposing this because many of our colleagues on the other side of the aisle have said that we do not have time to take up a careful consideration of HMO reform; we don't have the ability to consider a number of amendments that ought to be considered with legislation as complex as this.

We understand that the Senate has spent days on other bills—150 amendments on the defense bill, over 100 amendments on the highway bill, and over 50 amendments on just about every appropriations bill each. But the Republican leadership has said all we ought to have on HMO reform is three amendments. Why? Because we don't have time. That has been their premise. We don't have time to deal with this issue, but we have time to deal with a missile defense bill that we will debate in the morning, that would commit hundreds of billions of dollars

over the course of many years to a missile system that has failed every single time it has been tested to date.

The only criteria we would use to evaluate that system is technological feasibility, regardless of cost, regardless of effectiveness, and regardless of its implications for treaties around the world. Our Republican colleagues are asking us to commit to a missile defense system, opposed by the Pentagon, that would commit hundreds of billions of dollars. That is what the vote is about tomorrow, and we have time for it. But we don't have time for dealing directly with the concerns of millions of Americans who day by day are shut out of a health system because their insurance company is playing doctor.

We are simply saying, if we don't have time, let's make time. Let's do what others have already done in past Congresses and certainly in other situations where production becomes a problem. Let us add a second shift. Let us address this issue on the second shift. Let's work longer. Let's make more hours. Let's do what we must to complete our work.

It is only 6:20, and Senators have already left for the day. We didn't have a vote until 3:30 this afternoon to accommodate Senators who were traveling. Senators have just arrived. I am sure they would be more than willing to stay for a few hours more to debate and to consider carefully the HMO reform bill—6:20 in the evening and people are gone. Tomorrow we start with a vote at 9:30. We will have another vote at 5 o'clock, and we may be gone again.

Mr. President, we are simply asking our colleagues to put in a full day's work, to do what others would do under these circumstances—to add a second shift, to work overtime, to complete our work in what days we have left in this session of Congress.

We will continue to push for this approach and offer it in a sequence of requests simply to make the point that at 6:20 in the afternoon, our work shouldn't be done. At 6:20 in the afternoon, we shouldn't be leaving. I don't understand why we couldn't have completed our work on campaign finance reform. I don't understand why we shouldn't be on the floor debating that issue right now. But everybody is gone, and the clock keeps ticking and the calendar pages turn, and time runs out.

We can run out the clock, but there is no reason why we can't make that clock work harder. There isn't any reason why we can't work longer, and we will make every effort to assure that the Senate does its job. I regret very much that we are not doing it tonight. I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 a.m., Wednesday, September 9.

Thereupon, the Senate, at 6:21 p.m., adjourned until Wednesday, September 9, 1998, at 9 a.m.