

exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes the efforts of many formerly totalitarian countries to address the complex and difficult question of the status of wrongfully expropriated properties;

(2) urges countries which have not already done so to return wrongfully expropriated properties to their rightful owners or, when actual return is not possible, to pay prompt, just and effective compensation, in accordance with principles of justice and in a manner that is just, transparent and fair;

(3) calls for the return of wrongfully expropriated properties to religious communities;

(4) calls on Croatia, the Czech Republic, Latvia, Lithuania, Romania, Slovakia, and any other nation whose laws or regulations limit restitution or compensation for wrongfully expropriated properties to persons who reside in, or are citizens of, the country from which restitution or compensation is sought, to remove such restrictions; and

(5) urges formerly totalitarian countries to pass and effectively implement laws that provide for restitution of, or compensation for, wrongfully expropriated property.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. SMITH of New Jersey and Mr. HAMILTON, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution?

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

Mr. HAMILTON, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶110.14 GABON ELECTIONS

Mr. GILMAN moved to suspend the rules and agree to the following resolution (H. Res. 518); as amended:

Whereas Gabon is a heavily forested and oil-rich country on central Africa's west coast;

Whereas Gabon gained independence from France in 1960;

Whereas the Government of Gabon is involved in ongoing efforts to mediate regional conflicts;

Whereas Gabon is scheduled to hold national elections in December 1998 for the purpose of electing a President;

Whereas Gabon was subject to single-party rule until 1990;

Whereas the International Foundation for Election Systems (IFES) and the Africa America Institute (AAI) served as observers during the organization of the 1993 Presidential and legislative elections in Gabon and found widespread electoral irregularities;

Whereas the Government of Gabon is a signatory to the "Paris Accords" of 1994, approved by national referendum in July 1995, which provides for a state of law guaran-

teeing basic individual freedoms and the organization of free and fair elections under a new independent national election commission;

Whereas the people of Gabon have demonstrated their support for the democratic process through the formation of numerous political parties since 1990 and their strong participation in prior elections; and

Whereas it is in the interest of the United States to promote political and economic freedom in Africa and throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the Government of Gabon's ongoing efforts to resolve central African conflicts;

(2) recognizes and commends those Gabonese who have demonstrated their love for free and fair elections;

(3) commends the Gabonese Government for inviting IFES to perform a pre-election assessment study;

(4) calls on the Gabonese Government—
(A) to take further measures to help ensure a credible election and to ensure that the election commission remains independent and impartial; and

(B) to further welcome IFES, the National Democratic Institute, the International Republican Institute, or other appropriate international nongovernmental organizations to aid the organization and oversight of, the December 1998 Presidential election in Gabon, in an effort to ensure that these elections in Gabon are free and fair;

(5) urges the Government of Gabon to take all necessary and lawful steps toward conducting free and fair elections;

(6) calls on the international community to join the United States in offering their assistance toward conducting free and fair elections in Gabon;

(7) urges the United States Government to continue to provide support directly and through appropriate nongovernmental organizations to aid the organization of free and fair elections in Gabon; and

(8) urges the United States Government and the international community to continue to encourage the Government of Gabon to ensure a lasting and committed transition to democracy.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. GILMAN and Mr. HASTINGS of Florida, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said resolution, as amended?

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

Mr. HASTINGS of Florida, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶110.15 FURTHER MESSAGE FROM THE SENATE

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

H.R. 2807. An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) "An Act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes."

¶110.16 INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION

Mrs. MORELLA moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Administration Act of 1998".

SEC. 2. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking "which are designed" and all that follows through "operation of a Center." and inserting in lieu thereof "After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed one third of the capital and annual operating and maintenance costs of the Center under the program."

SEC. 3. MALCOLM BALDRIGE QUALITY AWARD.

(a) ADDITIONAL AWARDS.—Section 17(c)(3) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting "unless the Secretary determines that a third award is merited and can be given at no additional cost to the Federal Government" after "in any year".

(b) CATEGORIES.—Section 17(c)(1) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

"(D) Health care providers.

"(E) Education providers."

SEC. 4. NOTICE.

(a) REDESIGNATION.—Section 31 of the National Institute of Standards and Technology Act is redesignated as section 32.

(b) NOTICE.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 30 the following new section:

"NOTICE

"SEC. 31. (a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(b) NOTICE OF REORGANIZATION.—

"(1) REQUIREMENT.—The Secretary shall provide notice to the Committees on Science and

Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

“(2) DEFINITION.—For purposes of this subsection, the term “major reorganization” means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute.”.

SEC. 5. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Institute of Standards and Technology should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond; and

(2) develop contingency plans for those systems that the Institute is unable to correct in time.

SEC. 6. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term “educationally useful Federal equipment” means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term “school” means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Director of the National Institute of Standards and Technology should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the National Institute of Standards and Technology shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 7. TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 19 the following:

“SEC. 19A. (a) The Director shall establish within the Institute a teacher science and technology enhancement program to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the understanding of science and the impacts of science on commerce.

“(b) In carrying out the program under this section, the Director shall focus on the areas of—

“(1) scientific measurements;

“(2) tests and standards development;

“(3) industrial competitiveness and quality;

“(4) manufacturing;

“(5) technology transfer; and

“(6) any other area of expertise of the Institute that the Director determines to be appropriate.

“(c) The Director shall develop and issue procedures and selection criteria for participants in the program.

“(d) The program under this section shall be conducted on an annual basis during the summer months, during the period of time when a majority of elementary, middle, and secondary schools have not commenced a school year.

“(e) The program shall provide for teachers’ participation in activities at the laboratory facilities of the Institute, or shall utilize other means of accomplishing the goals of the program as determined by the Director, which may include the Internet, video conferencing and recording, and workshops and conferences.”.

SEC. 8. OFFICE OF SPACE COMMERCIALIZATION.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commercialization (referred to in this section as the “Office”).

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5, United States Code, as determined by the Secretary of Commerce.

(c) FUNCTIONS OF THE OFFICE; DUTIES OF THE DIRECTOR.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 9. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

“(f) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.—

“(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish for fiscal year 1999 a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the “program”). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

“(2) ARRANGEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, shall—

“(A) enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

“(B) cooperate with—

“(i) any State science and technology council established under the program under subparagraph (A); and

“(ii) representatives of small business firms and other appropriate technology-based businesses.

“(3) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, may make grants or enter into cooperative agreements to provide for—

“(A) technology research and development;

“(B) technology transfer from university research;

“(C) technology deployment and diffusion; and

“(D) the strengthening of technological capabilities through consortia comprised of—

“(i) technology-based small business firms;

“(ii) industries and emerging companies;

“(iii) universities; and

“(iv) State and local development agencies and entities.

“(4) REQUIREMENTS FOR MAKING AWARDS.—

“(A) IN GENERAL.—In making awards under this subsection, the Secretary, acting through the Under Secretary, shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award.

“(B) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 25 percent of the cost of those activities.

“(5) CRITERIA FOR STATES.—The Secretary, acting through the Under Secretary, shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

“(6) COORDINATION.—To the extent practicable, in carrying out this subsection, the Secretary, acting through the Under Secretary, shall coordinate the program with other programs of the Department of Commerce.

“(7) REPORT.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Technology Administration Act of 1998, the Under Secretary shall prepare and submit a report that meets the requirements of this paragraph to the Secretary. Upon receipt of the report, the Secretary shall transmit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

“(B) REQUIREMENTS FOR REPORT.—The report prepared under this paragraph shall contain with respect to the program—

“(i) a description of the structure and procedures of the program;

“(ii) a management plan for the program;

“(iii) a description of the merit-based review process to be used in the program;

“(iv) milestones for the evaluation of activities to be assisted under the program in fiscal year 1999;

“(v) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

“(vi) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.”.

SEC. 10. NATIONAL TECHNOLOGY MEDAL FOR ENVIRONMENTAL TECHNOLOGY.

In the administration of section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711), Environmental Technology shall be established as a separate nomination category with appropriate unique criteria for that category.

SEC. 11. INTERNATIONAL ARCTIC RESEARCH CENTER.

The Congress finds that the International Arctic Research Center is an internationally-supported effort to conduct important weather and climate studies, and other research projects of benefit to the United States. It is, therefore,

the sense of the Congress that, as with similar research conducted in the Antarctic, the United States should provide similar support for this important effort.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mrs. MORELLA and Mr. BARCIA, each for 20 minutes.

After debate,

The question being put, viva voce,

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

Mr. BARCIA, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶110.17 ECONOMIC DEVELOPMENT ADMINISTRATION REFORM

Mr. SHUSTER moved to suspend the rules and pass the bill of the Senate (S. 2364) to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. SHUSTER and Mr. OBERSTAR, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

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

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

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

Ordered, That the Clerk notify the Senate thereof.

¶110.18 HEALTH PROFESSIONS EDUCATION PARTNERSHIPS

Mr. BLILEY moved to suspend the rules and pass the bill of the Senate (S. 1754) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, recognized Mr. BLILEY and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

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

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

Mr. BROWN of Ohio, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶110.19 SECURITIES LITIGATION UNIFORM STANDARD

Mr. BLILEY moved to suspend the rules and agree to the following conference report (Rept. No. 105-803):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260), to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities Litigation Uniform Standards Act of 1998".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Private Securities Litigation Reform Act of 1995 sought to prevent abuses in private securities fraud lawsuits;

(2) since enactment of that legislation, considerable evidence has been presented to Congress that a number of securities class action lawsuits have shifted from Federal to State courts;

(3) this shift has prevented that Act from fully achieving its objectives;

(4) State securities regulation is of continuing importance, together with Federal regulation of securities, to protect investors and promote strong financial markets; and

(5) in order to prevent certain State private securities class action lawsuits alleging fraud from being used to frustrate the objectives of the Private Securities Litigation Reform Act of 1995, it is appropriate to enact national standards for securities class action lawsuits involving nationally traded securities, while preserving the appropriate enforcement powers of State securities regulators and not changing the current treatment of individual lawsuits.

TITLE I—SECURITIES LITIGATION UNIFORM STANDARDS

SEC. 101. LIMITATION ON REMEDIES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) AMENDMENT.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

"SEC. 16. ADDITIONAL REMEDIES; LIMITATION ON REMEDIES.

"(a) REMEDIES ADDITIONAL.—Except as provided in subsection (b), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

"(b) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(1) an untrue statement or omission of a material fact in connection with the purchase or sale of a covered security; or

"(2) that the defendant used or employed any manipulative or deceptive device or con-

trivance in connection with the purchase or sale of a covered security.

"(c) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in subsection (b), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to subsection (b).

"(d) PRESERVATION OF CERTAIN ACTIONS.—

"(1) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

"(A) ACTIONS PRESERVED.—Notwithstanding subsection (b) or (c), a covered class action described in subparagraph (B) of this paragraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(B) PERMISSIBLE ACTIONS.—A covered class action is described in this subparagraph if it involves—

"(i) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(ii) any recommendation, position, or other communication with respect to the sale of securities of the issuer that—

"(I) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(II) concerns decisions of those equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(2) STATE ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, nothing in this section may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

"(B) STATE PENSION PLAN DEFINED.—For purposes of this paragraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of the State or political subdivision thereof, or by any agency or instrumentality thereof.

"(3) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding subsection (b) or (c), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

"(4) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to subsection (c), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

"(e) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(2) COVERED CLASS ACTION.—