world to be adopted. The provisions of the Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed understandings that would be deposited by the United States with its instrument of ratification. The Convention will not require implementing legislation for the United States.

The Convention should be an effective tool to assist in the hemispheric effort to combat corruption, and could also enhance the law enforcement efforts of the States Parties in other areas, given the links that often exist between corruption and organized criminal activity such as drug trafficking. The Convention provides for a broad range of cooperation, including extradition, mutual legal assistance, and measures regarding property, in relation to the acts of corruption described in the Convention.

The Convention also imposes on the States Parties an obligation to criminalize acts of corruption if they have not already done so. Especially noteworthy is the obligation to criminalize the bribery of foreign government officials. This provision was included in the Convention at the behest of the United States negotiating delegation. In recent years, the United States Government has sought in a number of multilateral fora to persuade other governments to adopt legislation akin to the U.S. Foreign Corrupt Practices Act. This Convention represents a significant breakthrough on that front and should lend impetus to similar measures in other multilateral groups.

I recommend that the Senate give early and favorable consideration to the Convention, and that it give its advice and consent to ratification, subject to the understandings described in the accompanying report to the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 1, 1998*.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DOMENICI. Further as in executive session, I ask unanimous consent at 9 a.m. on Thursday, April 2, the Senate proceed to executive session and immediate vote on Cal. No. 461, the nomination of G. Patrick Murphy to be U.S. District Judge for the Southern District of Illinois. I further ask consent immediately following that vote, the Senate proceed to a vote on the confirmation of Cal. No. 462, Michael P. McCuskey to be U.S. District Judge for the Central District of Illinois. I finally ask consent following these votes the President be immediately notified of the Senate's action the Senate then return to legislative session.

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

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. DOMENICI. This is with reference to H.R. 629. I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 197, H.R. 629.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R.629) to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 2276

(Purpose: To provide a substitute amendment)

Mr. DOMENICI. Mr. President, Senator SNOWE has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Ms. SNOWE, proposes an amendment numbered 2276.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. SNOWE. Mr. President, I rise today in strong support of HR 629, the Texas Compact Consent Act of 1997, which addresses the disposal of low-level radioactive nuclear waste for Maine, Vermont and Texas—and to thank the cosponsors of this bill: Senators COLLINS, LEAHY, and JEFFORDS, as well as Senators HUTCHISON and GRAMM of Texas for their invaluable assistance and support.

In 1980, Congress told the states to form compacts to solve their low-level waste disposal problems. Subsequently, Congress authorized a means of establishing these compacts without violating the Interstate Commerce Clause of the U.S. Constitution.

As you can see from the chart behind me, 41 states have now joined together to form nine different compacts across the country. Forty-one states. The compact before us today will simply add three more states to the nation's compact network, and carry out what these 41 other states have already been allowed to do.

As the law requires, Texas, Vermont and Maine have negotiated an agreement that was approved by each state: in the Texas Senate by a vote of 28 to zero, and voice voted in the House; in Vermont, the bill was also voice voted by large margins in both bodies.

In Maine, the Senate voted 26 to 3 to pass the compact; in the House, 131 to 6. In addition, 73 percent of the people in a state-wide referendum approved the Compact. All three Governors signed the bill. And, last October 7th, the House passed the Texas Compact by an overwhelming vote of 309 to 107. Decisive victories on all counts, and by any measure.

So, we have before us a Compact that has been carefully crafted and thoroughly examined by the state governments and people of all three states involved. Now all that is required is the approval of Congress, so that the State of Texas and the other Texas Compact members will be able to exercise appropriate control over the waste that will come into the Texas facility.

Let me be clear: the law never intended for Congress to determine who pays what, how the storage is allocated, and where the site is located. To the contrary: the intent of the law is for states to develop and approve these details, and for Congress to ratify the plan. A quick review of history bears this out—for the nine compacts that have been consented to by the United States Congress, not one of them was amended. Not one of them.

It is very important for my colleagues to know that the language ratified by each state for this Compact is exactly the same language, and if any change is made by Congress, the Compact would have to be once again returned to each state for reratification.

And let me take this opportunity to clear up some other misconceptions about this compact, which are being used by our opponents to cast discredit on this legislation.

The Compact before us does not discuss any particular site for the disposal facility. Let me repeat that—this bill has nothing to do with the location of a facility in Texas, as some would have us believe. It only says that Texas must develop a facility in a timely manner, consistent with all applicable state and federal environmental, health, and public safety laws.

This is being done. The Texas Office State Office of Administrative Hearings is presently conducting several evidentiary hearings at various locations all around the state of Texas to evaluate a proposed site. All voices are being heard, and the state of Texas will decide, as it should.

Opponents of the Texas Compact would have you believe that should we ratify this Compact it will open the doors for other states to dump nuclear waste at a site, in the desert, located five miles from the town of Sierra Blanca, exposing a predominantly low-income, minority community to health and environmental threats.

The truth is that Texas has been planning to build a facility for its own waste since 1981, long before Maine first proposed a Compact with Texas. That is because whether or not this Compact passes, Texas still must somehow take care of the waste it produces.

Further, absent the protection of this Compact, Texas must, I repeat must, open their borders to any other state for waste disposal or they will be in violation of the Interstate Commerce Clause of the U.S. Constitution. The Compact gives Texas the protection that oversight commissioners, mostly appointed by the elected Governor of

Texas but also with a say from Maine and Vermont, will decide what is best for Texas.

Local support for the Compact was evidenced just last month in state elections held in Texas. The Hudspeth County judge, who is the top elected official who runs county business where the site has been proposed, and who has strongly declared his support for the Compact, won his race for reelection. Two candidates for county commissioner who also support the Compact won their races over two opponents of the Compact.

The opponents of the Compact would have you believe this issue is about politics. It is not about politics, it is about science: sound science. It is very dry in the Southwest Texas area, where the small amount rainfall it receives mostly evaporates before it hits the ground. The aquifer that supplies water to the area and to nearby Mexico is over 600 feet below the desert floor and is encased in rock.

The proposed site has been designed to withstand any earthquake equaling the most severe that has ever occurred in Texas history. Strong seismic activity in the area is non-existent. All these factors mean that the siting of this facility is on strong scientific grounds.

Our opponents say we will be bad neighbors if we pass this Compact because the proposed site is near the Mexican border. In fact, the U.S. and Mexico have an agreement, the Las Paz Agreement, to cooperate in the environmental protection of the border region. The Las Paz Agreement simply encourages cooperative efforts to protect the environment of the region.

Any proposed facility will be protective of the environment because it will be constructed in accordance with the strictest U.S. environmental safeguards. In addition, both the Mexican National Water Commission and the National Nuclear Security and Safeguards Commission have stated that the proposed site meets the Mexican government's requirements.

Without question, the far bigger threat to the border environment is the untreated sewage dumped into the Rio Grande River by poor border communities on both sides of the river, and large factories, or maquiladoras on the Mexican side of the river that do not adhere to these stringent U.S. environmental standards.

Mr. President, when this Compact is adopted—and it is clear that it should be adopted without amendments—the States of Texas, Maine and Vermont will become the forty second, forty third and forty fourth states to be given Congressional approval for forming a compact. And they will meet their responsibilities under federal law for the disposal of their low-level waste from universities, hospitals, medical centers, and power plants and shipyards.

I, along with my colleagues from the Texas Compact states, urge the Senate to give us this reasoned opportunity, which has widespread public support in Texas, Maine and Vermont. I urge the Senate to adopt S. 270.

I ask unanimous consent that several letters relating to this subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, July 15, 1997.

DEAR SENATOR:

As the Governors of the member states, we strongly urge passage by the U.S. Senate of S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each state ''responsible for providing, either by itself or in cooperation with other states,'' for disposal of its own commercial low-level radioactive waste. In compliance with this federal legislation, the states of Texas, Maine and Vermont have arranged to manage their waste through the terms of the Texas Compact. This compact passed the legislatures of the states involved and is supported by all three Governors. Texas, Maine and Vermont have complied with all federal and state laws and regulations in forming this compact. For the Congress to deny ratification of the Texas Compact would be a serious breach of states' rights and a rejection of Congress' previous mandate to the states.

It is important to remember that S. 270 is site neutral—a vote on S. 270 is neither a vote to endorse nor oppose the proposed site in Texas. Federal legislation leaves the siting of a facility to state governments and should be resolved during formal licensing proceedings. Currently, the Texas Natural Resource Conservation Commission is conducting the appropriate hearings.

Please vote to supply the member states of the Texas Compact with the same protections that you have already given 42 states in the nine previously approved compacts. Thank you for your time and attention on this very important matter. We appreciate all efforts made on behalf of states' rights.

Sincerely,

GEORGE W. BUSH.
HOWARD DEAN, M.D.
ANGUS S. KING, JR.

MAINE YANKEE,
Augusta, ME, March 12, 1998.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: Thank you for contacting me to let us know that debate on the Texas Compact legislation is scheduled to begin this Friday. I appreciate the leadership role you have taken on this difficult issue. I am also grateful to the other members of Maine's congressional delegation for being sensitive to the unique issues presented by Maine.

Since the House vote in December, Texas has issued a fee schedule that appears to make the Texas facility comparable in cost to Barnwell, South Carolina, so long as there are no delays in the scheduled opening of the facility. In addition, we are pleased to see the public hearing process in Texas going forward on schedule, which gives us greater confidence that the site may begin accepting waste in 1999 as projected. Given the foregoing, Maine Yankee can support ratification of the Texas Compact, on the following basis: Maine Yankee has the flexibility to ship waste to South Carolina prior to the operation of the Texas facility; Maine Yankee has the ability to use the Envirocare facility in Utah throughout our decommissioning; and the Compact passes with no amendments.

Please let me know if you have any questions regarding our position on the Texas Compact legislation. Once again, thank you for taking the lead on this issue which is so important to electric ratepayers.

Yours truly,

DAVID T. FLANAGAN,
Chairman.

HUDSPETH COUNTY COURTHOUSE,
Sierra Blanca, TX, March 12, 1998.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: It is an honor for me to write to U.S. Senators, whose title and energy is devoted to important national and international issues. There are several facts I want you to consider as the U.S. Senate takes up floor action on SB 270, a low-level waste Compact between Texas, Maine and Vermont.

First, I am the County Judge for Hudspeth County, Texas, the site of the proposed low-level radioactive waste facility. Second, I am a strong and vocal supporter of the proposed site and compact. Third, the voters of Hudspeth County overwhelmingly reelected me on March 10th. I won with 54% of the vote in a three person race.

The people of Hudspeth County know my position on these issues and spoke clearly and forcefully the best way can—through the electoral process. I won. My opponents are against the proposed facility. They lost.

In the County Commissioner races, both losing candidates publicly opposed the proposed facility.

Finally, the only candidate on the ballot for Chairman of the Hudspeth County Democratic Party was defeated by a write-in candidate. Billy Addington, a long time an outspoken opponent of the proposed facility, could not win. The democratic process has clearly shown that the citizens of Hudspeth County continue to accept the string of the facility, despite the loud but false claims by the opposition.

I urge you to listen to what the voters of Hudspeth County are saying, as well as the past actions of the legislatures in Maine, Texas and Vermont. This facility has wide support. Please ratify the Compact to enable these states to safety and permanently manage their low-level waste and to help stimulate economic development in Hudspeth County. At least that's what the grass-roots level wants.

Sincerely,

JAMES A. PEASE,
Hudspeth County Judge.

NATIONAL GOVERNORS ASSOCIATION,
March 2, 1998.

DEAR MEMBER OF CONGRESS:

On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governors' Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980. Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provides states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-

Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624–5389.

Sincerely,

GOVERNOR GEORGE V. VOINOVICH,
Chairman.
GOVERNOR TOM CARPER,
Vice Chairman.
NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act NCSL urges you to support this bill without amendment.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal oflow-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate,
Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates,
Chair, NCSL Energy & Transportation Committee.

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the "exclusion" amendment); and (2) that "the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level" (referred to below as the "discrimination clause"). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving "race, color, national origin, or income level." However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON,
Chairman.

Ms. COLLINS. Mr. President, I join the senior Senator from the State of Maine, Senator SNOWE, in urging my colleagues to enact H.R. 629, legislation that would ratify the Low-Level Radioactive Waste Disposal Compact, also known as the Texas Compact.

In entering into an agreement for the disposal of low-level radioactive waste, the States of Maine, Texas, and Vermont followed the direction established by the Congress in the Low-Level Radioactive Waste Policy Act and its 1985 amendments. That legislation contemplated that states would form agreements of this nature for the disposal of low-level waste, and thus, by ratifying the compact, Congress will be completing a process that it set in motion.

Mr. President, since 1985 Congress has ratified nine compacts involving 41 states. Put differently, 82 of the 100 members of this body live in states with compacts that have been ratified by the Senate, and with the approval of the Texas Compact, that number will rise to 88. In short, what Maine, Texas, and Vermont are seeking today has already been routinely granted to the vast majority of the states.

While the disposal of radioactive waste is bound to generate controversy, this agreement has been overwhelmingly approved by the Legislatures of the three compacting states, signed by their governors, and in the case of Maine, endorsed by the voters in a referendum. This is consistent with the congressional determination that the states bear responsibility for the disposal of low-level radioactive waste, and that in the interest of limiting the number of disposal sites, they work together to carry out this responsibility. Indeed, ratification by Congress is necessitated only because state-imposed limitations on the importation of waste would otherwise violate the Commerce Clause.

Mr. President, a member of this body has criticized the proposed disposal site to be established pursuant to this compact. Apart from the fact that the location of the site is a matter for the states to determine, that criticism is unsupported by the facts.

In the selection of the proposed site in Hudspeth County, Texas, there was extensive public involvement, as well as thorough environmental and technical reviews. Hudspeth County was found to have the two critical characteristics for a disposal site, namely, very little rainfall and very low population density. Indeed, the county is the size of the State of Connecticut and has a population of only 2800 people.

While some may wish to use this legislation to pursue a larger ideological agenda, it does not square with the facts. The choice of Hudspeth County had nothing to do with who lives there; it had everything to do with the fact that very few people live there.

Mr. President, this body has been presented with nine low-level radioactive waste compacts. It has ratified each one without change. In keeping with congressionally established policy

for the disposal of low-level waste, Maine, Texas, and Vermont are seeking the same treatment.

Mr. LEAHY. Mr. President, I rise today to talk about the predicament Vermont, Maine and Texas find themselves in, simply because they are following Congress' directions. In 1985, we amended the Low-Level Nuclear Waste Policy Act to encourage states to enter into interstate compacts to develop disposal facilities for low-level waste by December, 1995, or to assume responsibility for safe waste disposal in their own states. Following our direction, Vermont began looking for an in-state depository location. The sites examined in Vermont were not suitable because of both their geology and their proximity to large populations. At about the same time, Texas offered to enter into a compact with Vermont and Maine and to use a site they were already developing for Texas waste.

The state legislatures of Vermont, Maine and Texas agreed to enter into this compact in the early 1990s. The Compact is a contractual agreement among the three states, but it requires Congressional approval in order to allow the member states to exclude waste from outside their compact. According to our Constitution, these compacts must be approved by Congress. Article 1 clearly states that ''No state shall, without the Consent of Congress, . . . Enter into any Agreement or Compact with another state, ...''

Since 1985, nine interstate low-level waste compacts have been approved by Congress, encompassing forty-one states. They were ratified without change and without a single recorded negative vote. I am pleased to see that the Vermont, Maine and Texas Compact will follow in that tradition.

I first introduced legislation to approve our Compact in the 103rd Congress. Passage of H.R. 629 finally ratifies the clear will of the Vermont Legislature when it entered in the Compact. At that time, I believe we all recognized that there was no perfect solution for dealing with low-level nuclear waste, but as long as we are generating power from nuclear facilities and as long as our research universities, hospitals and laboratories use nuclear materials, we are going to have to dispose of the waste. We cannot continue to ignore the need to safely store nuclear waste. To pretend otherwise would be to ignore the growing environmental problem of storing this waste at inadequate, temporary sites in Vermont, Maine and Texas.

Instead, we need to make a commitment to developing and building the safest facility for long-term storage of waste. That is what our States have done, and Congress should not stand in their way. I have talked with our Vermont state geologist. We have looked at maps of Vermont and we have looked at our geology, hydrology and meteorology in Vermont. There is only one conclusion from all of these discussions: there is not an acceptable site for nuclear waste storage in our state.

The Compact also makes economic sense. The residents of Vermont have already committed themselves to this Compact, and the twenty-five million dollar price tag that goes along with it. Since Vermont generates such a small amount of waste, it would be economically unfeasible to build a facility that would meet all the environmental requirements and only store waste generated in Vermont. Building such a facility would put Vermont in a position of looking to other states to help support the facility.

It is also important to remember that under the Compact, Texas has agreed to host the waste facility, but it does not name a specific site. That is an issue to be decided by the people of Texas, as it should be. This Compact also allows the states of Vermont, Maine and Texas to refuse waste from other states. Specifically, Texas will be able to limit the amount of low-level waste coming into its facility from out-of-state sources. Maine and Vermont together produce a fraction of what is generated in Texas, but by entering into this Compact, our states will share the cost of building the facility.

Finally, building the facility does not end Vermont's obligation to the safety of this site. We have a long-term commitment to the site, from ensuring that the facility meets all of the federal construction and operating regulations, to making sure the waste is transported properly to the site, and to ensuring that the surrounding area is rigorously monitored. Vermont will not send its waste to Texas and then close it eyes to the rest of the process.

AMENDMENTS NO. 2277 AND 2278, EN BLOC, TO AMENDMENT NO. 2276

Mr. DOMENICI. Mr. President, Senator WELLSTONE has two amendments at the desk. I ask unanimous consent the Senate consider those amendments en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. WELLSTONE, proposes amendments numbered 2277 and 2278, en bloc, to amendment No. 2276.

The text of the amendments follow.

AMENDMENT NO. 2277

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) BY A MEMBER OF AN AFFECTED COMMUNITY.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

AMENDMENT NO. 2278

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not

been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) BY A MEMBER OF THE COMMUNITY IN WHICH A COMPACT FACILITY IS LOCATED.—If any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

Mr. DOMENICI. I ask unanimous consent that the amendments be agreed to, the substitute amendment, as amended, be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 629), as amended, was considered read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—H.R. 629

Mr. DOMENICI. Mr. President, I ask unanimous consent that, notwithstanding adoption of the Wellstone amendments and subsequent passage of H.R. 629, it be in order for Senator WELLSTONE on Thursday to modify those amendments only to allow them to conform to the substitute.

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

VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1998

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1178) entitled ''An Act to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Nationality Act is amended by striking ''1998.'' and inserting ''2000.''.

SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)), is amended to read as follows:

''(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

''(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

''(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

''(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

''(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

''(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

''(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

''(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.''.

Amend the title so as to read ''An Act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.''.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

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

WIRELESS TELEPHONE PROTECTION ACT

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 493) entitled ''An Act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wireless Telephone Protection Act''.

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

''(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

''(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization; or''.

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—

''(1) GENERALLY.—The punishment for an offense under subsection (a) of this section is—

''(A) in the case of an offense that does not occur after a conviction for another offense under this section—

''(i) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

''(ii) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

''(B) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both; and

''(C) in either case, forfeiture to the United States of any personal property used or intended to be used to commit the offense.

''(2) FORFEITURE PROCEDURE.—The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative and judicial proceeding, shall be governed by section 413 of the Controlled Substances Act, except for subsection (d) of that section.''.

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking ''punished as provided in subsection (c) of this section'' and inserting ''subject to the same penalties as those prescribed for the offense attempted''.

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period ''or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument''.