

Section 646. The conferees agree to a new provision providing monetary relief to importers whose legally purchased goods were denied entry upon arrival because of changes in official policy.

Section 647. The conferees agree to a new provision regarding pay for Federal employees. The conferees anticipate that the President will issue an Executive Order allocating the 3.6 percent pay increase between an increase in rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code, and increases in comparability-based locality payments for General Schedule employees under section 5304. The conferees have not made the language more specific so that the President may exercise his discretion to distribute any amount allocated for comparability-based locality payments in the most appropriate fashion among the pay localities established by the President's Pay Agent.

Section 648. The conferees agree to a new provision requiring the Postal Rate Commission to submit an annual report to Congress regarding international mail rates.

Section 649. The conferees agree to a new provision to extend the sunset date for Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) from 10 to 15 years.

Section 650. The conferees agree to a new provision to direct the Customs Service, in consultation with the U.S. Trade Representative and the Department of Commerce, to report on the importation of certain grains.

Section 651. The conferees agree to a new provision to designate the Eugene J. McCarthy Post Office Building.

Section 652. The conferees agree to a new provision authorizing the use of credit card rebates to support the Joint Financial Management Improvement Program.

Section 653. The conferees agree to a new provision addressing use of accrued leave as it applies to Senior Executive Service reduction in force actions.

Section 654. The conferees agree to a new provision directing agencies to assess the impact of Federal regulations and policies on families.

Section 655. The conferees include a new provision relating to the application of 18 U.S.C., Section 922(t).

The conferees delete provisions addressing contraceptive coverage in health plans participating in the FEHB program, as proposed by the House and the Senate.

The conferees delete a provision included by the House prohibiting the use of appropriated funds for new nonpostal commercial activities or pack and send services.

The conferees delete a provision included by the Senate prohibiting the acquisition of products produced by forced or indentured child labor.

The conferees delete a provision included by the Senate authorizing agencies to provide child care in federal or leased facilities. This issue is addressed in Title VII of this Act.

The conferees delete a provision included by the Senate expressing a sense of Congress that a postal stamp be created to commemorate Oskar Schindler.

The conferees delete a provision included by the Senate prohibiting the use of any funds in this Act to pay for abortions or administrative expenses of any FEHBP plans which provide abortion benefits. This provision is addressed in Section 509.

The conferees delete a provision included by the Senate authorizing the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest. This provision is addressed in Section 510.

The conferees delete a provision included by the Senate requiring any Senate or House bill or joint resolution of a public character to include a detailed analysis of the potential impact of such legislation on family well-being and on children.

The conferees delete a provision included by the Senate authorizing \$420,000,000 in emergency funding for the Strategic Petroleum Reserve.

The conferees delete a provision included by the Senate expressing the sense of Congress that a postal stamp be created to honor the 150th Anniversary of Irish immigrants to the United States.

The conferees delete a provision included by the Senate authorizing the Community and Postal Participation Act of 1998.

The conferees delete a provision included by the Senate waiving Section 611 of this title to permit interagency funding of the National Bioethics Advisory Commission.

The conferees delete a provision included by the Senate to permit the interagency funding of the National Science and Technology Council.

The conferees delete a provision included by the Senate allowing amounts appropriated in this Act to be transferred to the FLETC ACIRE account. The conferees address this appropriation in Title I of this Act.

The conferees delete a provision dealing with child care in Federal facilities, proposed by the Senate.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

The conferees agree to delete a new title authorizing the Office of National Drug Control Policy proposed by the Senate and instead insert a new title regarding administration of the DC Retirement Trust Fund.

The conferees delete language addressing the immigration status of Haitians previously paroled into the United States proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

| | |
|--|------------------|
| New budget (obligational) authority, fiscal year 1998 | \$25,325,767,500 |
| Budget estimates of new (obligational) authority, fiscal year 1999 | 26,839,489,000 |
| House bill, fiscal year 1999 | 26,614,669,000 |
| Senate bill, fiscal year 1999 | 29,923,612,000 |
| Conference agreement, fiscal year 1999 | 26,772,527,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1998 | +1,446,759,500 |
| Budget estimates of new (obligational) authority, fiscal year 1999 | -66,962,000 |
| House bill, fiscal year 1999 | +157,858,000 |
| Senate bill, fiscal year 1999 | -3,151,085,000 |

JIM KOLBE,
FRANK WOLF,
ERNEST ISTOOK, JR.,
ANNE M. NORTHPUP,
ROBERT B. ADERHOLT,
BOB LIVINGSTON,
JOSEPH MCDADE

Managers on the Part of the House.

BEN NIGHTHORSE
CAMPBELL,
RICHARD SHELBY,
LAUCH FAIRCLOTH,
TED STEVENS,
ROBERT C. BYRD

Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

ANTIMICROBIAL REGULATION TECHNICAL CORRECTIONS ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4679) to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

The Clerk read as follows:

H.R. 4679

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 "Antimicrobial Regulation Technical Corrections Act of 1998".

SEC. 2. DEFINITION OF PESTICIDE CHEMICAL UNDER FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IN GENERAL.—Section 201(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(q)) is amended by striking "(q)(1)" and all that follows through the end of subparagraph (1) and inserting the following:

"(q)(1)(A) Except as provided in clause (B), the term 'pesticide chemical' means any substance that is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, including all active and inert ingredients of such pesticide. Notwithstanding any other provision of law, the term 'pesticide' within such meaning includes ethylene oxide and propylene oxide when such substances are applied on food.

"(B) In the case of the use, with respect to food, of a substance described in clause (A) to prevent, destroy, repel, or mitigate microorganisms (including bacteria, viruses, fungi, protozoa, algae, and slime), the following applies for purposes of clause (A):

"(i) The definition in such clause for the term 'pesticide chemical' does not include the substance if the substance is applied for such use on food, or the substance is included for such use in water that comes into contact with the food, in the preparing, packing, or holding of the food for commercial purposes. The substance is not excluded under this subclause from such definition if the substance is ethylene oxide or propylene oxide, and is applied for such use on food. The substance is not so excluded if the substance is applied for such use on a raw agricultural commodity, or the substance is included for such use in water that comes into contact with the commodity, as follows:

"(I) The substance is applied in the field.

"(II) The substance is applied at a treatment facility where raw agricultural commodities are the only food treated, and the treatment is in a manner that does not change the status of the food as a raw agricultural commodity (including treatment through washing, waxing, fumigating, and packing such commodities in such manner).

"(III) The substance is applied during the transportation of such commodity between the field and such a treatment facility.

"(ii) The definition in such clause for the term 'pesticide chemical' does not include the substance if the substance is a food contact substance as defined in section 409(h)(6), and any of the following circumstances exist: The substance is included for such use in an object that has a food contact surface but is not intended to have an ongoing effect on any portion of the object; the substance is included for such use in an object that has a food contact surface and is intended to have an ongoing effect on a portion of the object but not on the food contact surface; or the substance is included for such use in or is applied for such use on food packaging (without regard to whether the substance is intended to have an ongoing effect on any portion of the packaging). The food contact substance is not excluded under this subclause from such definition if any of the following circumstances exist: The substance is applied for such use on a semipermanent or permanent food contact surface (other than being applied on food packaging); or the substance is included for such use in an object that has a semipermanent or permanent food contact surface (other than being included in food packaging) and the substance is intended to have an ongoing effect on the food contact surface.

With respect to the definition of the term 'pesticide' that is applicable to the Federal Insecticide, Fungicide, and Rodenticide Act, this clause does not exclude any substance from such definition."

(b) REGULATIONS.—Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)) is amended by adding at the end the following paragraph:

"(4) CERTAIN SUBSTANCES.—With respect to a substance that is not included in the definition of the term 'pesticide chemical' under section 201(q)(1) but was so included on the day before the date of the enactment of the Antimicrobial Regulation Technical Corrections Act of 1998, the following applies as of such date of enactment:

"(A) Notwithstanding paragraph (2), any regulation applying to the use of the substance that was in effect on the day before such date, and was on such day deemed in such paragraph to have been issued under this section, shall be considered to have been issued under section 409.

"(B) Notwithstanding paragraph (3), any regulation applying to the use of the substance that was in effect on such day and was issued under this section (including any such regulation issued before the date of the enactment of the Food Quality Protection Act of 1996) is deemed to have been issued under section 409."

(c) TECHNICAL AMENDMENT.—Section 201(q)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(q)(3)) is amended in the matter preceding clause (A) by striking "paragraphs (1) and (2)" and inserting "subparagraphs (1) and (2)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from California (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

This bill, the Antimicrobial Regulation Technical Corrections Act of 1998, corrects an unintended problem created by the Food Quality Protection Act of 1996.

When we passed that legislation, we expanded the definition of "pesticide chemical." Unfortunately, that had the effect of transferring to the EPA jurisdiction over a small class of substances known as antimicrobials.

Used in food contact applications, these products play an important role in the safety of our food supply. For example, food and drinks like milk are often packaged in paper containers. To make sure that this paper is free of contamination, we use antimicrobials.

Before 1996, such substances were regulated by the FDA as food additives. That was right then, and it should be today. As a result, the bill before us today will return them once again to the FDA.

This is strictly a technical corrections measure; it does not represent a change in FQPA policy, and it does not weaken any environmental safeguards. Indeed, one of the products blocked from the market by this problem actually won the President's Green Chemistry Award for its environmental benefits.

Mr. Speaker, when we passed FDA reform last year, the conference report acknowledged this problem and urged the FDA and EPA to work with Congress to develop a bill that would correct it. This is that bill. It was developed jointly with EPA and FDA, the affected industries, and the environmental community. I think they all should be commended for their cooperation and effort.

In closing, I would just like to inform my colleagues that the Senate is set to approve this measure tonight or tomorrow. It is being sponsored by Senators DUBIN, KENNEDY, WARNER, MIKULSKI, and HUTCHINSON, among others.

Mr. Speaker, H.R. 4679 will enable companies to bring beneficial antimicrobial products to market without further delay. I urge its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to support H.R. 4679 to amend the Food Quality Protection Act of 1996. The changes made to the Food Quality Protection Act mistakenly defined "pesticide

chemical" in the Federal Food, Drug and Cosmetic Act. This definition unintentionally transferred regulatory authority of antimicrobials, which have traditionally been under the FDA to the EPA.

This legislation would not change the Federal Insecticide, Fungicide and Rodenticide Act or remove any use of a substance from regulation as a pesticide under that act. FIFRA would continue to review these substances for registration and maintain the traditional FDA review for food additives.

Antimicrobial food additive petitions have been delayed at the FDA since the enactment of FQPA. This legislation will shift regulatory jurisdiction from review and approval of petitions for specialty chemicals in food contact applications back to the FDA. This amendment would grant the FDA authority to regulate antimicrobial substances that may be used in food, come in contact with food, or be used in food packaging. This will facilitate consideration of petitions for new products.

The Environmental Working Group, the Natural Resources Defense Council, and many other public interest groups have agreed not to oppose the legislation. At their request, language has been included to recognize that FQPA protective provisions have not been eliminated.

These environmental groups and other organizations are right in their concern about food safety. This Congress has failed in the wake of NAFTA and other trade agreements to modernize our food safety laws and protect the public. Food imports, especially fruits and vegetables, have increased dramatically in the last 10 years in this country, especially since the passage of NAFTA, yet our inspection facilities are underfunded and unprepared, which unfortunately seems to be of little concern to this Congress.

Nonetheless, Mr. Speaker, I support this bill and I urge my colleagues to do the same.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I am pleased to rise in support of H.R. 4679, and I am appreciative of the leadership who has brought this to the House. I want my colleagues to know this corrects a problem that will impact many workers in our areas. I know it was a mistake, but nevertheless, it would make a correction that does not lessen the quality of inspections of food, gives the same amount of regulation, and allows for this more worthy project to go forward.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 4679.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BORDER SMOG REDUCTION ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 8) to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Smog Reduction Act of 1998".

SEC. 2. AMENDMENT OF CLEAN AIR ACT.

Section 183 of the Clean Air Act (42 U.S.C. 7511b) is amended by adding at the end the following:

"(h) VEHICLES ENTERING OZONE NONATTAINMENT AREAS.—

"(1) AUTHORITY REGARDING OZONE INSPECTION AND MAINTENANCE TESTING.—

"(A) IN GENERAL.—No noncommercial motor vehicle registered in a foreign country and operated by a United States citizen or by an alien who is a permanent resident of the United States, or who holds a visa for the purposes of employment or educational study in the United States, may enter a covered ozone nonattainment area from a foreign country bordering the United States and contiguous to the nonattainment area more than twice in a single calendar-month period, if State law has requirements for the inspection and maintenance of such vehicles under the applicable implementation plan in the nonattainment area.

"(B) APPLICABILITY.—Subparagraph (A) shall not apply if the operator presents documentation at the United States border entry point establishing that the vehicle has complied with such inspection and maintenance requirements as are in effect and are applicable to motor vehicles of the same type and model year.

"(2) SANCTIONS FOR VIOLATIONS.—The President may impose and collect from the operator of any motor vehicle who violates, or attempts to violate, paragraph (1) a civil penalty of not more than \$200 for the second violation or attempted violation and \$400 for the third and each subsequent violation or attempted violation.

"(3) STATE ELECTION.—The prohibition set forth in paragraph (1) shall not apply in any State that elects to be exempt from the prohibition. Such an election shall take effect upon the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(4) ALTERNATIVE APPROACH.—The prohibition set forth in paragraph (1) shall not apply in a State, and the President may implement an alternative approach, if—

"(A) the Governor of the State submits to the President a written description of an alternative approach to facilitate the compliance, by some or all foreign-registered motor vehicles, with the motor vehicle inspection and maintenance requirements that are—

"(i) related to emissions of air pollutants;

"(ii) in effect under the applicable implementation plan in the covered ozone nonattainment area; and

"(iii) applicable to motor vehicles of the same types and model years as the foreign-registered motor vehicles; and

"(B) the President approves the alternative approach as facilitating compliance with the motor vehicle inspection and maintenance requirements referred to in subparagraph (A).

"(5) DEFINITION OF COVERED OZONE NONATTAINMENT AREA.—In this section, the term 'covered ozone nonattainment area' means a Serious Area, as classified under section 181 as of the date of enactment of this subsection."

SEC. 3. GENERAL PROVISIONS.

(a) IN GENERAL.—The amendment made by section 2 takes effect 180 days after the date of enactment of this Act. Nothing in that amendment shall require action that is inconsistent with the obligations of the United States under any international agreement.

(b) INFORMATION.—As soon as practicable after the date of enactment of this Act, the appropriate agency of the United States shall distribute information to publicize the prohibition set forth in the amendment made by section 2.

SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impact of the amendment made by section 2.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall compare—

(1) the potential impact of the amendment made by section 2 on air quality in ozone nonattainment areas affected by the amendment; with

(2) the impact on air quality in those areas caused by the increase in the number of vehicles engaged in commerce operating in the United States and registered in, or operated from, Mexico, as a result of the implementation of the North American Free Trade Agreement.

(c) REPORT.—Not later than July 1, 1999, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the findings of the study under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8, the Border Smog Reduction Act of 1998, and I want to thank the chairman of the Subcommittee on Health and the Environment, the gentleman from Florida (Mr. BILIRAKIS) for his effort in guiding H.R. 8 through the legislative process.

Throughout the entire consideration of this bill, the gentleman from Florida

(Mr. BILIRAKIS) worked with his colleagues on both sides of the aisle to ensure that any concerns were resolved in a bipartisan fashion.

I also want to thank and commend the gentleman from California (Mr. BILBRAY), the author of this legislation. Over 2 years ago the gentleman from California identified a very real environmental problem on the border between the United States and Mexico, and attempted to frame an effective solution. He introduced legislation, requested hearings in the Committee on Commerce, and was the driving force behind bringing H.R. 8 to markup.

Indeed, even after the Committee on Commerce and full House approved H.R. 8, the gentleman from California (Mr. BILBRAY) did not let up. He crossed Capitol Hill and personally lobbied members of the other body to ensure that this legislation would see action during the present session.

The gentleman understood very well that it takes a great deal of effort for Congress to consider and improve any bill, and in every stage of the process he was there on the legislative grid iron moving the ball forward. We are now at the one yard line thanks to the gentleman. With approval of H.R. 8 today, the bill will be sent to the President for his signature.

Certain changes have been made in H.R. 8 by the other body. All changes are agreeable to the Committee on Commerce and were the result of bipartisan discussions between the majority and minority on our committee. I know of no opposition to the final version of this legislation.

In brief, by agreeing to H.R. 8, as amended by the Senate, we will establish a program to deny entry into the United States of certain noncommercial foreign registered vehicles at the southern California border crossing. While these vehicles will be allowed to cross into the United States twice each month, they will be denied further entry unless they comply with existing State laws designed to ensure that the vehicles meet applicable emissions standards.

There is also flexibility in the legislation to continue either the sanctions provided in the bill, or to design an alternative system addressing some or all foreign registered vehicles. Any alternative system, however, must be approved by the President.

Again, I want to thank the gentleman from California (Mr. BILBRAY) for all of his hard work. H.R. 8 is a testament to the dedication and determination of the gentleman to make life better for citizens on both sides of the border.

The Border Smog Reduction Act of 1998 will result in both cleaner air and more equitable treatment between domestic and foreign-registered vehicles.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.