

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 Immi-

gration 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—

"(1) 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

"(2) 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".