

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

CAMPBELL (AND OTHERS)  
AMENDMENT NO. 3340

Mr. CAMPBELL (for himself, Mr. FAIRCLOTH, and Mr. KOHL) proposed an amendment to the bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

Strike Section 639 on pages 96 and 97 in its entirety and insert in lieu thereof the following:

"SEC. 639. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems."

GRASSLEY AMENDMENT NO. 3341

Mr. CAMPBELL (for Mr. GRASSLEY) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place at the end of Title I, insert:

SEC. \_\_\_\_ Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and insert "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm'—

"(A) means any—

(i) firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

(ii) replica of any firearm described in clause (i), if such replica—

(I) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(II) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; and

(iii) muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, that—

(I) is designed to use black powder, or a black powder substitute; and

(II) cannot use fixed ammunition; and

"(B) does not include any—

(i) weapon that incorporates a firearm frame or receiver;

(ii) firearm that is converted into a muzzle loading weapon; or

(iii) muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof."

CAMPBELL (AND KOHL)  
AMENDMENT NO. 3342

Mr. CAMPBELL (for himself and Mr. KOHL) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place, strike and insert the following:

Page 11, on line 23 strike "\$2,854,000,000" and insert in lieu thereof "\$3,317,690,000".

SARBANES AMENDMENT NO. 3343

Mr. CAMPBELL (for Mr. SARBANES) proposed an amendment to the bill, S. 2312, supra; as follows:

At the end of title VI add the following new section:

SEC. \_\_\_\_ FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998.

(a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a)."; and

(2) by inserting after section 5545a the following new section:

"§ 5545b. Pay for firefighters

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS-081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be

based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section. The overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters."

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training."

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and"; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1998, or the 180th day following the date of enactment of this section.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of

title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) **NO REDUCTION IN REGULAR PAY.**—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

#### COCHRAN AMENDMENT NO. 3344

Mr. CAMPBELL (for Mr. COCHRAN) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place at the end of Title VI, insert the following:

#### SEC. \_\_\_\_ INTERNATIONAL MAIL REPORTING REQUIREMENT.

(a) **IN GENERAL.**—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

#### “§3663. Annual report on international services

“(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

“(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

“3663. Annual report on international services.”.

#### COVERDELL AMENDMENT NO. 3345

Mr. CAMPBELL (for Mr. COVERDELL) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place at the end of Title I insert the following:

#### SEC. \_\_\_\_ SENSE OF THE SENATE ON THE USE OF RANDOM SELECTION OF RETURNS FOR EXAMINATION BY THE INTERNAL REVENUE SERVICE.

(a) **FINDINGS.**—The Senate finds that—

(1) in 1995, the Internal Revenue Service indefinitely postponed the 1994 Taxpayer Compliance Measurement Program, a program of audits using random selection techniques (in this section referred to as “random audits”);

(2) Congress, taxpayer groups, tax practitioners, and others criticized the program because of its cost to and burden on taxpayers;

(3) there is no law preventing the Internal Revenue Service from resuming its Taxpayer Compliance Measurement Program; and

(4) random audits may be overly burdensome on taxpayers, particularly low-income taxpayers.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Internal Revenue Service should make it a top priority to ensure fairness to taxpayers when selecting returns for audit;

(2) the Senate does not approve of the use of random audits of the general population of taxpayers or tax returns; and

(3) the Internal Revenue Service should not conduct random audits of the general population of taxpayers or tax returns.

#### CAMPBELL (AND KOHL) AMENDMENTS NOS. 3346-3347

Mr. CAMPBELL (for himself and Mr. KOHL) proposed two amendments to the bill, S. 2312, supra; as follows:

#### AMENDMENT NO. 3346

At the appropriate place, strike and insert the following:

On page 40, line 25, after the word “campaign,” strike through page 41, line 16 through “campaign,” and insert in lieu thereof “(3) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (a) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP’s advertising and buying agencies, and (b) it receives prior approval from the Senate Committee on Appropriations, (4) ONDCP will secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002, and will report quarterly on its efforts to meet this goal, (5) ONDCP is mandated to use appropriated funds solely to fund the anti-drug media campaign to include only the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation, (6) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Senate Committee on Appropriations, and may obligate up to 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committee,”

#### AMENDMENT NO. 3347

At the appropriate place, insert the following:

On page 45, line 21 after “U.S.C. 490(f), the” insert “\$508,752,000 to be deposited into the Fund. The”.

#### BAUCUS (AND OTHERS) AMENDMENT NO. 3348

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. CONRAD, and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill, S. 2312, supra; as follows:

At the appropriate place, add the following:

#### SEC. \_\_\_\_ POST OFFICE RELOCATIONS, CLOSINGS, AND CONSOLIDATIONS.

(a) **SHORT TITLE.**—This section may be cited as the “Community and Postal Participation Act of 1998”.

(b) **GUIDELINES FOR RELOCATION, CLOSING, OR CONSOLIDATION OF POST OFFICES.**—Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

“(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

“(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

“(B) The notification under paragraph (1) shall include—

“(i) an identification of the relocation, closing, or consolidation of the post office involved;

“(ii) a summary of the reasons for the relocation, closing, or consolidation; and

“(iii) the proposed date for the relocation, closing, or consolidation.

“(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

“(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, and persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

“(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

“(i) the extent to which the post office is part of a core downtown business area;

“(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

“(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

“(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

“(v) whether the relocation, closing, or consolidation of the post office is consistent

with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

“(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

“(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

“(viii) whether management of the post office contributed to a desire to relocate;

“(ix)(I) the adequacy of the existing post office; and

“(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

“(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

“(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

“(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

“(i) the determination and findings under subparagraph (A); and

“(ii) each alternative proposal and a response by the Postal Service.

“(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

“(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a post office until the applicable date described in subparagraph (B).

“(B) The applicable date specified in this subparagraph is—

“(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

“(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph (7)(A), but not later than 120 days after the date on which the appeal is made.

“(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

“(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

“(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

“(ii) without observance of procedure required by law; or

“(iii) unsupported by substantial evidence on the record.

“(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effec-

tiveness of the determination of the Postal Service until the final disposition of the appeal.

“(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

“(E) A determination made by the Commission shall not be subject to judicial review.

“(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

“(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

“(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2).”

(c) POLICY STATEMENT.—Section 101(g) of title 39, United States Code, is amended by adding at the end the following: “In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the service provided by any facility in operation at the time that a determination is made whether to plan or build that facility.”

#### JEFFORDS AMENDMENT NO. 3349

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 2312, *supra*; as follows:

At the appropriate place, insert the following:

#### SEC. —. FEDERAL CONTRACTOR RETIREMENT BENEFITS.

Not later than May 1, 1999, the Office of Personnel Management shall conduct a study and submit a report to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Economic and Educational Opportunities of the House of Representatives on the type and amounts of retirement and pension benefits provided to employees of business entities that contract with the Federal Government for the provision of services.

#### BAUCUS (AND OTHERS) AMENDMENT NO. 3350

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. ALLARD, and Mr. CONRAD) submitted an amendment intended to be proposed to by them to the bill, S. 2312, *supra*; as follows:

At the appropriate place, add the following:

#### SEC. —. POST OFFICE RELOCATIONS, CLOSINGS, AND CONSOLIDATIONS.

(a) SHORT TITLE.—This section may be cited as the “Community and Postal Participation Act of 1998”.

(b) GUIDELINES FOR RELOCATION, CLOSING, OR CONSOLIDATION OF POST OFFICES.—Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

“(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

“(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

“(B) The notification under paragraph (1) shall include—

“(i) an identification of the relocation, closing, or consolidation of the post office involved;

“(ii) a summary of the reasons for the relocation, closing, or consolidation; and

“(iii) the proposed date for the relocation, closing, or consolidation.

“(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

“(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, and persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

“(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

“(i) the extent to which the post office is part of a core downtown business area;

“(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

“(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

“(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

“(v) whether the relocation, closing, or consolidation of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

“(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

“(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

“(viii) whether management of the post office contributed to a desire to relocate;

“(ix)(I) the adequacy of the existing post office; and

“(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

“(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

"(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

"(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

"(i) the determination and findings under subparagraph (A); and

"(ii) each alternative proposal and a response by the Postal Service.

"(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

"(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a post office until the applicable date described in subparagraph (B).

"(B) The applicable date specified in this subparagraph is—

"(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

"(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph (7)(A), but not later than 120 days after the date on which the appeal is made.

"(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

"(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(ii) without observance of procedure required by law; or

"(iii) unsupported by substantial evidence on the record.

"(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

"(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

"(E) A determination made by the Commission shall not be subject to judicial review.

"(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

"(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any ap-

licable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

"(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2)."

(c) **POLICY STATEMENT.**—Section 101(g) of title 39, United States Code, is amended by adding at the end the following: "In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the service provided by any facility in operation at the time that a determination is made whether to plan or build that facility."

#### FEINSTEIN AMENDMENT NO. 3351

Mrs. FEINSTEIN proposed an amendment to the bill, S. 2312, supra; as follows:

On page 104, between lines 21 and 22, insert the following:

#### **SEC. 644. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.**

(a) **SHORT TITLE.**—This section may be cited as the "Large Capacity Clip Ban of 1998".

(b) **BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.**—Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following:

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—  
(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

(c) **CONFORMING AMENDMENT.**—Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

#### LANDRIEU AMENDMENT NO. 3352

Mr. CAMPBELL (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place in title VI, insert the following:

#### **SEC. \_\_\_\_ CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.**

(a) **IN GENERAL.**—An Executive agency which provides or proposes to provide child care services for Federal employees may use agency funds to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) **AFFORDABILITY.**—Amounts provided under subsection (a) with respect to any facility or contractor described in such subsection shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) **REGULATIONS.**—The Office of Personnel Management and the General Services Ad-

ministration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) **DEFINITION.**—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

#### THOMPSON AMENDMENT NO. 3353

Mr. THOMPSON proposed an amendment to the bill, S. 2312, supra; as follows:

Strike out section 642 and insert in lieu thereof the following:

SEC. 642. The Federal Acquisition Regulation shall be revised, within 180 days after the date of enactment of this Act, to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

#### DEWINE (AND OTHERS) AMENDMENT NO. 3354

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. BROWNBACK, and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 2312, supra; as follows:

At the end of title VI, add the following:

SEC. \_\_\_\_ No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. \_\_\_\_ The provision of section \_\_\_\_ shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

#### KOHL (AND CAMPBELL) AMENDMENT NO. 3355

Mr. KOHL (for himself and Mr. CAMPBELL) proposed an amendment to the bill, S. 2312, supra; as follows:

On page 104, between lines 21 and 22, insert the following:

#### **SEC. 644. EXTENSION OF SUNSET PROVISION.**

Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking "(2)" and all that follows through "10 years" and inserting the following:

"(2) SUNSET.—Effective 15 years".

#### CHAFEE (AND OTHERS) AMENDMENT NO. 3356

Mr. CAMPBELL (for Mr. CHAFEE for himself, Mr. WARNER, and Mr. BAUCUS) proposed an amendment to the bill, S. 2312, supra; as follows:

On page 47, strike lines 11 and 12.

On page 62, between lines 19 and 20, insert the following:

#### **SEC. 4. DEPARTMENT OF TRANSPORTATION HEADQUARTERS.**

(a) **IN GENERAL.**—The Administrator of General Services, without further review or approval by any other office of the executive branch, shall—

(1) acquire an operating lease for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998;

in accordance with the authorizing resolutions passed by the Committee on Environment and Public Works of the Senate on November 6, 1997, and the Committee on Transportation and Infrastructure of the House of Representatives on July 23, 1997.

(b) AUTHORIZATION TO REDUCE ANNUAL LEASE AMOUNTS.—In order to procure an operating lease, the Administrator of General Services shall reduce the annual lease amounts authorized by the resolutions to such extent as is necessary to effectuate an operating lease at the time at which the lease is executed.

#### SEC. 4. SECURITY OF CAPITOL COMPLEX.

There is appropriated to the Architect of the Capitol for costs associated with the security of the Capitol complex \$14,105,000.

#### THOMPSON AMENDMENT NO. 3357

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill, S. 2312, supra; as follows:

Strike section 625 and insert the following:  
SEC. 625. (a) IN GENERAL.—Beginning in calendar year 2000, and every 2 calendar years thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and non-quantifiable effects) of Federal rules and paperwork, to the extent feasible—

- (A) in the aggregate;
- (B) by agency and agency program; and
- (C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

- (3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

- (1) measures of costs and benefits; and
- (2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

#### GRASSLEY (AND OTHERS) AMENDMENT NO. 3358

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. D'AMATO, Mr. SESSIONS, Mr. STEVENS, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the bill, S. 2312, supra; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) DEFINITIONS.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term "law enforcement officer" means any employee described in subpara-

graph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes any reasonable action, including the use of force, that is determined by the officer to be necessary to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

#### NOTICE OF HEARING

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, July 30, 1998 at 9:00 a.m. in SD-106. The purpose of this meeting will be to review a recent concept release by CFTC on over-the-counter derivatives and related legislation proposed by the Treasury Department, the Board of Governors of the Federal Reserve System and the SEC.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 28, 1998, to conduct an oversight hearing on mandatory arbitration agreements in employment contracts in the securities industry.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 28, 1998, at 9:30 a.m. on the nominations of Ritajeon Butterworth and Diane Blair to be members of the Corporation for Public Broadcasting and Kelley Coyner to be administrator of the Research and Special Programs Administration of the Department of Transportation and immediately following a full committee hearing on cable rates.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources

be granted permission to meet during the session of the Senate on Tuesday, July 28, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the March 31, 1998 Government Accounting Office report on the Forest Service: Review of the Alaska Region's Operating Costs.

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

##### COMMITTEE ON FINANCE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 28, 1998 beginning at 10:00 a.m. in room SH-215, to conduct a markup.

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

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Substance Abuse: the Science of Addiction and Options for Treatment during the session of the Senate on Tuesday, July 28, 1998, at 10:00 a.m.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. D'AMATO. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation.

The markup will be held at 4:15 p.m., on Tuesday, July 28, 1998 in room 418 of the Russell Senate Office Building.

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

##### SPECIAL COMMITTEE ON AGING

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on July 28, 1998 at 10:00 a.m. to 1:00 p.m. in Hart 216 for the purpose of conducting a hearing.

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

#### ADDITIONAL STATEMENTS

##### WEST VIRGINIA ENERGY EXPRESS PROJECT

• Mr. ROCKEFELLER. Mr. President, it is with great pride that I rise today to recognize the Energy Express Americorps for their contributions to local West Virginia communities. In 1994, several studies demonstrated conclusively that many low-income children were not receiving proper nourishment and we all understand how this hurts a child's healthy development. Further research has suggested that not only did low-income students lack proper nutrition, but they also faced academic set backs while their more fortunate classmates made academic gains during summer recess. Inspired by such disturbing statistics, West Virginia Americorps created Energy Express, a unique program, which offers