At the request of Mr. THURMOND, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of Senate Resolution 95, a resolution designating August 16, 1997, as "National Airborne Day.

At the request of Mr. TORRICELLI, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

At the request of Mr. DEWINE the names of the Senator from Alabama [Mr. Sessions], the Senator from Michigan [Mr. Abraham], and the Senator from Arizona [Mr. McCain] were added as cosponsors of amendment No. S 3354 proposed to S. 2312, an original bill 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.

At the request of Mr. THOMPSON the names of the Senator from Mississippi [Mr. Lott], the Senator from Louisiana [Mr. Breaux], the Senator from Alabama [Mr. Shelby], and the Senator from Virginia [Mr. Robb] were added as cosponsors of amendment No. S 3357 proposed to S. 2312, an original bill 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.

SENATE RESOLUTION 259—DESIGNATING "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Senate—

(1) designates the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President of the United States, through a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mr. THURMOND. Mr. President, I am pleased to submit today a Senate Resolution which requests the President to designate the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week."
The privilege to sponsor this legislation for the thirteenth time honours the Historically Black Colleges of our Country.

Eight of the 104 Historically Black Colleges, namely Allen University, Benedict College, Claflin College, South Carolina State University, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College, are located in my home State.

These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, thousands of young Americans have received quality educations at these 104 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society.

Historically Black Colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Mr. President, through passage of this Senate Resolution, Congress can reaffirm its support for Historically Black Colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this Resolution.

AMENDMENT SUBMITTED

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

BROWNBACK (AND OTHERS)

AMENDMENT NO. 3359

Mr. BROWNBACK (for himself, Mr. Ashcroft, Mr. Inhofe, Mr. Grams, Mr. Smith of New Hampshire, Mrs. Hutchison, Mr. Faircloth, Mr. Abraham, Mr. Lott, Mr. Campbell, Mr. Helms, Mr. Smith of Oregon, and Mr. Hutchinson) 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:

At the appropriate place insert the following:

SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following:

"SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

"(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

(b) DETERMINATION OF TAXABLE INCOME.—

(1) IN GENERAL.—For purposes of subsection (a)(1), the taxable income of each spouse shall be one-half of the taxable income computed as if the spouses were filing a joint return.

(2) CREDITS.—For purposes of paragraph (1), if an election is made not to itemize deductions for any taxable year, the basic standard deduction shall be equal to the amount which is twice the standard deduction under section 63(c)(2)(C) for the taxable year.

(c) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

(d) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 2) a combined return under this section shall be treated as a joint return.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.

(b) UNMARRIED RATE MADE APPLICABLE.—Section 2 of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

"(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual) as defined in section 7703(b) who files a joint return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b) a tax determined in accordance with the following table:

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of such chapter of such Code is amended by inserting after the item relating to section 6013 the following:

"Sec. 6013A. Combined return with separate rates."

(d) BUDGET DIRECTIVE.—The members of the conference on the congressional budget resolution for fiscal year 1999 shall provide in the conference report sufficient spending reductions to offset the reduced revenues received by the United States Treasury resulting from the amendments made by this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

FAIRCLOTH AMENDMENT NO. 3360

Mr. FAIRCLOTH (for himself and Mrs. Feinstein) 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. SENSE OF THE SENATE REGARDING THE TAX DEDUCTIBILITY OF BREAST CANCER RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) there are 1.8 million women in America today with breast cancer;
(2) another 1 million women do not know they have it;
(3) breast cancer kills 46,000 women a year, and is one of the leading causes of death in women ages 40 and older; and
(4) the second leading cause of cancer death in all women, claiming a life every 12 minutes in the United States;

(b) ON AUGUST 13, 1997, THE “STAMP OUT BREAST CANCER ACT,” PUBLIC LAW 105-41, WAS SIGNED INTO LAW, DIRECTING THE UNITED STATES POSTAL SERVICE TO ESTABLISH A SPECIAL FIRST-CLASS POSTAGE STAMP, OR SEMI-POSTAL, AT A COST NOT TO EXCEED 25 PERCENT ABOVE THE REGULAR FIRST-CLASS RATE OF POSTAGE;

(c) AMOUNTS RAISED BY THE SPECIAL BREAST CANCER SEMI-POSTAL ABOVE THE REGULAR FIRST-CLASS RATE OF POSTAGE;

(d) NOT TO EXCEED 25 PERCENT ABOVE THE REGULAR POSTAGE STAMP, OR SEMI-POSTAL, AT A COST TO THE POSTAL SERVICE TO ESTABLISH A SPECIAL FIRST-CLASS POSTAGE STAMP, OR SEMI-POSTAL, AT A COST NOT TO EXCEED 25 PERCENT ABOVE THE REGULAR FIRST-CLASS RATE OF POSTAGE;

(e) Amounts raised by the special breast cancer semi-postal above the regular first-class rate are to be available for breast cancer research, 70 percent of such funds the Postal Service shall pay to the National Institutes of Health and the remainder the Postal Service shall pay to Department of Defense.

SEC. SENSE OF THE SENATE.—It is the sense of the Senate that—

(a) the Internal Revenue Service should promulgate such rules and regulations as may be necessary concerning the differential amount above the regular first-class postage rate which is dedicated for breast cancer research, to ensure that purchasers of the special breast cancer semi-postal above the regular first-class rate are to be available for breast cancer research, 70 percent of such funds the Postal Service shall pay to the National Institutes of Health and the remainder the Postal Service shall pay to Department of Defense.

(b) FAIRCLOTH AMENDMENT NO. 3361

(ORDERED TO LIE ON THE TABLE.)

Mr. FAIRCLOTH 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. RESTRICTION ON THE USE OF THE EXCHANGE STABILIZATION FUND

(a) SHORT TITLE.—This Act may be cited as the “Accountability for International Bailouts Act of 1997”.

(b) CONGRESSIONAL APPROVAL.—Section 5102 of title 5, United States Code, is amended by adding at the end the following:

(a) FINDINGS.—The Senate finds that—

(1) the action strengthens or erodes the stability of the United States and, particularly, the marital commitment;
(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;
(3) the action helps the family perform its functions, or substitutes governmental activity for the function;
(4) the action increases or decreases disposable family income;
(5) the proposed benefits of the action justify the financial impact on the family;
(6) the action may be carried out by State or local government or by the family; and
(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(c) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistently with this section; and

(B) compile, index, and submit annually to Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide a public forum for comments and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(d) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(e) FUNDING.—This Act is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

MACK (AND GRAHAM) AMENDMENT NO. 3363

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

At the appropriate place in title IV, insert:

SEC. LAND CONVEYANCE, UNITED STATES NAVAL OBSERVATORY/ALTERNATE TIME SERVICE LABORATORY, FLORIDA

(a) CONVEYANCE AUTHORIZED.—If the Secretary of the Navy reports to the Administrator of General Services that the property described in subsection (b) is excess property of the Department of the Navy under section 202(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 463(b)), and the Administrator determines that such property is surplus property under that Act, then the Administrator may convey to the University of Miami, by negotiated sale or negotiated land exchange within one year after the date of the determination by the Administrator, all right, title, and interest of the United States in and to the property.

(b) COVERED PROPERTY.—The property referred to in subsection (a) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres.

The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(c) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance by the University, it shall use the property, or provide for use of the property, for—

(1) research, education, and training facility complementary to longstanding national research programs; or
(2) research-related purposes other than the purpose specified in paragraph (1), under an agreement entered into by the Administrator and the University;

(d) RENOSERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with the right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3364

Mr. CAMPBELL (for Mr. Jeffords for himself, Ms. Landrieu, Mr. Dodd, Mr. Kohl, and Mr. Johnson) proposed an
amendment to the bill, S. 2312, supra; as follows:

At the appropriate place, insert the following:

TITLE —CHILD CARE IN FEDERAL FACILITIES

SEC. 1. SHORT TITLE.
This title may be cited as “Quality Child Care for Federal Employees”.

SEC. 2. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term “child care accreditation entity” means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility; or

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) use of developmentally appropriate health and safety standards at the facility; and

(II) develop and provide to the Administrator and the entity a plan to correct any deficiencies in the operation of the facility and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety.

(b) ACCREDITATION STANDARDS.—

(1) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities.

(ii) require that, not later than 5 years after the date of enactment of this Act—

(I) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards described in subparagraph (A)(ii) and (iii); and

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification, detailing the deficiencies described in subparagraphs (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(iv) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the facility and certify to the head of the agency that the facility and entity are in compliance with the requirements not later than 4 months after the date of receipt of the notification;

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care services in executive facilities. The standards described in paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(ii) and (iii).

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement of an eligible child care facility (as defined by the Administrator) in an executive facility shall include a condition that the child care be provided by an entity that complies with the standards.

(c) AUDITS AND INSPECTIONS.—

The Administrator shall—

(1) ensure the entity sponsoring a child care facility in an executive facility conducts an audit of the child care facility and entity at least once every 3 years;

(2) require an entity sponsoring a child care facility in an executive facility that fails an audit or inspection to develop a plan to correct any deficiencies in the operation of the facility and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(3) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(d) TERMINATION OF CONTRACT OR LICENSE.—In the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, the Administrator shall—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the facility and certify to the head of the agency that the facility and entity are in compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility operated by the General Services Administration; and

(IV) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, with which such entity is operating in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(2) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out paragraph (1)(A) for child care facilities located in an executive facility other than an executive facility operated by the General Services Administration if an entity is sponsoring a child care facility located in an executive facility other than an executive facility operated by the General Services Administration.
Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an Executive facility, upon receipt by the child care facility or the entity (as applicable) of any written notice by any person who is a parent of any child enrolled at the facility, a parent of a child for whom an application has been submitted to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies, if any, provided in the past with respect to the facility under clause (1)(III) or (1)(IV), as applicable, of paragraph (4)(B); and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—

(A) In general.—The Chief Administrative Officer of the House of Representatives shall issue regulations, approved by the Committee on Rules and Administration of the House of Representatives, governing the operation of the child care centers located on page 20 of the Capitol complex.

(B) Enforcement.—Subject to paragraph (3), the Committee on House Oversight of the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency under paragraphs (a)(2)(A) and (a)(2)(B) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(2) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes, or the head of the appropriate House or Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress, the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees’ Child Care Center.

(b) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except that the appropriate House or Senate committees with oversight responsibility for the facility, may jointly by determining in cooperation and cause to be shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress, shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administrator has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) ENFORCEMENT.—Subject to paragraph (3), the Committee on House Oversight of the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency under paragraphs (a)(2)(A) and (a)(2)(B) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(c) RESPONSES.—The Committee on Rules and Administration of the Senate, governing the operation of the child care center located at the Senate Office Buildings, shall issue regulations, approved by the appropriate House or Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Subject to paragraph (2), the appropriate House or Senate committees with jurisdiction over the Library of Congress, shall issue regulations, approved by the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees’ Child Care Center.

(d) TECHNICAL ASSISTANCE, STUDIES, AND REPORTS.—The Administrator shall provide technical assistance, and conduct and provide the results of studies and reviews, for Federal agencies, and entities sponsoring child care facilities, and entities providing child care and related services to Federal employees or on-site Federal contractors, or dependent children who live with Federal employees or on-site Federal contractors.

(1) The Administrator shall allocate the costs of providing such technical assistance, studies, and reviews, for the following:

(A) In general.—The Administrator shall allocate the costs of providing such technical assistance, studies, and reviews, for the following:

(i) The implementation of regulations as described in paragraphs (a)(2) and (3) of subsection (b) and (ii)(B), and (ii)(I) or clause (ii)(II), as applicable, of paragraph (a)(2) of such facility or contractor, as the case may be.

(ii) The effect of the plan on achieving the aggregate Federal enrollment percentage goals.

(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with non-governmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in federal facilities.

(3) The Administrator may enter into such public-private partnerships or contracts with such entities, as the case may be, for available child care and related services and may, on a demonstration basis, waive subsection (a)(3) and subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in federal facilities.

(4) MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES.

(a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ON-SITE CONTRACTORS; PERCENTAGE GOAL.—(b) AFFORDABILITY.—(c) REGULATIONS.—(d) PAYMENT OF COSTS OF TRAINING PROGRAMS.—(e) SEC.
accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), any Federal agency or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulation established under section 5707 of title 5, United States Code.

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b) is amended to read as follows:

``(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in another Federal or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulation established under section 5707 of title 5, United States Code.

The cost of any such services provided child care spaces for children referred to in subsection (a)(2), as agreed to by the head of the Federal agency shall determine the cost of such services to be provided child care services to Federal employees at an agency conducting a pilot project under this section shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following paragraph (g):

``(g) Each child care center located in a federally owned or leased facility shall ensure that each employee of such center including any employee whose employment began before the date of enactment of this subsection shall undergo a criminal history background check consistent with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

SEC. 5. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES.

(a) DEFINITIONS.—In this section, the terms 'Federal agency', 'executive facility', and 'legislative facility' have the meanings given to the terms in section 2.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care center has a lactation facility that is first operated after the 1-year period beginning on the date of enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breast-fed infants and their mothers, including provision of a private area or a room for nursing mothers in part of the operating plan for the facility.

DASCHLE AMENDMENT NO. 3365

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

At the appropriate place, insert the following:

SEC. 222. DEDUCTION FOR MARRIED COUPLES TO ELIMINATE THE MARRIAGE PENALTY.

(a) IN GENERAL.—In the case of a joint return under section 6013 for the taxable year, there shall be allowed as a deduction an amount equal to the applicable percentage of the qualified earned income of the spouse with the lower qualified earned income for the taxable year.

(b) APPLICABLE PERCENTAGE.—For purposes of this section—

``(1) IN GENERAL.—The term 'applicable percentage' means—

``(A) the earned income of the spouse for such taxable year in excess of the lower qualified earned income referred to in paragraph (1) of section 32(c)(2) of the Internal Revenue Code of 1986, in the case of a joint return for such taxable year.

``(2) TRANSITION RULE FOR 1999 AND 2000.—In the case of taxable years beginning in 1999 and 2000, paragraph (1) shall be applied by substituting '10 percent' for '20 percent' and '1 percentage point' for '2 percentage points'.

(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means—

``(A) after application of sections 86, 219, and 469, and

``(B) with regard to sections 135, 137, and 911 or the deduction allowable under this section.

``(4) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the $50,000 amount under paragraph (1) shall be increased by an amount equal to such amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, except that paragraphs (B) and (C) of subparagraph (A) shall be applied by substituting 'calendar year 2002' for 'calendar year 1992'. If any amount as adjusted under this paragraph is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $2,000.

(d) EARNED INCOME.—For purposes of paragraphs (1) and (2), the term 'qualified earned income' means an amount equal to the excess of—

``(A) the earned income of the spouse for the taxable year, over

``(B) an amount equal to the sum of the deductions described in paragraphs (1), (2), (7), and (15) of section 62 to the extent such deductions are properly allocable to or chargeable against earned income described in subparagraph (A).

The amount of qualified earned income shall be determined without regard to any community property law.

``(2) EARNED INCOME.—For purposes of paragraph (1), the term 'earned income' means income which is earned income within the meaning of section 911(d)(2) or 401(c)(2)(C), except that—

``(A) such term shall not include any amount—

``(i) not includible in gross income,

``(ii) received as a pension or annuity,

``(iii) paid or distributed out of an individual retirement account (within the meaning of section 7701(a)(37)),

``(iv) received as deferred compensation, or

``(v) received for services performed by an individual in the employ of his spouse within the meaning of section 321(b)(3)(A), and (B) section 911(d)(2)(B) shall be applied without regard to the phrase 'not in excess of 30 percent of his share of net profits of such trade or business'.''

(b) DEDUCTION TO BE ABOVE-THE-LINE.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by adding after paragraph (17) the following new paragraph:

``(18) DEDUCTION FOR TWO-EARNER MARRIED COUPLES.—The deduction allowed by section 32(c)(2) of the Internal Revenue Code of 1986 (defining two-earner married couples) shall be eliminated by the deduction allowed under this section.

(c) EARNED INCOME CREDIT PHASING OUT TO REFLECT DEDUCTION.—Section 32(c)(2) of the Internal Revenue Code of 1986 (defining two-earner married couples) is amended by adding after paragraph (17) the following new paragraph:

``(C) MARRIAGE PENALTY REDUCTION.—So long for purposes of applying subsection (a)(2)(B), earned income for any taxable year shall be reduced by an amount equal to the amount of the deduction allowed to the taxpayer for such taxable year under section 222.''

(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 222 and inserting the following new item:

``Sec. 222. Deduction for married couples to eliminate the marriage penalty.

``Sec. 223. Cross reference.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 3. MODIFICATION TO FOREIGN TAX CREDITS RELATING TO OFFSHORE TRACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limit on foreign tax credits) is amended by adding at the end the following new subparagraph:

``(1) by striking 'in the second preceding taxable year', and
(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in tax years beginning after December 31, 1998.

SEC. 2. LIMITATION ON REQUIRED ACCRUAL OF AMOUNTS RECEIVED FOR PERFORMANCE OF CERTAIN PERSONAL SERVICES.

(a) In GENERAL.—Paragraph (5) of section 448(d) of the Internal Revenue Code of 1986 (relating to special rule for services) is amended by inserting "in fields referred to in paragraph (2)(A)" after "services by such person".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

(c) COORDINATION WITH SECTION 481.—In the case of any taxpayer required by this section to change its method of accounting for any taxable year—

(1) such change shall be treated as initiated by the taxpayer;

(2) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(3) the period for taking into account the adjustments under section 481 by reason of such change shall be 3 years.

SEC. 3. RETIREMENT PURCHASE OF STRUCTURED SETTLEMENT AGREEMENTS.

(a) In GENERAL.—Subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous income, tax, and credits) is amended by adding at the end the following:

"CHAPTER 48—STRUCTURED SETTLEMENT AGREEMENTS

"Sec. 5000A. Tax on purchases of structured settlement agreements.

"Sec. 5000A. TAX ON PURCHASES OF STRUCTURED SETTLEMENT AGREEMENTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on any person who purchases the right to receive payments under a structured settlement agreement a tax equal to 19 percent of the amount of the purchase price.

"(b) EXCEPTION FOR COURT-ORDERED PURCHASES.—Subsection (a) shall not apply to any purchase which is pursuant to a court order which finds that such purchase is necessary because of the extraordinary and unanticipated needs of the individual with the personal injury or sickness giving rise to the structured settlement agreement.

"(c) STRUCTURED SETTLEMENT AGREEMENT.—For purposes of this section, the term 'structured settlement agreement' means—

(1) any right to receive (whether by suit or agreement) periodic payments as damages on account of personal injuries or sickness, or

(2) any right to receive periodic payments as compensation for personal injuries or sickness under any workmen's compensation act;

"(d) PURCHASE.—For purposes of this section, the term 'purchase' has the meaning given to it in section 170 of the Internal Revenue Code of 1986 (relating to gifts).

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by adding a note at the end of the following:


(c) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after December 31, 1998.

SEC. 4. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(1) Section 357.—Section 357(a) of the Internal Revenue Code of 1986 (relating to assumptions of liability) is amended by striking "or acquires from the taxpayer property subject to a liability" in paragraph (2).

(2) Section 358.—Section 358(b)(1) of such Code is amended by striking "or acquired from the taxpayer property subject to a liability".

(b) Coordination.—(1) Section 358(a)(1)(C) of such Code is amended by striking "', or the fact that property acquired is subject to a liability,".

(2) The last sentence of section 358(a)(2)(B) of such Code is amended by striking "and", and the amount of any liability to which any property acquired from the acquiring corporation is subject.

(c) CLARIFICATION OF ASSUMPTION LIABILITY.

(1) In GENERAL.—Section 357 of such Code is amended by adding at the end the following new subsections:

(2) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.

(1) In GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

(2) A recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, there has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

(3) A nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

(2) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.

(3) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 of such Code is amended by adding at the end the following new subsection:

(4) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.

(1) IN GENERAL.—In no event shall the basis of an asset transferred to such transferee under subsection (a) or (b) above fair market value (determined without regard to section 701(b)(7)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

(A) a gain is recognized to the transferee as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsection (a) and (b), the amount of gain recognized to the transferor shall be treated as a result of the assumption of the liability shall be determined as if the liability presumed to belong to the transferee had been in existence at the time the transferee acquired the portion of such liability determined on the basis of the relative fair market values (determined without regard to section 701(b)(7)) of all of the assets subject to such liability;

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.

(1) Section 394.—Section 358(h)(3) of such Code is amended by adding—

(A) by striking "and", and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A); and

(B) by striking clause (i) of subparagraph (B) and inserting:

(II) ASSUMED LIABILITIES.—For purposes of clause (I), the term ‘assumed liabilities’ means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

(3) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.

(4) CONFORMING AMENDMENTS.—(a) Section 357(h)(1) of such Code is amended by striking "', or acquires property subject to a liability,".

(2) Section 357 of such Code is amended by striking "or acquisition" in each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) of such Code is amended by striking "or acquired".

(4) Section 357(c)(1) of such Code is amended by striking "', plus the amount of the liabilities to which the property is subject.

(5) Section 357(c)(3) of such Code is amended by striking "or to which the property transferred is subject.

(6) Section 358(d)(1) of such Code is amended by making such a transfer the acquisition (in the amount of the liability).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after December 31, 1998.

SEC. 5. CLARIFICATION AND EXPANSION OF MATHEMATICAl ERROR ASSESSMENT PROCEDURES.

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

"A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN."

(b) EXPANSION OF MATHEMATICAl ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Section 6213(g)(2) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting "; and", and by adding at the end the following new subparagraph:

(5) TOrone of the credits the return reflects the treatment of such individual as being of an age different from the individual's age based on such TIN."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 6. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) EXTENSION OF TAXES.—

(1) ENVIRONMENTAL TAX.—Section 59A(e) of the Internal Revenue Code of 1986 is amended by adding to the end the following:

"(1) EXTENSION OF TAXES.—

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) ENCLOSED TAXES.—Section 461(e) of such Code is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund Financing Rate for any taxable year after this section shall apply after December 31, 1986, and before January 1, 1996, and after December 31, 1998, and before October 1, 2008."

(b) EFFECTIVE DATES.

(1) INCOME TAX.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1998.

(2) FISCAL TAX.—The amendment made by subsection (a)(2) shall take effect on January 1, 1999.

SEC. 201. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) In General.—Section 332 of the Internal Revenue Code of 1986 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

"(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under paragraph (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as dividends from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) of such Code is amended by striking "subsection (a)" and inserting "this section".

(2) Paragraph (1) of section 334(b) of such Code is amended by striking "section 332(a)" and inserting "section 332(b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2002.

INHOFE AMENDMENT NO. 3366

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

On page 82, line 16, after the end period insert: "This subsection shall not apply unless the Joint Chiefs of Staff and the unified combatant commanders certify in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the signing of such an order is consistent with the combat requirements and safety of the armed forces of the United States."

HATCH (AND BIDEN) AMENDMENT NO. 3367

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

At the end of the bill, add the following:

TITLE VII—OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Office of National Drug Control Policy Reauthorization Act of 1998".

SEC. 702. DEFINITIONS.

In this title:

(1) DEMAND REDUCTION.—The term "demand reduction" means any activity conducted by a National Drug Control Program agency, other than an enforcement activity, that is intended to reduce the use of drugs, including—

(A) drug abuse education;
(B) drug abuse prevention;
(C) drug abuse treatment;
(D) drug abuse research;
(E) drug abuse rehabilitation;
(F) drug-free workplace programs; and
(G) drug testing.

(2) SUPPLY REDUCTION.—The term "supply reduction" means any activity conducted by a National Drug Control Program agency that is intended to reduce the availability or use of drugs in the United States and abroad, including—

(A) international drug control;
(B) foreign and domestic drug intelligence;
(C) interdiction; and
(D) domestic drug law enforcement, including law enforcement directed at drug users.

SEC. 703. OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) ESTABLISHMENT OF OFFICE.—There is established in the Executive Office of the President an Office of National Drug Control Policy, which shall—

(1) develop national drug control policy;
(2) coordinate and oversee the implementation of that national drug control policy;
(3) assess and certify the adequacy of national drug control programs and the budget for those programs; and
(4) evaluate the effectiveness of the national drug control programs.

(b) DIRECTOR AND DEPUTY DIRECTORS.—

(1) DIRECTOR.—There shall be at the head of the Office a Director of National Drug Control Policy.

(2) DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—There shall be in the Office a Deputy Director of National Drug Control Policy, who shall assist the Director in carrying out the responsibilities of the Director under this title.

(3) OTHER DEPUTY DIRECTORS.—There shall be in the Office—

(A) a Deputy Director for Demand Reduction, who shall be responsible for the activities described in subparagraphs (A) through (G) of section 702(1);

(B) a Deputy Director for Supply Reduction, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 702(11); and

(C) a Deputy Director for State and Local Affairs, who shall be responsible for the activities described in subparagraphs (A) through (C) of section 702(10).

(c) ACCESS BY CONGRESS.—The location of the Office in the Executive Office of the President shall not be construed as affecting access by Congress, or any committee of the House of Representatives or the Senate, to—

(1) information, document, or study in the possession of, or conducted by or at the direction of the Director; or
(2) personnel of the Office.

(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund for the receipt of gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office under section 704.

(2) CONTRIBUTIONS.—The Office may accept, hold, and administer contributions to the Fund.

(3) USE OF AMOUNTS DEPOSITED.—Amounts deposited in the Fund are authorized to be appropriated, to remain available until expended for authorized purposes at the discretion of the Director.

SEC. 704. APPOINTMENT AND DUTIES OF DIRECTOR AND DEPUTY DIRECTORS.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director, the Deputy Director of National Drug Control Policy, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State and Local Affairs, shall each be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational or professional background of the individual, and whether the individual has experience in the field of substance abuse prevention, education, or treatment.

(2) DUTIES OF DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.—The Deputy Director of National Drug Control Policy shall—

(A) carry out the duties and powers prescribed by the Director; and

(B) serve as the Director in the absence of the Director or during any period in which the office of the Director is vacant.
(3) Designation of Other Officers.—In the absence of the Deputy Director, or if the office of the Deputy Director is vacant, the Director shall designate such other permanent employee of the Office who is appointed at that position by the President, by and with the advice and consent of the Senate, as Deputy Director who will act in any other position in the Federal Government.

(4) Prohibition.—No person shall serve as Deputy Director who has ever served in the same or similar position in any other position in the Federal Government.

(5) Prohibition on Political Campaigning.—Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Senate, may not participate in Federal political activities and shall not accept any official act as such that such official is prohibited by this paragraph from making contributions to individual candidates.

(b) Responsibilities.—The Director shall—
(1) assist the President in the establishment of goals, objectives, and priorities for the National Drug Control Policy and their relations with the National Drug Control Strategy;
(2) promulgate the National Drug Control Strategy and each report under section 706(b) in accordance with section 706;
(3) coordinate and oversee the implementation of the National Drug Control Program by agencies of the National Drug Control Program of the Federal Government with respect to the formulation, management, and budgets of Federal programs and agencies engaged in drug enforcement, and changes in the allocation of personnel to and within those programs and agencies, under the National Drug Control Strategy; and
(4) report to the Congress and Budget.

(c) National Drug Control Program Budget.—

(1) Responsibilities of National Drug Control Program Agencies.—
(A) In General.—For each fiscal year, the head of each department, agency, or program under the National Drug Control Strategy shall transmit to the Director a budget request for the National Drug Control Strategy that shall include all amounts needed to implement the National Drug Control Strategy and the objectives of the National Drug Control Strategy for the year for which the request is submitted, the objectives of the department, agency, or program under the National Drug Control Strategy for the year for which the request is submitted, and the objectives of the drug control program in the department, agency, or program for the year for which the request is submitted.
(B) Review of Budget Requests.—The Director shall review each budget request submitted under the National Drug Control Strategy and the objectives of the department, agency, or program under the National Drug Control Strategy for the year for which the request is submitted, the objectives of the department, agency, or program under the National Drug Control Strategy for the year for which the request is submitted, and the objectives of the drug control program in the department, agency, or program for the year for which the request is submitted, and shall transmit to the Congress and Budget a budget recommendation for the year for which the request is submitted.
(C) Certification.—The Director shall transmit to the Congress and Budget a budget recommendation for the year for which the request is submitted.

(2) National Drug Control Program Budget Proposal.—For each fiscal year, the Director shall promulgate the National Drug Control Program budget proposal designed to implement the National Drug Control Strategy.

(3) Review and Certification of Budget Requests and Transmissions of National Drug Control Program Agencies.—
(A) In General.—The Director shall review each drug control budget request submitted to the Director under paragraph (1), the Director shall, in consultation with the head of each National Drug Control Program agency, develop a consolidated National Drug Control Program budget proposal designed to implement the National Drug Control Strategy, and submit the consolidated budget proposal to Congress.
(B) Review of Budget Requests.—
(i) In General.—The Director shall review each budget request submitted to the Director under paragraph (1).
(ii) Review of Budget Requests.—The Director shall review each budget request submitted to the Director under paragraph (1).

(4) Reprogramming and Transfer Requests.—

(a) In General.—No National Drug Control Program agency may submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding $5,000,000 that is included in the budget request submitted pursuant to this paragraph, in such format as may be designated by the Director, with the concurrence of the Director of the Office of Management and Budget.

(b) Certifications.—The Director shall—
(i) review each reprogramming or transfer request submitted pursuant to this paragraph, in such format as may be designated by the Director, with the concurrence of the Director of the Office of Management and Budget.
(ii) Certify.—The Director shall—
(A) In General.—For each fiscal year, the Director shall promulgate the National Drug Control Program budget proposal designed to implement the National Drug Control Strategy.
(B) Review of Budget Requests.—The Director shall review each budget request submitted under the National Drug Control Strategy and the objectives of the department, agency, or program under the National Drug Control Strategy for the year for which the request is submitted, the objectives of the department, agency, or program under the National Drug Control Strategy for the year for which the request is submitted, and the objectives of the drug control program in the department, agency, or program for the year for which the request is submitted, and shall transmit to the Congress and Budget a budget recommendation for the year for which the request is submitted.
(C) Certification.—The Director shall transmit to the Congress and Budget a budget recommendation for the year for which the request is submitted.

(5) Certification of Budget Submissions.—

(1) In General.—At the time a National Drug Control Program agency submits its budget request to the Office of Management and Budget, the head of the National Drug Control Program agency shall submit a copy of the budget request to the Director.

(2) Certification.—The Director shall—
(A) certify the budget request submitted pursuant to this paragraph, in such format as may be designated by the Director, with the concurrence of the Director of the Office of Management and Budget.
(B) Certify.—The Director shall—
(A) certify the budget request submitted pursuant to this paragraph, in such format as may be designated by the Director, with the concurrence of the Director of the Office of Management and Budget.

(6) Reprogramming and Transfer Requests.—

(a) In General.—No National Drug Control Program agency may submit to Congress a reprogramming or transfer request with respect to any amount of appropriated funds in an amount exceeding $5,000,000 that is included in the budget request submitted pursuant to this paragraph, in such format as may be designated by the Director, with the concurrence of the Director of the Office of Management and Budget.

(b) Certifications.—The Director shall—
(i) review each reprogramming or transfer request submitted pursuant to this paragraph, in such format as may be designated by the Director, with the concurrence of the Director of the Office of Management and Budget.
(ii) Certify.—The Director shall—
(A) In General.—For each fiscal year, the Director shall promulgate the National Drug Control Program budget proposal designed to implement the National Drug Control Strategy.
(B) Review of Budget Requests.—The Director shall review each budget request submitted to the Director under paragraph (1).
(C) Certification.—The Director shall transmit to the Congress and Budget a budget recommendation for the year for which the request is submitted.

(7) Inadequate Requests.—If the Director concludes that a budget request submitted under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the National Drug Control Strategy, the Director shall submit a notice of the inadequacy to the President, and the President shall make the request adequate to implement those objectives.

(8) Inadequate Requests.—If the Director concludes that a budget request submitted under paragraph (1) is inadequate, in whole or in part, to implement the objectives of the National Drug Control Strategy, the Director shall submit a notice of the inadequacy to the President, and the President shall make the request adequate to implement those objectives.

(9) Adequate Requests.—If the Director concludes that a budget request submitted under paragraph (1) is adequate to implement the objectives of the National Drug Control Strategy, the head of the department, agency, or program at issue for the year for which the request is submitted, shall submit to the Director a statement that summarizes—
(i) the budget submission for that agency to the Office of Management and Budget.
(ii) the impact of those changes on the ability of that agency to perform its other responsibilities under the National Drug Control Program, which recommendations shall—
(II) the impact of those changes on the ability of that agency to perform its other responsibilities under the National Drug Control Program, which recommendations shall—
payable under level IV of the Executive Schedule under section 5311 of title 5, United States Code; (3) accept and use gifts and donations of property; (4) contract with any governmental agencies, and from the private sector, as authorized in section 703(d); (5) use the mails in the same manner as any other department or agency of the executive branch; (6) monitor implementation of the National Drug Control Program, including— (A) conducting program and performance audits and evaluations; (B) requesting assistance from the Inspector General of the relevant agency in such audits and evaluations; and (C) commissioning studies and reports by a National Drug Control Program agency, with the concurrence of the head of the affected agency; (7) transfer funds made available to a National Drug Control Program agency for National Drug Control Strategy programs and activities to another account within such agency or to another National Drug Control Program agency for National Drug Control Strategy programs and activities, except that— (A) the authority under this paragraph may be limited in an annual appropriations Act or other provision of Federal law; (B) no authority under this paragraph may be transferred to an agency under this paragraph if the head of that agency has not been authorized by Congress; and (C) the authority under this paragraph may not exceed 2 percent of the total amount of funds made available for National Drug Control Strategy programs and activities in the appropriation or account to the agency from which those funds are to be transferred; (8) transfer funds transferred to an agency under this paragraph may only be used to increase the funds for that agency; (9) issue to the head of a National Drug Control Program agency shall cooperate with and provide to the Director any statistics, studies, and analyses previously prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to— (A) drug abuse control; or (B) the manner in which amounts made available to that agency for drug control are being used by the agency; (10) fund transfers to an agency under this paragraph may not exceed 2 percent of the total amount of funds made available for National Drug Control Strategy programs and activities in the appropriation or account to the agency from which those funds are to be transferred; (11) annually submit to Congress a report describing the effect of all transfers of funds made under this paragraph on the activities that— (i) have a higher priority than the programs or activities from which funds are transferred; and (ii) have been authorized by Congress; and (12) set forth a comprehensive plan, covering a period of not more than 10 years, for reducing drug abuse and the consequences of drug abuse in the United States; (13) and provide to the Director any statistics, studies, and analyses separately prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to— (A) drug abuse control; or (B) the manner in which amounts made available to that agency for drug control are being used by the agency; (14) a comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States; (15) and provide to the Director any statistics, studies, and analyses previously prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to— (A) drug abuse control; or (B) the manner in which amounts made available to that agency for drug control are being used by the agency; (16) an annual, quantifiable, and measurable objectives to accomplish long-term quantifiable goals that the Director determines may be realistically achieved during each year of the period beginning on the date on which the National Drug Control Strategy is submitted; (17) 5-year projections for program and budget priorities; and (18) review, of State, local, and private sector drug control activities to ensure that the United States is on pace for coordinated and effective drug control at all levels of government.

SEC. 706. DEVELOPMENT, SUBMISSION, IMPLEMENTATION, AND ASSESSMENT OF NATIONAL DRUG CONTROL STRATEGY.

(a) Timing, Contents, and Process for Development and Submission of National Drug Control Strategy.— (1) Timing.—Not later than February 1, 1998, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive plan, covering a period of not more than 10 years, for reducing drug abuse and the consequences of drug abuse in the United States, by limiting the availability of and reducing the demand for illegal drugs.

(b) Contents.— (1) In General.—The National Drug Control Strategy submitted under paragraph (1) shall include— (i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the United States; (ii) annual, quantifiable, and measurable objectives to accomplish long-term quantifiable goals that the Director determines may be realistically achieved during each year of the period beginning on the date on which the National Drug Control Strategy is submitted; (iii) 5-year projections for program and budget priorities; and (iv) a review of State, local, and private sector drug control activities to ensure that the United States is on pace for coordinated and effective drug control at all levels of government.

(c) Program and Budget Information.—Any content of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

(d) Process for Development and Submission.— (1) Consultation.—In developing and effectively implementing the National Drug Control Strategy, the Director— (i) shall consult with— (I) the heads of the National Drug Control Program agencies; (II) Congress; (III) State and local officials; (IV) private citizens and organizations with experience and expertise in demand reduction; and (V) private citizens and organizations with experience and expertise in supply reduction; and (ii) may require the National Drug Intelligence Center and the El Paso Intelligence Center to undertake specific tasks or projects to implement the National Drug Control Strategy.

(e) Annual Strategy Report.— (1) In General.—Not later than February 1, 1998, and February 1 of each year thereafter, the President shall submit to Congress a report on the progress in implementing the
Strategy under subsection (a), which shall include—

(A) an assessment of the Federal effectiveness in achieving the National Drug Control Strategy goals and objectives using the performance measurement system described in subsection (c), including—

(i) an assessment of drug use and availability in the United States; and

(ii) an assessment of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the fiscal year, or in effect as of the date on which the report is submitted;

(B) any modifications of the National Drug Control Strategy or the performance measurement system described in subsection (c);

(C) an assessment of the manner in which the budget proposal submitted under section 704(c) is intended to implement the National Drug Control Strategy and whether the funding levels contained in such proposal are sufficient to implement such Strategy;

(D) beginning on February 1, 1999, and annually thereafter, measurable data evaluating the success or failure in achieving the annual measurable objectives described in subsection (a)(2)(A)(ii); and

(E) the availability against an ascertained baseline, as measured by—

(i) the quantities of cocaine, heroin, marihuana, and methamphetamine; and other drugs available for consumption in the United States;

(ii) the number of marijuana, cocaine, heroin, and methamphetamine processing laboratories destroyed; and

(iii) the number of cocaine and methamphetamine processing laboratories destroyed;

(F) an assessment of the drug availability against an ascertained baseline, as measured by—

(i) estimates of drug prevalence and frequency measured by national, State, and local surveys of illicit drug use and by other special studies of—

(I) casual and chronic drug use;

(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

(III) drug use in the workplace and the productivity lost by such use;

(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by—

(I) the quantities of heroin, marihuana, methamphetamine, and other drugs available for consumption in the United States;

(ii) the number of marijuana, heroin, and methamphetamine entering the United States;

(iii) the number of marijuana, poppy, cannabis, and opium crops harvested and destroyed;

(IV) the number of metric tons of marijuana, heroin, and cocaine seized;

(V) the number of cocaine and methamphetamine laboratories destroyed;

(VI) changes in the price and purity of heroin and cocaine;

(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(VIII) the effectiveness of Federal technology programs at improving detection capabilities in interdiction, and at United States ports of entry;

(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of—

(I) the burden drug users placed on hospital emergency departments in the United States, as well as the quantity of drug-related services provided;

(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immune deficiency and other infectious diseases as a result of drug use;

(III) the extent of drug-related crime and criminal activity; and

(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

(iv) a determination of the status of drug treatment in the United States, by assessing—

(I) public and private treatment capacity within each State, and treatment on an intergovernmental basis, and the treatment capacity available in relation to the capacity actually used;

(II) the extent, within each State, to which treatment and treatment-related services are provided; and

(III) the number of drug users the Director estimates could benefit from treatment; and

(iv) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

(v) a review in conformity with the Counter-Drug Technology Assessment Center to reduce the availability and abuse of drugs; and

(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control.

SEC. 705. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(A) ESTABLISHMENT.—There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the "Center") to—

(1) in general—Not later than February 1, 1999, the Center shall submit to the President, in consultation with the Director, a report on the performance measurement system for the National Drug Control Strategy in effect as of the date on which the report is submitted, including—

(A) information that shall include—

(i) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;

(ii) an estimate of the effectiveness of Federal technology research and development organizations, and Federal personnel to such area, subject to the approval of the head of the department or agency that employs such personnel; and

(iii) an estimate of the effectiveness of the funding activities of the National Drug Control Program agencies and the Governor of each State, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the President may—

(1) obligate such sums as appropriated for the High Intensity Drug Trafficking Areas Program for costs of such activities in such area; and

(2) State and local law enforcement agencies to carry out coordinated activities under this subsection (specifically administrative, record-keeping, and funding management activities) with the Federal Government and State and local governments for drug control.

(B) ANNUAL PERFORMANCE OBJECTIVES, MEASURES, AND TARGETS.—Not later than February 1, 1999, the Director shall submit to Congress a report containing—

(1) IN GENERAL.—Not later than February 1, 1999, the Director shall submit to Congress a report containing—

(A) an assessment of current drug use (including inhalants) and availability, and performance measures, and targets for each National Drug Control Program agency; and

(B) annual performance objectives, measures, and targets for each National Drug Control Program agency budget item that—

(i) develops annual performance objectives, measures, and targets for each National Drug Control Program strategy goal and objective; and

(ii) revises the annual performance objectives, measures, and targets to conform with the National Drug Control Program strategy goals and objectives.

SEC. 706. COUNTER-DRUG TECHNOLOGY ASSESSMENT CENTER.

(A) ESTABLISHMENT.—There is established within the Office the Counter-Drug Technology Assessment Center (referred to in this section as the "Center") to—

(1) in general—Not later than February 1, 1999, the Center shall submit to the President, in consultation with the Director, a report on the performance measurement system for the National Drug Control Strategy in effect as of the date on which the report is submitted, including—

(A) information that shall include—

(i) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the United States;
(A) identify and define the short-, medium-, and long-term scientific and technological needs of Federal, State, and local drug supply-reduction agencies, including—
(i) in research, surveillance, tracking, and radar imaging;
(ii) electronic support measures;
(iii) communications;
(iv) data fusion.

(B) identify demand reduction basic and applied research needs and initiatives, in consultation with the National Drug Control Program agencies, including—
(i) improving treatment through neuroscientific advances;
(ii) improving the transfer of biomedical research to the clinical setting; and
(iii) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examining addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment.

(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, in consultation with the National Counter-Drug Enforcement Research and Development Program.

(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments.

(E) provide support to the development and implementation of national drug control performance measurement system.

(F) pursuant to the authority of the Director of National Drug Control Policy under section 109(e) of the Anti-Drug Abuse Act of 1986, appoint additional members to the Council.

(G) cooperate with the Council in carrying out the functions of the Council under this section; and

(H) provide such assistance, information, and advice as the Council may request, to the extent permitted by law.

SEC. 716. PARENTS ADVISORY COUNCIL ON YOUTH DRUG ABUSE.

(a) Establishment.—There is established a council to be known as the Parents Advisory Council on Youth Drug Abuse (referred to in this section as the ‘‘Council’’).

(b) Membership.—

(1) In general.—Subject to paragraph (2), the Council shall be composed of 16 members, of whom—
(A) 1 shall be the President, who shall serve as Chairman of the Council;
(B) 1 shall be the Vice President;
(C) 1 shall be the Secretary of State;
(D) 1 shall be the Secretary of the Treasury;
(E) 1 shall be the Secretary of Defense;
(F) 1 shall be the Attorney General;
(G) 1 shall be the Secretary of Health and Human Services;
(I) 1 shall be the Secretary of Education;
(J) 1 shall be the Representative of the United States of America to the United Nations;
(K) 1 shall be the Director of the Office of Management and Budget;
(L) 1 shall be the Chief of Staff to the President;
(M) 1 shall be the Director of the Office, who shall serve as the Executive Director of the Council; and
(N) 1 shall be the Director of Central Intelligence.

(2) Limitation on authority.—Subject to subparagraphs (A) through (K) of paragraph (1), the Council may utilize representatives of the Executive branch to a maximum of 12 representatives at any one time to carry out its functions and duties.

(3) Initial meeting.—Not later than 120 days after the date on which the President appoints the initial members of the Council to serve, the Chairperson shall convene and preside over the initial meeting of the Council.

(4) Quorum.—The Council shall be deemed to be at quorum when a majority of its members is present.

(5) Removal of members.—Any member of the Council may be removed by the President, acting alone, for cause, and the President shall by like manner appoint a new member to serve for the remainder of the term of the member so removed.

(b) Quorum.—For the purposes of this section, a majority of the members of the Council shall mean 10 members.

(c) Functions.—The Council shall advise and assist the President in—

(i) providing direction and oversight for the national drug control strategy, including relating drug control policy to other national security interests and establishing priorities; and
(ii) ensuring coordination among departments and agencies of the Federal Government concerning implementation of the National Drug Control Strategy.

(d) Administration.—

(1) In general.—The Council may utilize, in the discretion of the Chairperson or the Director, on drug prevention, education, and treatment, or prevention activities related to youth drug abuse.

(2) Representatives of nonprofit organizations.—Not less than 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be a representative of a nonprofit organization focused on involving parents in antidrug education and prevention.

(e) Date.—The appointments of the initial members of the Council shall be made not later than 60 days after the date of enactment of this section.

(f) Director.—The Director may, in the discretion of the Director, serve as an adviser to the Council and attend such meetings and hearings of the Council as the Director considers to be appropriate.

(g) Period of appointment; vacancies.—

(1) Period of appointment.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members of the Council—
(A) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 1 year; and
(B) 1 member appointed under each of clauses (i) through (v) of paragraph (1)(A) shall be appointed for a term of 2 years.

(2) Vacancies.—Any vacancy in the Council shall not affect its powers, provided that a quorum is present, but shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member whose vacancy was appointed shall be appointed only for the remainder of that term.

(h) Appointment of successor.—To the extent necessary to prevent a vacancy in the membership of the Council, a member of the Council may serve for more than 6 months after the expiration of the term of that member, if the successor of that member has not been appointed.

(i) Initial meeting.—Not later than 120 days after the date on which all initial members of the Council have been appointed, the Council shall hold its first meeting.

(j) Meetings.—The Council shall meet at the call of the Chairperson.

(k) Quorum.—Nine members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(l) Chairperson and vice chairperson.—

(A) In general.—The Chairperson of the Council shall select a Chairperson and Vice Chairperson from among the members of the Council.

(B) Duties of Chairperson.—The Chairperson of the Council shall—

(i) serve as the executive director of the Council;
(ii) direct the administration of the Council;
(iii) assign officer and committee duties relating to the Council; and
(iv) issue the reports, policy positions, and statements of the Council.

(C) Duties of vice chairperson.—If the Chairperson of the Council is unable to serve, the Vice Chairperson shall serve as the Chairperson.

(D) Duties of the Council.—

(1) In general.—The Council—

(A) shall advise the President and the Members of the Cabinet, including the Director, on drug prevention, education, and treatment; and
(B) may issue reports and recommendations on drug prevention, education, and treatment, in addition to the annual report
shall be submitted to Congress.

SEC. 706(b).

(c) POWERS OF THE COUNCIL.—

(1) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any department or agency of the Federal Government such information as the Council considers to be necessary to carry out this section.

Upon request of the Chairperson of the Council, that department or agency shall furnish such information to the Council, unless the head of that department or agency determines that furnishing the information would threaten the national security of the United States, the health, safety, or privacy of any individual, or the integrity of an ongoing investigation.

(3) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) GIFTS.—The Council may solicit, accept, use, and dispose of gifts or donations of services or property in connection with performing the duties of the Council under this section.

SEC. 710. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLES 5, UNITED STATES CODE.—Chapter 60 of title 5, United States Code, is amended—

(1) in section 5307, by striking the subsection (f) as subsection (g) and inserting subsection (g) as subsection (h); and

(b) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the proposal discussed under subsection (a), which shall include—

(A) an analysis of the reactions of the governors concerned to the proposal;

(B) an assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance;

(C) a determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States;

(D) if the President determines that the formation of the alliance is not in the national interests of the United States, a determination as to what steps, if any, are appropriate to take to protect the national interests of the United States;

(4) the Immigration and Naturalization Service; and

(7) the United States Customs Service; and

(8) any other department or agency of the Federal Government that the Director determines to be relevant.

(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

(i) seized during the year of highest recorded seizures for each drug in each region and duration of year of highest recorded overall seizures; and

(ii) disrupted during the year of highest recorded disruptions for each drug in each region and duration of year of highest recorded overall seizures; and

(B) the number of persons arrested for violations of section 101(a) of the Controlled Substances Import and Export Act (21 U.S.C. 950(a)) and related offenses during the year of the highest number of arrests on record for each region and the year of the highest recorded overall arrests;

(C) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

(D) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each year prior to the year identified in paragraph (1) and (2) for each Federal drug control agency.

(b) BUDGET PROCESS.—

(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, as part of each annual drug control budget request submitted by the Federal drug control agency to the Director under section 704(c)(2), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 704(c)(2), a description of the specific personnel, equipment, funding, and other resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).

SEC. 712. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) an analysis of the problems relating to international drug trafficking in the Western Hemisphere should be included in each submission under section (b).

(B) the number of persons arrested for violations of section 101(a) of the Controlled Substances Import and Export Act (21 U.S.C. 950(a)) and related offenses during the year of the highest number of arrests on record for each region and the year of the highest recorded overall arrests;

(C) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each year prior to the year identified in paragraphs (1) and (2) for each Federal drug control agency.

(2) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out this section.

(3) SUBMISSION TO CONGRESS.—Any report submitted by the Director under section 706(b).

(4) GIFTS.—The Council may solicit, accept, use, and dispose of gifts or donations of services or property in connection with performing the duties of the Council under this section.

(5) Expenses.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to carry out this section.

SEC. 713. ESTABLISHMENT OF SPECIAL FORCÔME FUTURE PLANNING AND STRATEGIC REVIEW BOARD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) an analysis of the problems relating to international drug trafficking in the Western Hemisphere should be included in each submission under section (b).

(B) the number of persons arrested for violations of section 101(a) of the Controlled Substances Import and Export Act (21 U.S.C. 950(a)) and related offenses during the year of the highest number of arrests on record for each region and the year of the highest recorded overall arrests;

(C) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each year prior to the year identified in paragraphs (1) and (2) for each Federal drug control agency.

(2) BUDGET PROCESS.—The members of the Council may solicit, accept, use, and dispose of gifts or donations of services or property in connection with performing the duties of the Council under this section.

(3) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Council may solicit, accept, use, and dispose of gifts or donations of services or property in connection with performing the duties of the Council under this section.

(5) IMMIGRATION AND NATURALIZATION SERVICE.—

(6) UNITED STATES COAST GUARD;

(7) THE UNITED STATES CUSTOMS SERVICE;

(8) ANY OTHER DEPARTMENT OR AGENCY OF THE FEDERAL GOVERNMENT THAT THE DIRECTOR DETERMINES TO BE RELEVANT.

(b) REPORT.—In order to assist Congress in determining the personnel, equipment, funding, and other resources that would be required by Federal drug control agencies in order to achieve a level of interdiction success at or above the highest level achieved before the date of enactment of this title, not later than 180 days after the date of enactment of this Act, the Director shall submit to Congress and to each Federal drug control program agency a report, which shall include—

(1) with respect to the southern and western border regions of the United States (including the Pacific coast, the border with Mexico, the Gulf of Mexico coast, and other ports of entry) and in overall totals, data relating to—

(A) the amount of marijuana, heroin, methamphetamine, and cocaine—

(i) seized during the year of highest recorded seizures for each drug in each region and duration of year of highest recorded overall seizures; and

(ii) disrupted during the year of highest recorded disruptions for each drug in each region and duration of year of highest recorded overall seizures; and

(B) the number of persons arrested for violations of section 101(a) of the Controlled Substances Import and Export Act (21 U.S.C. 950(a)) and related offenses during the year of the highest number of arrests on record for each region and the year of the highest recorded overall arrests;

(C) the price of cocaine, heroin, methamphetamine, and marijuana during the year of highest price on record during the preceding 10-year period, adjusted for purity where possible; and

(D) a description of the personnel, equipment, funding, and other resources of the Federal drug control agency devoted to drug interdiction and securing the borders of the United States against drug trafficking for each year prior to the year identified in paragraphs (1) and (2) for each Federal drug control agency.

(b) BUDGET PROCESS.—

(1) INFORMATION TO DIRECTOR.—Based on the report submitted under subsection (b), each Federal drug control agency shall submit to the Director, as part of each annual drug control budget request submitted by the Federal drug control agency to the Director under section 704(c)(2), a description of the specific personnel, equipment, funding, and other resources that would be required for the Federal drug control agency to meet or exceed the highest level of interdiction success for that agency identified in the report submitted under subsection (b).

(2) INFORMATION TO CONGRESS.—The Director shall include each submission under paragraph (1) in each annual consolidated National Drug Control Program budget proposal submitted by the Director to Congress under section 704(c), which submission shall be accompanied by a description of any additional resources that would be required by the Federal drug control agencies to meet the highest level of interdiction success identified in the report submitted under subsection (b).

SEC. 714. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLES 5, UNITED STATES CODE.—Chapter 60 of title 5, United States Code, is amended—

(1) in section 5307, by striking the subsection (f) as subsection (g) and inserting “subsection (g)”; and

(b) by striking “section 5307(e)” and inserting “section 5307(g)”; and

(c) by striking “section 5307(h) and inserting “section 5307(i)”.

(b) National Security Act of 1947.—Section 142 of the National Security Act of 1947 (50 U.S.C. 422c) is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

(v) The Director of Drug Control Policy, in the role of the Deputy Director as principal adviser to the National Security Council on national drug control policy, and...
subject to the direction of the President, attend and participate in meetings of the National Security Council.

(c) Submission of National Drug Control Program to the House of Representatives prior to submission by the President to the Senate.

SEC. 135. Submission of budget requests.

The budget requests submitted to the Senate under贡ドsecoll (d) above shall be submitted in a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.

SEC. 715. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000,000 to remain available until expended, to carry out this section.

SEC. 716. TERMINATION OF OFFICE OF NATIONAL DRUG CONTROL POLICY.

(a) IN GENERAL.—Except as provided in subsection (b), effective on September 30, 2002, this title and the amendments made by this title are repealed.

(b) EXCEPTION.—Subsection (a) does not apply to section 713 or the amendments made by that section.

GRAHAM (AND OTHERS)

AMENDMENT NO. 3368

Mr. CAMPBELL (for Mr. GRAHAM for himself, Mr. MACK, Mr. KENNEDY, Mr. MOYNIHAN, Mrs. FEINSTEIN, Ms. MOSLEY-BRAUN, Mr. KERRY, and Mr. DURBIN). Amendment to the bill, S. 2312, supra; as follows:

At the appropriate place in the bill, insert the following:

TITLE — HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the "Haitian Refugee Immigration Fairness Act of 1998".

SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 1999, for purposes of determining eligibility for benefits provided under paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act; or

(B) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or for reason deemed strictly in the public interest, or

(C) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) at the time of arrival in the United States and on December 31, 1995, and who—

(i) arrived in the United States without parents in the United States and has remained without parents in the United States since arrival;

(ii) became orphaned subsequent to arrival in the United States, or

(iii) was abandoned by parents or guardians prior to arrival and has remained abandoned since such abandonment; and

(2) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(b) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide such long as an application for adjustment of status under subsection (a) is pending, to a person who is—

(A) the spouse, child, or unmarried son or daughter of an alien described in subsection (a), except where the Attorney General grants the application, the alien with the application and may provide the alien with temporary residence in the United States during the pendency of such application.

(b) ADJUSTMENT OF STATUS OF SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti; or

(B) the alien is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted in accordance with this section and who has remained in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed; and

(c) APPLICATION OF IMMIGRATION AND NATIONALITY ACT.—

The Immigration and Nationality Act shall apply in the administration of this Act in the same manner as if such Act had been in effect at the time the alien entered the United States, or

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—

The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to aliens under section 245 of the Immigration and Nationality Act.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—

The Attorney General shall provide to aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—

A determination of the Attorney General as to whether an alien is qualified to receive adjustment of status under this section shall be final and shall not be subject to review by any court.

(g) FAILURE TO APPEAR.—[REPEALED]

(h) REMOVAL OF ALIEN.—

If the application had not been made.

(i) EFFECT ON IMMIGRATION STATUS.—

If the alien—

(A) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) at the time of arrival in the United States and on December 31, 1995, and who—

(i) arrived in the United States without parents in the United States and has remained without parents in the United States since arrival;

(ii) became orphaned subsequent to arrival in the United States, or

(iii) was abandoned by parents or guardians prior to arrival and has remained abandoned since such abandonment; and

(ii) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(i) AVAILABLE OF ADMINISTRATIVE REVIEW.—

The Attorney General shall provide to applicants for adjustment of status under section 245 of the Immigration and Nationality Act or aliens subject to removal proceedings under section 240 of such Act.

(j) PERIOD OF APPLICABILITY.—

Subsection (a) shall not apply after October 1, 2003.

SEC. 303. COLLECTION OF DATA ON DETAINED ASYLUIM SEEKERS.

(a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.
(4) The number of detainees listed by each year of age of the detainees.
(5) The location of each detainee by detention facility.
(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.
(7) The number and frequency of the transfers of detainees between detention facilities.
(8) The average length of detention and the number of detainees by category of the length of detention.
(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.
(10) A description of the disposition of cases.

(b) Annual reports.—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(1) The number of detainees who are criminal aliens and the number of detainees who have been detained for the fiscal year ending September 30 of that year.
(2) A list of crimes committed by criminal aliens, the Attorney General shall also list the number of criminal aliens, the Attorney General shall also list the number of criminal aliens.
(3) The average length of detention and the number of detainees by category of the length of detention.
(4) The number of detainees who have been detained for the fiscal year ending September 30 of that year.
(5) The number of detainees by category of the length of detention.

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(3) The average length of detention and the number of detainees by category of the length of detention.
(4) The number of detainees who have been detained for the fiscal year ending September 30 of that year.
(5) The number of detainees by category of the length of detention.
committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill on the family well-being and children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

HARKIN AMENDMENT NO. 3374
Mr. HARKIN proposed an amendment to amendment No. 3333 proposed by Mr. Thompson to the bill, S. 2132, supra, as follows:

Strike out all after "Sec. 642." and insert in lieu thereof the following:

**PROHIBITION OF ACQUISITION OF PRODUCTS PRODUCED BY FORCED OR INDENTURED CHILD LABOR.**

(a) **Prohibition.—**The head of an executive agency may not acquire an item that appears on a list published under subsection (b) unless the source of the item certifies to the head of the executive agency that forced or indentured child labor was not used to mine, produce, or manufacture the item.

(b) **Publication of List of Prohibited Items.—**(1) The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of State, shall publish in the Federal Register promptly after the final revisions of the Federal Acquisition Regulation have been issued, any unsolicited proposal to contract for the acquisition of items included on a list published under subsection (b) the following:

(A) A clause that requires the contractor to certify to the contracting officer that the contractor or, in the case of an incorporated contractor, a responsible official of the contractor has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract and, that, on the basis of those efforts, the contractor is unaware of any such use of child labor.

(B) A clause that obligates the contractor to cooperate fully to provide access for the head of the agency or the inspector general of the executive agency to the contractor's records, documents, persons, or premises, if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract.

(2) The first list shall be published under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(c) **Required Contract Clauses.—**(1) The head of an executive agency shall include in each solicitation of offers for a contract for the purchase of an item included on a list published under subsection (b) the following clauses:

(A) A clause that requires the contractor to certify to the contracting officer that the contractor or, in the case of an incorporated contractor, a responsible official of the contractor has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract and, that, on the basis of those efforts, the contractor is unaware of any such use of child labor.

(B) A clause that obligates the contractor to cooperate fully to provide access for the head of the executive agency or the inspector general of the executive agency to the contractor's records, documents, persons, or premises, if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract.

(2) This subsection applies with respect to acquisitions for a total amount in excess of the micro-purchase threshold (as defined in section 15 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)).

(d) **Investigations.—**Whenever a contracting officer of an executive agency has reason to believe that a contractor has submitted a false certification under subsection (a) or (c)(1)(A) or has failed to provide cooperation in accordance with the obligation imposed pursuant to subsection (c)(1)(B), the head of the executive agency shall refer the matter, for investigation, to the Inspector General of the executive agency and, as the head of an executive agency determines appropriate, to the Attorney General and the Secretary of the Treasury.

(e) **Remedies.—**(1) The head of an executive agency may impose remedies as provided in this subsection in the case of a contractor under a contract of the executive agency if the head of the executive agency finds that the contractor—

(A) has furnished under the contract items that have been mined, produced, or manufactured by forced or indentured child labor in mining, production, or manufacturing operations of the contractor;

(B) has submitted a false certification under subparagraph (A) of subsection (c)(1); or

(C) has failed to provide cooperation in accordance with the obligation imposed pursuant to subparagraph (B) of such subsection.

(2) The head of the executive agency, in the sole discretion of the head of the executive agency, may terminate a contract on the basis of any finding described in paragraph (1).

(3) The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts on the basis of a finding that the contractor has engaged in an act described in paragraph (1)(A). The period of the debarment or suspension may not exceed three years.

(4) The Administrator of General Services shall annually publish a list of entities excluded from Federal Procurement and Nonprocurement Programs (maintained by the Administrator as described in the Federal Acquisition Regulation) that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency or the Comptroller General on the basis that the person uses forced or indentured child labor to mine, produce, or manufacture any item.

(5) This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a finding described in paragraph (1).

(f) **Report.—**Each year, the Administrator of General Services, with the assistance of the heads of other executive agencies, shall review the actions taken under this section and submit to Congress a report on those actions.

(g) **Implementation in the Federal Acquisition Regulation.—**(1) The Federal Acquisition Regulation shall be revised within 180 days after the date of enactment of this Act—

(A) to provide for the implementation of this section; and

(B) 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 Federal Acquisition Regulation.

(2) The revisions of the Federal Acquisition Regulation shall be published in the Federal Register promptly after the final revisions are issued.

(h) **Exception.—**(1) This section does not apply to a contract that is for the procurement of any product, or any article, material, or supply contained in a product, that is mined, produced, or manufactured in any foreign country or instrumentality, if—

(A) the foreign country or instrumentality is—

(i) a party to the Agreement on Government Procurement annexed to the WTO Agreement or the North American Free Trade Agreement, whichever is applicable.

(ii) a party to the Agreement Establishing the World Trade Organization, entered into on April 15, 1994, to which the United States is a party.

(iii) a party to the World Trade Organization, entered into on April 15, 1994, to which the United States is a party.

(iv) a party to the Trade Agreement, or the North American Free Trade Agreement, whichever is applicable.

(v) a party to the Agreement on the Implementation of the WTO Agreement—

(B) the contract is of a value that is equal to or less than the applicable threshold specified in the Agreement on Government Procurement annexed to the WTO Agreement or the North American Free Trade Agreement, whichever is applicable.

(2) For purposes of this subsection, the term "WTO Agreement" means the Agreement Establishing the World Trade Organization, entered into on April 15, 1994, to which the United States is a party.

(3) Except as provided in subsection (c)(2), the requirements of this section apply on and after the date determined under subsection (2) to any solicitation that is issued, any unsolicited proposal that is received, and any contract that is entered into by an executive agency pursuant to such a solicitation or proposal on or after that date.

(4) The date referred to in paragraph (1) is the date that is 30 days after the date of the publication of the revisions of the Federal Acquisition Regulation under subsection (g)(2).

BINGAMAN AMENDMENT NO. 3375
Mr. Bingaman proposed an amendment to the bill, S. 2132, supra, as follows:

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the amounts appropriated under title IV for the Army, the Navy, and the Air Force, $59,606,000 shall be available for the applied research element within the Dual Use Applications Program, as follows:

(1) Of the amount appropriated for the Army, $20,000,000.

(2) Of the amount appropriated for the Navy, $20,000,000.

(3) Of the amount appropriated for the Air Force, $19,606,000.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3376
Mr. Bingaman (for himself, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. Breaux, Mr. Domenici, and Ms. LANDREU) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place in the bill, add the following:

**ADDITIONAL PURCHASES OF OIL FOR THE STRATEGIC PETROLEUM RESERVE**

In response to historically low prices for oil produced domestically and to build national security for energy supply emergencies, the Secretary of Energy shall purchase and transport an additional $230,000,000 of oil for the Strategic Petroleum Reserve upon a determination by the President that current market conditions are imperiling domestic oil production from marginal and small producers: Provided, That an official budget request for the purchase of oil for the Strategic Petroleum Reserve and including a designation of the entire request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the President; Provided further, That the entire amount in the preceding proviso is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Dubin (and Others) Amendment No. 3377
Mr. DURBIN (for Mr. DURBIN, for himself, Mr. Kennedy, Mr. Dodd, Mr. McCain, and Mr. Mack) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place, insert:

The Senate Find

Find of these 42 million, many are descended from the nearly two million Irish
immigrants who were forced to flee Ireland during the “Great Hunger” of 1845–1850.

Find those immigrants dedicated themselves to the development of our nation and contributed immeasurably to it by helping to build our railroads, our canals, our cities and our schools.

Find this marks the 150th anniversary of the mass immigration of Irish immigrants to America during the Irish Potato Famine.

Find commemorating this tragic but defining episode in the history of American immigration would be deserving of honor by the United States Government:

It is the sense of Congress that the United States Postal Service should issue a stamp honoring the 150th anniversary of Irish immigration to the United States during the Irish Famine of 1845–1850.

BAUCUS (AND OTHERS)
AMENDMENT NO. 3378
Mr. BAUCUS (for himself, Mr. JEFORDS, Mr. ALLARD, Mr. CONRAD, Mr. LEAHY, Mr. DOGAN, Mr. ENZI, Mr. REID, and Mr. BRYAN) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place, add the following:

SEC. 2. POST OFFICE RELOCATIONS, CLOSINGS, OR 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 a determination to relocate, close, or consolidate that post office, the Postal Service shall provide adequate notice to persons served by that post office concerning the proposed relocation, closing, or consolidation.

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

“(b)(3) 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 time and place of the meeting of the Postal Service that is the subject of the notification under paragraph (1) that is the subject of paragraph (ii).

“(b)(4) If, 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 at the request of the community served. 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)(5) In making a determination as to whether the Postal Service shall 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 that 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 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 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 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; and

“(ix) whether the proposed relocation, closing, or consolidation has been explored; and

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

“(b)(6)(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 (b)(2).

“(b)(6)(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) 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 apply those procedures to the relocation, consolidation, or closure of a post office in lieu of applying the procedures established in this subsection.

“50 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 closure of a post office in the community in lieu of applying the procedures established in this subsection.

“(d) Approximation and Interpretation of Terms.—The term “community” includes any area defined as a consolidated unit of government under section 101(f) of the National Historic Preservation Act (16 U.S.C. 470–2).”.

(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 apply those procedures to the relocation, consolidation, or closure of a post office in the community in lieu of applying the procedures established in this subsection.”.

McCONNELL (AND OTHERS)
AMENDMENT NO. 3379
Mr. McCONNELL (for himself, Mr. MCCAIN, Mr. BENNETT, and Mr. WARNER) proposed an amendment to the bill, S. 2312, supra; as follows:

At the end of title V, add the following section:

SEC. 3. PROVISIONS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF THE FEDERAL ELECTION COMMISSION.

(a) Appointment and Term of Service.—

(1) In General.—The first sentence of section 306(f)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)(1)) is amended by striking “by the Commission” and inserting “by an affirmative vote of not less than 4 members of the Commission for a term of 4 years”.

(2) Effective Date.—The amendment made by this subsection with respect to any individual serving as the staff director or general counsel of the Federal Election Commission on or after January 1, 1999.

SEC. 4. Prohibiting Election Campaign Contributions by Members of the Commission.

(a) Amendment.—The amendment made by this section with respect to any individual serving as the staff director or general counsel of the Federal Election Commission on or after January 1, 1999.
(b) TREATMENT OF INDIVIDUALS FILLING VACANCIES; TERMINATION OF AUTHORITY UPON EXPIRATION OF TERM.—Section 306(f)(1) of such Act (2 U.S.C. 437c(f)(1)) is amended by inserting after the first sentence the following: ‘‘An individual appointed as a staff director or general counsel to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the individual whose term is being filled. An individual serving as staff director or general counsel may not serve in such position after the expiration of the individual’s term unless reappointed in accordance with this paragraph.’’

(c) RULE CONCERNING REGARDING AUTHORITY OF ACTING GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following: ‘‘(5) The Act shall be construed to prohibit any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.’’

GLENN (AND OTHERS)
AMENDMENT NO. 3380

Mr. GLENN (for himself, Mr. JEFFORDS, Mr. KOHL, Mr. LEVIN, Mr. FEINGOLD, Mr. DODD) proposed an amendment to the bill, S. 2312, supra; as follows:

On page 44, line 13, insert after ‘‘$33,700,000’’ the following: ‘‘(increased by $2,800,000 to be used for enforcement activities).’’

On page 46, line 18, strike ‘‘$5,665,585,000’’ and insert ‘‘$5,662,785,000’’.

On page 56, line 20, strike ‘‘$5,665,585,000’’ and insert ‘‘$5,662,785,000’’.

GRAHAM (AND MACK)
AMENDMENT NO. 3381

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

On page 20, line 16, strike $3,164,399,000 and insert ‘‘$3,162,399,000’’.

On page 30, line 10, strike ‘‘$171,007,000’’ and insert ‘‘$173,007,000’’.

On page 40, line 3, strike ‘‘: Provided, That funding and insert the following: ‘‘: Provided, That except with respect to the Central Florida High Intensity Drug Trafficking Area: Provided, That’’.

WELLSTONE AMENDMENT NO. 3382

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

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

SEC. 6. DESIGNATION OF EUGENE J. MCCRATH POST OFFICE BUILDING.

(a) In General.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the “Eugene J. McCarthy Post Office Building”.

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the “Eugene J. McCarthy Post Office Building”.

DOMENICI (AND COVERDELL)
AMENDMENT NO. 3383

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

On page 8, line 11, strike ‘‘$56,251,000’’ and insert ‘‘$71,923,000’’.

On page 10, line 12, strike ‘‘and related expenses, $15,360,000 and insert ‘‘and new construction, and related expenses, $12,064,000’’.

On page 46, line 18, strike ‘‘$5,665,585,000’’ and insert ‘‘$5,632,552,000’’.

On page 50, line 20, strike ‘‘$668,031,000’’ and insert ‘‘$681,908,000’’.

On page 50, line 23, strike ‘‘$323,800,000’’ and insert ‘‘$339,499,000’’.

On page 52, line 13, strike ‘‘$344,236,000’’ and insert ‘‘$345,719,000’’.

SEC. 11. DESIGNATION OF EUGENE J. MCCRATH POST OFFICE BUILDING.

Mr. DOMENICI (for himself, Mr. COVERDELL, Mr. HINGAMAN, and Mr. CLELAND) proposed an amendment to the bill, S. 2312, supra; as follows:

On the end of the bill add the following new section:

SEC. . Within the amounts appropriated in this Act, up to $283.3 million may be transferred to the Acquisition, Construction, Improvements, and Related Expenses account of the Federal Law Enforcement Training Center for new construction.

STEVENSON AMENDMENT NO. 3385

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

At the appropriate place, insert the following:

SEC. . AVERAGE PAY DETERMINATION OF CERTAIN FEDERAL OFFICERS AND EMPLOYEES.

(a) Civil Service Retirement System.—

(b) Federal Employees Retirement System.—

(c) Effective Date.—This section shall take effect under section 5303 (or any statute relating to cost-of-living adjustments in statute, or Member during a year described under subsection (c) shall be deemed to be the basic pay paid at the actual rate of pay adjusted by the same percentage as any cost-of-living adjustment of annuities under section 8412 which took effect during such year, on the date such cost-of-living adjustment took effect.

(b) Subject to subsection (d), for purposes of determining the average pay of an employee or Member, the basic pay of the employee or Member during a year described under subsection (c) shall be deemed to be the basic pay paid at the actual rate of pay adjusted by the same percentage as any cost-of-living adjustment of annuities under section 8412 which took effect during such year, on the date such cost-of-living adjustment took effect.

(c) Subsection (b) refers to any year in which—

‘‘(1) any cost-of-living adjustment of annuities under section 8412 took effect; and

‘‘(2) any position for which pay is adjusted by rule, practice, or order based on an adjustment in the pay of a position described under paragraph (1).’’

(d) Average pay shall be determined under this section, if the applicable employee or Member, or the survivor of such employee or Member, deposits to the credit of the Fund an amount equal to the difference between the amount deducted from the basic pay of the employee or Member during the period of service in a covered position and the amount which would have been deducted during such period if the rate of basic pay had been adjusted as provided under subsections (b) and (c), plus interest as computed under section 8339.

(2) AMENDMENT.—The table of sections for chapter 83 of United States Code, is amended by inserting after the item relating to section 8339 the following:

‘‘$8339a. Average pay determination in certain years.’’

(b) Federal Employees Retirement System.—

(1) In General.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8415 the following:

‘‘$8415a. Average pay determination in certain years.’’

(2) Technical and Conforming Amendment.—The table of sections for chapter 84 of United States Code, is amended by inserting after section 8415 the following:

(b) Subject to subsection (d), for purposes of determining the average pay of an employee or Member, the basic pay of the employee or Member during a year described under subsection (c) shall be deemed to be the basic pay paid at the actual rate of pay adjusted by the same percentage as any cost-of-living adjustment of annuities under section 8412 which took effect during such year, on the date such cost-of-living adjustment took effect.

(c) Subsection (b) refers to any year in which—

‘‘(1) any cost-of-living adjustment of annuities under section 8412 took effect; and

‘‘(2) any position for which pay is adjusted by rule, practice, or order based on an adjustment in the pay of a position described under subsection (a).’’

(d) Average pay shall be determined under this section, if the applicable employee or Member, or the survivor of such employee or Member, deposits to the credit of the Fund an amount equal to the difference between the amount deducted from the basic pay of the employee or Member during the period of service in a covered position and the amount which would have been deducted during such period if the rate of basic pay had been adjusted as provided under subsections (b) and (c), plus interest as computed under section 8339.

(2) Technical and Conforming Amendment.—The table of sections for chapter 84 of United States Code, is amended by inserting after the item relating to section 8415 the following:

‘‘$8415a. Average pay determination in certain years.’’

(c) Effective Date.—This section shall take effect on January 1, 2013, and apply only to any annuity commencing on or after such date.
GRASSLEY (AND OTHERS) AMENDMENT NO. 3386
Mr. CAMPBELL (for Mr. GRASSLEY for himself, Mr. D’AMATO, Mr. SESSIONS, Mr. STEVENS, and Mr. GRAMS) proposed an amendment 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 subparagraph (A) of section 731(b)(1) 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, 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 other takes reasonable action, including the use of force, 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 has committed in the presence of the officer a crime of violence.

HARKIN (AND MURRAY) AMENDMENT NO. 3387
Mr. HARKIN (for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place in the bill and the following:

On page 39, strike lines 10 through 12 and insert in lieu thereof the following: “Area Program. $179,007,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $8,000,000 shall be used for methamphetamine programs above the sums allocated in fiscal year 1998 and otherwise provided for in this legislation with not less than half of the $8,000,000 going to areas solely dedicated to fighting methamphetamine usage, and in addition no less than $1,000,000 of the $8,000,000 shall be allocated to the Cascade High Intensity Drug Trafficking Area, of which $1,970,000 shall be used for the addition of North Dakota into the Midwest High Intensity Drug Trafficking Area, and of which $7,000,000 shall be used for methamphetamine programs provided for in this legislation with not less than half of the $7,000,000 shall expand the Midwest High Intensity Drug Trafficking Area, and of which $1,000,000 shall be used to expand the Cascade High Intensity Drug Trafficking Area, and of which $1,500,000 shall be provided to the Southwest Border High Intensity Drug Trafficking Area.”

KERRY AMENDMENT NO. 3389
Mr. KROHN (for Mr. KERRY) proposed an amendment to the bill, S. 2312, supra; as follows:

At the appropriate place in the following:

SECTION 1. SENSE OF THE SENATE REGARDING THE REDUCTION OF PAYROLL TAXES.
(a) FINDINGS.—The Senate finds the following:
(1) The payroll tax under the Federal Insurance Contributions Act (FICA) is the biggest, most regressive tax paid by working families.
(2) The payroll tax constitutes a 15.3 percent tax burden on the wages and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used to pay the medicare benefits of current beneficiaries.
(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at $8,400. Therefore, the lower a family’s income, the more they pay in payroll tax as a percentage of income. The Congressional Budget Office has estimated that for those families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

(4) In 1996, the median household income was $35,492, and a family earning that amount and taking standard deductions and exemptions paid $2,719 in Federal income tax, but lost $5,430 in income to the payroll tax.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(6) Since 1983, the payroll tax has been higher than necessary to pay current benefits.

(7) Since most of the payroll tax receipts are deposited in the social security trust funds, which masks the real amount of Government borrowing from the payroll tax, the Congressional Budget Office has estimated that surplus generated by excess payroll taxes will be distributed through Federal budget deficit reduction and, therefore, a disproportionate share of the creation of the Federal budget surplus.

(8) Over the next 10 years, the Federal Government will generate a budget surplus of $1,550,000,000,000, and all but $32,000,000,000 of that surplus will be generated by excess payroll taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) if Congress decides to use the Federal budget surplus to provide tax relief the payroll tax should be reduced first; and
(2) Congress should work to reduce this tax which burdens American families.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 29, 1998. The purpose of this meeting will be to examine USDA downsizing and consolidated efforts. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS
Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet in executive session during the session of the Senate on Wednesday, July 29, 1998, to conduct a mark-up of S. 1405, the Financial Regulatory Relief and Economic Efficiency Act. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 29, 1998, at 9:30 a.m. on pending committee business. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES
Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to conduct a Business Meeting during the session of the Senate on Wednesday, July 29 in Room SD-366.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKER
Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a Business Meeting during the session of the Senate on Wednesday, July 29 for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKER
Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to meet on Wednesday, July 29, 1998, at 9:30 a.m. on pending committee business. Without objection, it is so ordered.