

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

SEC. 501. SHARING PROCEEDS OF JOINT FORFEITURE OPERATIONS WITH COOPERATING FOREIGN AGENCIES.

(a) IN GENERAL.—Section 981(i)(1) of title 18, United States Code, is amended by striking “this chapter” and inserting “any provision of Federal law”.

(b) CONFORMING AMENDMENT.—Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)(1)) is amended—

(1) in subparagraph (C), by adding “or” at the end;

(2) in subparagraph (D), by striking “;” and inserting a period; and

(3) by striking subparagraph (E).

SEC. 502. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

“§ 1790. Assistance to foreign authorities

“(a) IN GENERAL.—

“(1) PRESENTATION OF REQUESTS.—The Attorney General may present a request made by a foreign government for assistance with respect to a foreign investigation, prosecution, or proceeding regarding a criminal matter pursuant to a treaty, convention, or executive agreement for mutual legal assistance between the United States and that government or in accordance with section 1782, the execution of which requires or appears to require the use of compulsory measures in more than 1 judicial district, to a judge or judge magistrate of—

“(A) any 1 of the districts in which persons who may be required to appear to testify or produce evidence or information reside or are found, or in which evidence or information to be produced is located; or

“(B) the United States District Court for the District of Columbia.

“(2) AUTHORITY OF COURT.—A judge or judge magistrate to whom a request for assistance is presented under paragraph (1) shall have the authority to issue those orders necessary to execute the request including orders appointing a person to direct the taking of testimony or statements and the production of evidence or information, of whatever nature and in whatever form, in execution of the request.

“(b) AUTHORITY OF APPOINTED PERSONS.—A person appointed under subsection (a)(2) shall have the authority to—

“(1) issue orders for the taking of testimony or statements and the production of evidence or information, which orders may be served at any place within the United States;

“(2) administer any necessary oath; and

“(3) take testimony or statements and receive evidence and information.

“(c) PERSONS ORDERED TO APPEAR.—A person ordered pursuant to subsection (b)(1) to appear outside the district in which that person resides or is found may, not later than 10 days after receipt of the order—

“(1) file with the judge or judge magistrate who authorized execution of the request a motion to appear in the district in which that person resides or is found or in which the evidence or information is located; or

“(2) provide written notice, requesting appearance in the district in which the person resides or is found or in which the evidence or information is located, to the person issuing the order to appear, who shall advise the judge or judge magistrate authorizing execution.

“(d) TRANSFER OF REQUESTS.—

“(1) IN GENERAL.—The judge or judge magistrate may transfer a request under subsection (c), or that portion requiring the ap-

pearance of that person, to the other district if—

“(A) the inconvenience to the person is substantial; and

“(B) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

“(2) EXECUTION.—Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with subsections (a) and (b).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 28, United States Code, is amended by adding at the end the following:

“1790. Assistance to foreign authorities.”.

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN UNITED STATES COURTS

SEC. 601. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN INTERNATIONAL CRIME CASES.

The Attorney General may obligate, as necessary expenses, from any appropriate appropriation account available to the Department of Justice in fiscal year 1998 or any fiscal year thereafter, the cost of reimbursement to State or local law enforcement agencies for translation services and related expenses, including transportation expenses, in cases involving extradition or requests for mutual legal assistance from foreign governments.

SEC. 602. FACILITATING THE ADMISSION OF FOREIGN RECORDS IN UNITED STATES COURTS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“§ 2466. Foreign records

“(a) DEFINITIONS.—In this section:

“(1) BUSINESS.—The term ‘business’ includes business, institution, association, profession, occupation, and calling of every kind whether or not conducted for profit.

“(2) FOREIGN CERTIFICATION.—The term ‘foreign certification’ means a written declaration made and signed in a foreign country by the custodian of a record of regularly conducted activity or another qualified person, that if falsely made, would subject the maker to criminal penalty under the law of that country.

“(3) FOREIGN RECORD OF REGULARLY CONDUCTED ACTIVITY.—The term ‘foreign record of regularly conducted activity’ means a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, maintained in a foreign country.

“(4) OFFICIAL REQUEST.—The term ‘official request’ means a letter rogatory, a request under an agreement, treaty or convention, or any other request for information or evidence made by a court of the United States or an authority of the United States having law enforcement responsibility, to a court or other authority of a foreign country.

“(b) FOREIGN RECORDS.—In a civil proceeding in a court of the United States, including civil forfeiture proceedings and proceedings in the United States Claims Court and the United States Tax Court, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness, a foreign record of regularly conducted activity, or copy of the record, obtained pursuant to an official request, shall not be excluded as evidence by the hearsay rule if the foreign certification is obtained pursuant to subsection (c).

“(c) FOREIGN CERTIFICATION.—A foreign certification meeting the requirements of this subsection is a foreign certification, ob-

tained pursuant to an official request, that adequately identifies the foreign record and attests that—

“(1) the record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

“(2) the record was kept in the course of a regularly conducted business activity;

“(3) the business activity made or kept such a record as a regular practice; and

“(4) if the record is not the original, the record is a duplicate of the original.

“(d) AUTHENTICATION.—A foreign certification under this section shall authenticate the record or duplicate.

“(e) CONSIDERATION OF MOTION.—

“(1) NOTICE.—As soon as practicable after a responsive pleading has been filed, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party.

“(2) OPPOSING MOTION.—A motion opposing admission in evidence of the record under paragraph (1) shall be made by the opposing party and determined by the court before trial. Failure by a party to file that motion before trial shall constitute a waiver of objection to the record or duplicate, but the court for cause shown may grant relief from the waiver.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“2466. Foreign records.”.

SEC. 603. PROHIBITING FUGITIVES FROM BENEFITTING FROM TIME SERVED ABROAD.

Section 3585 of title 18, United States Code, is amended by adding at the end the following:

“(c) EXCLUSION FOR TIME SERVED ABROAD.—Notwithstanding subsection (b), a defendant shall receive no credit for any time spent in official detention in a foreign country if—

“(1) the defendant fled from, or remained outside of, the United States to avoid prosecution or imprisonment;

“(2) the United States officially requested the return of the defendant to the United States for prosecution or imprisonment; and

“(3) the defendant is in custody in the foreign country pending surrender to the United States for prosecution or imprisonment.”.

COMMENDING THE CREW MEMBERS OF THE U.S. NAVY DESTROYERS OF DESRON 61

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 308, introduced earlier today by Senators DODD and INOUE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 308) commending the crew members of the U.S. Navy destroyers of Desron 61 for their heroism, intrepidity and skill in action in the only surface engagement occurring inside Tokyo Bay during World War II.

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

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

Mr. DODD. Mr. President, I rise today to commend the crews of the

United States Navy destroyers of Destroyer Squadron 61 who participated in the July 22, 1945 surface naval engagement in Tokyo Bay. That night, the squadron detached from Admiral Halsey's Task Group 38.1, avoided a typhoon, and steamed towards the Japanese mainland. The alert sailors of the squadron identified radar contacts that turned out to be a four-ship Japanese convoy. The squadron commander maneuvered his destroyers on various courses and attacked the convoy with gunfire and torpedoes. At the conclusion of the daring surface engagement, two enemy ships had been sunk, one probably sunk, and one damaged. United States forces suffered neither damage nor casualties. The nine destroyers of the squadron were: U.S.S. *DeHaven*, U.S.S. *Mansfield*, U.S.S. *Swenson*, U.S.S. *Collett*, U.S.S. *Maddox*, U.S.S. *Blue*, U.S.S. *Brush*, U.S.S. *Taussig*, and U.S.S. *Moore*. The sailors who manned those destroyers during this unprecedented operation are deserving of this nation's deepest gratitude, and I hope that my colleagues will join me in this small act of recognition.

Mr. CRAIG. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statement relating thereto be printed in the RECORD as if read.

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

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 308

Whereas DesRon 61, a group of nine United States destroyers composed of the U.S.S. *DeHaven* (DD 727), U.S.S. *Mansfield* (DD 728), U.S.S. *Swenson* (DD 729), U.S.S. *Collett* (DD 730), U.S.S. *Maddox* (DD 731), U.S.S. *Blue* (DD 744), U.S.S. *Brush* (DD 745), U.S.S. *Taussig* (DD 746) and U.S.S. *Moore* (DD 747), and commanded by Captain T.H. Hederman, penetrated Tokyo Bay, Japan, on rough seas and at night;

Whereas, although surrounded in darkness, the vigilant and intrepid members of the crews of the United States destroyers were able to detect a Japanese convey attempting to sneak out of Tokyo Bay along the coastline, engage and defeat the heavily-armed warships of the Imperial Japanese Navy escorting the convoy, and subdue the convoy; and

Whereas the victory was gained without the loss of a single sailor or ship: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States commends the members of the crews of the United States Navy destroyers of DesRon 61 who participated in the July 22, 1945, surface naval engagement in Tokyo Bay for their heroism, intrepidity, and skill in battle that contributed to the defeat of Japanese forces in World War II.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

RECESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, at 1 p.m., the Senate recessed until 2:28 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks and grants unanimous consent that morning business be extended until 3:30 p.m., with Senators permitted to speak for up to 5 minutes each, and suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, rescinds the order for the quorum call.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:45 p.m., recessed until 3:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORTON].

The PRESIDING OFFICER. The acting President, in his capacity as a Senator from the State of Washington, notes the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FEDERAL RESERVE BOARD REDUCES INTEREST RATES

Mr. CONRAD. Mr. President, I have just learned that the Federal Reserve Board has moved to reduce interest rates by a quarter of a point. The irony for me is that about an hour ago, I came to the floor to give a speech to urge the Federal Reserve Board to take action to reduce interest rates. I left my office to come here, and just when I arrived, the Chair had left for the press informational meeting.

I do not know exactly when the Federal Reserve Board acted, but I was going to urge them to take such action because of the growing financial crisis

we see around the world. I noted in the speech that I intended to give about an hour ago, urging the Federal Reserve Board to take this action, that recently Newsweek magazine had a cover story entitled "The Crash of 1999: It Doesn't Have to Happen."

I also noted that yesterday in the Wall Street Journal there was an opinion piece by Robert Eisner entitled "Act Now to Prevent a Recession," and a news story also in yesterday's Wall Street Journal indicating that "Asia Waits in Vain for Money to Return."

Mr. President, the point that is critically important to understand is that we cannot be an island unto ourselves. I noted with interest the statement of Alan Greenspan, the head of the Federal Reserve, on September 23, 1998, when he said:

It is not credible that the United States, or for that matter Europe, can remain an oasis of prosperity unaffected by a world that is experiencing greatly increased stress.

It seems very clear the United States is being affected. We have seen growth in the second quarter of 1998 drop to 1.6 percent—down from 5.5 percent in the first quarter. And if corporate profits sag, the business investment which has accounted for nearly a third of our growth over the last 4 years could decline.

Most importantly, the world economic situation is deeply troubling. If we look at what has happened in world stock markets, going back to September of last year and then looking forward to August of this year, only the United States has been holding up. We have seen dramatic declines in Japan, in Hong Kong, and, of course, a virtual collapse in Russia.

Earlier this summer, I was at a meeting with the Russians in Europe. At that meeting, I met with the top people of their economics institute who went through the actual numbers, the financial numbers, for Russia. And I must say, I left there increasingly alarmed. Frankly, Russia is in much deeper trouble than I think is commonly understood. They explained to me that they have at the national level about \$3 billion a month of income—\$3 billion. They have about \$5 billion of fixed expenses.

Mr. President, they have short-term debt due by the end of this year of \$41 billion. They are in deep trouble. They are engaged in a giant Ponzi scheme of taking in money from outside and paying those that they are under the most pressure to pay. None of it adds up.

This financial collapse in Russia, coupled with the Asian financial situation, threatens not only most of the developing world but it also can certainly have a dramatic effect on economic growth here at home. That is why I believe it is imperative that the United States take action, specifically with regard to the Federal Reserve Board reducing interest rates to give an additional lift to this economy.

I am very pleased that the Federal Reserve Board took action today to reduce rates a quarter of 1 percent. But I