

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 30, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9596. A communication from the Secretary of Defense, transmitting, pursuant to law, the report entitled "The Military Power of the People's Republic of China"; to the Committee on Armed Services.

EC-9597. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of June 1, 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations; Foreign Relations; the Budget; Banking, Housing, and Urban Affairs; Environment and Public Works; and Energy and Natural Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1755: A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones (Rept. No. 106-326).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2102: A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes (Rept. No. 106-327).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 3646: A bill for the relief of certain Persian Gulf evacuees.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Con. Res. 113: A concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 124: A concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment with a preamble:

S. Con. Res. 126: An original concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted.

By Mr. HELMS for the Committee on Foreign Relations:

Treaty Doc. 105-39 Inter-American Convention Against Corruption (Exec. Rept. 106-15).

## TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT SENATE OF THE UNITED STATES IN EXECUTIVE SESSION

*Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention Against Corruption, adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996, (Treaty Doc. 105-39); referred to in this resolution of ratification as "The Convention", subject to the understandings of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).*

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) APPLICATION OF ARTICLE I.—The United States of America understands that the phrase "at any level of its hierarchy" in the first and second subparagraphs of Article I of the Convention refers, in the case of the United States, to all levels of the hierarchy of the Federal Government of the United States, and that the Convention does not impose obligations with respect to the conduct of officials other than Federal officials.

(2) ARTICLE VII ("DOMESTIC LAW").—

(A) Article VII of the Convention sets forth an obligation to adopt legislative measures to establish as criminal offenses the acts of corruption described in Article VI(1). There is an extensive network of laws already in place in the United States that criminalize a wide range of corrupt acts. Although United States laws may not in all cases be defined in terms or elements identical to those used in the Convention, it is the understanding of the United States, with the caveat set forth in subparagraph (B), that the kinds of official corruption which are intended under the Convention to be criminalized would in fact be criminal offenses under U.S. law. Accordingly, the United States does not intend to enact new legislation to implement Article VII of the Convention.

(B) There is no general "attempt" statute in U.S. federal criminal law. Nevertheless, federal statutes make "attempts" criminal in connection with specific crimes. This is of particular relevance with respect to Article VI(1)(c) of the Convention, which by its literal terms would embrace a single preparatory act done with the requisite "purpose" of profiting illicitly at some future time, even though the course of conduct is neither pursued, nor in any sense consummated. The United States will not criminalize such conduct per se, although significant acts of corruption in this regard would be generally subject to prosecution in the context of one or more other crimes.

(3) TRANSNATIONAL BRIBERY.—Current United States law provides criminal sanctions for transnational bribery. Therefore, it is the understanding of the United States of America that no additional legislation is needed for the United States to comply with the obligation imposed in Article VIII of the Convention.

(4) ILLICIT ENRICHMENT.—The United States of America intends to assist and cooperate

with other States Parties pursuant to paragraph 3 of Article IX of the Convention to the extent permitted by its domestic law. The United States recognizes the importance of combating improper financial gains by public officials, and has criminal statutes to deter or punish such conduct. These statutes obligate senior-level officials in the Federal Government to file truthful financial disclosure statements, subject to criminal penalties. They also permit prosecution of federal public officials who evade taxes on wealth that is acquired illicitly. The offense of illicit enrichment as set forth in Article IX of the Convention, however, places the burden of proof on the defendant, which is inconsistent with the United States Constitution and fundamental principles of the United States legal system. Therefore, the United States understands that it is not obligated to establish a new criminal offense of illicit enrichment under Article IX of the Convention.

(5) EXTRADITION.—The United States of America shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does have a bilateral extradition treaty shall serve as the legal basis for extradition for offenses that are extraditable in accordance with this Convention.

(a) PROHIBITION OF ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States of America shall exercise its rights to limit the use of assistance it provides under the Convention so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—Not later than April 1, 2001, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION AND ACTIONS TO ADVANCE ITS OBJECT AND PURPOSE.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention and actions taken by each Party during the previous year, including domestic law enforcement measures, to advance the object and purpose of the Convention.

(C) PROGRESS AT THE ORGANIZATION OF AMERICAN STATES ON A MONITORING PROCESS.—An assessment of progress in the Organization of American States (OAS) toward creation of an effective, transparent, and viable Convention compliance monitoring process which includes input from the private sector and non-governmental organizations.

(D) FUTURE NEGOTIATIONS.—A description of the anticipated future work of the Parties to the Convention to expand its scope and assess other areas where the Convention could be amended to decrease corrupt activities.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article XIV of the Convention from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article XIV of the Convention, the United States shall, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest, including cases where the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under the Convention is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL:

S. 2834. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2835. A bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. ABRAHAM, Mr. HUTCHINSON, Mr. BURNS, Mr. COVERDELL, Mr. MCCAIN, Mr. ASHCROFT, and Mr. KYL):

S. 2836. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to affordable outpatient prescription drugs; to the Committee on Finance.

By Mr. CRAIG:

S. 2837. A bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUTCHINSON:

S. 2838. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide for a program to provide informa-

tion to the public on the use of biotechnology to produce food for human consumption, to support additional research regarding the potential economic and environmental risks and benefits of using biotechnology to produce food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Mr. MACK):

S. Res. 332. A resolution expressing the sense of the Senate with respect to the peace process in Northern Ireland; to the Committee on Foreign Relations.

By Mr. HELMS:

S. Con. Res. 126. An original concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti; placed on the calendar.

By Mr. FITZGERALD:

S. Con. Res. 127. A concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. Con. Res. 128. A concurrent resolution to urge the Nobel Commission to award the Nobel Prize for Peace to His Holiness, Pope John Paul II, for his dedication to fostering peace throughout the world; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. GORTON, Mr. SMITH of Oregon, Mr. CLELAND, Mr. BYRD, Mr. CONRAD, Mr. BENNETT, and Mr. GRAMS):

S. Con. Res. 129. A concurrent resolution expressing the sense of Congress regarding the importance and value of education in United States history; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2834. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Energy and Natural Resources.

LEGISLATION TO CONVEY LAND TO THE GREATER YUMA PORT AUTHORITY FOR CONSTRUCTION OF A SECOND COMMERCIAL PORT OF ENTRY FOR THE YUMA AREA

Mr. KYL. Mr. President, I introduce a bill today to facilitate the construction of a secondary port of entry in Yuma County. I introduce this measure in collaboration with Representative ED PASTOR, who has taken the lead on this issue in the House of Representatives and has seen his bill H.R. 3023, through to passage just this week by a vote of 404 to 1.

The identical bill I introduce today will convey to the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation for the purpose of constructing a commercial port of entry on approxi-

mately 330 acres of land just east of the city of San Luis.

Anyone who has ever been to the U.S. port of entry in San Luis, Arizona, knows that traffic congestion there causes such bad delays that oftentimes individuals attempting to conduct cross-border trade there, bring goods across the border, or simply visit relatives and friends, are discouraged from crossing the border or are faced with spending two to four hours to cross. The port of entry at San Luis has become one of the busiest ports-of-crossing in the nation.

After months of negotiation, all of the local principals involved in this effort, from the city of Yuma to Yuma County, the city of San Luis and Somerton and the Cocopah Indian Nation, and the Bureau of Reclamation, now fully support this effort. The bill will facilitate the construction of an additional commercial port of entry just east of San Luis, to be conveyed to the Greater Yuma Port Authority (YMPO) for fair market value.

Mr. President, this legislation will make a difference to the people of Arizona, particularly to the people of Yuma and surrounding areas. It will help increase cross-border trade in the area, and will help to spur economic development for an Arizona region in need. I urge expeditious consideration of this legislation.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 2835. A bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program; to the Committee on Finance.

MEDICARE HOME HEALTH REFINEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, today I am joining Senator FEINGOLD of Wisconsin in introducing the Medicare Home Health Refinement Act of 2000. I want to thank my colleague for inviting me to join him in this effort to preserve our nation's home health providers.

In my work as Chairman of the Senate Special Committee on Aging, of which Senator FEINGOLD is a member, I have been monitoring our nation's critical home health care system closely. In 1997, we investigated distressing examples of fraud and abuse among a few home health agencies (HHAs). In 1998, I chaired a hearing on the devastating effects of the Interim Payment System (IPS) for home health. Unfortunately, my legislative efforts to improve the payment system that year were blocked. Last year, the Aging Committee held a hearing on the new OASIS information collection instrument, and on the burden it imposed on home care providers.

At this point in 2000, the main challenge facing our system of home care is the new Prospective Payment System (PPS), which will take effect on October 1 of this year. We've been working