

(2) At various times since its establishment, the Congress and the President have adjusted the Monument's boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of "pueblo-type archeological ruins germane to those in the monument" (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve "their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes" of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94-578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) PURPOSE.—The purpose of this Act is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandelier National Monument" dated July, 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4. LAND ACQUISITION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this Act by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided*, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(b) STATE AND LOCAL LANDS.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) ACQUISITION OF LESS THAN FEE INTERESTS IN LAND.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this Act, in accordance with this Act and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1 et seq.), and such specific legislation as heretofore has been enacted regarding the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.

The SPEAKER pro tempore (Mr. CAMP). Pursuant to House Resolution 604, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I urge my colleagues to support S. 1132.

Mr. Speaker, I rise in support of S. 1132 and urge my colleagues to pass this measure.

S. 1132 is a bill introduced by Senator JEFF BINGAMAN and has a companion bill, H.R. 3936 which was introduced by Congressman BILL REDMOND, both from the State of New Mexico. Mr. BINGAMAN and Mr. REDMOND have worked hard to develop a bill that will increase the size of Bandelier National Monument and protect its watershed.

Mr. Speaker, S. 1132 modifies the boundary to include lands within the upper watershed of the Bandelier National Monument which potentially can threaten the Monument with flooding, erosion, and water quality. The expansion will include approximately 935 acres of land and can only be acquired with the consent of the landowner. This boundary expansion will help enhance and protect the lands within the Bandelier National Monument.

I urge my colleagues to support S. 1132.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier today I objected to the consideration of this legislation because I felt that the minority was being treated unfairly and that this was a political maneuver to pass this legislation and intended to hold this bill up. As a result of that I received a letter from Mr. Tom Udall who said that even though this may benefit his opponent he asked that we release this legislation so that it could be passed because of its importance to the State of New Mexico and to the Nation. It is an area that he is familiar with.

The letter referred to is as follows:

A MESSAGE FROM TOM UDALL TO HOUSE DEMOCRATS

OCTOBER 20, 1998.

DEAR REPRESENTATIVE: I urge you to vote for S. 1132, the Bandelier National Monument Administrative Improvement and Wa-

tershed Protection Act of 1998 when it comes before the House of Representatives.

This important legislation, which was introduced and has been championed by my good friend, Sen. Jeff Bingaman, is essential in order to better protect Bandelier National Monument, one of the crown jewels of our marvelous National Park System. The bill authorizes a 955-acre expansion of Bandelier, a critical conservation purchase that will secure the last unprotected parcel of the park's headwaters. Protecting this parcel will prevent destruction of this pristine natural area by development and will prevent impacts to Bandelier's water quality, quantity, and archeological sites. The area also includes Alamo Spring, which is sacred to New Mexico's Indian pueblos and must be safeguarded. Funds to acquire these lands have already been set aside by Congress.

I know and cherish our state's natural heritage. I have hiked the canyons of Bandelier. These places must be protected for our families and children, and to preserve our quality of life. If I am elected to Congress in November, I shall be a strong voice for the balanced protection of the environment and the preservation of America's magnificent national parks and public lands.

I understand there is good reason for Democrats to hesitate on this bill. It was not introduced early enough to be heard by committees in the House, and many contend that it has not received an adequate review. Moreover, the Republicans have refused to give fair consideration to Democratic bills in the final days of the Congress.

Some may feel that passage of S. 1132 might benefit my opponent in the upcoming election. I believe that protecting Bandelier is not a partisan issue. More importantly, please believe me when I say that New Mexicans already know the truth about who should take credit for protecting Bandelier if S. 1132 passes Congress. My opponent has one of the worst anti-environmental voting records in the House of Representatives (he received a 8% score from the League of Conservation Voters). What may be achieved will be achieved in spite of him, not because of him, and the citizens of New Mexico know this.

Protecting Bandelier can't wait. Please vote for S. 1132.

Sincerely,

TOM UDALL,
Candidate for the
House of Representatives,
3rd Congressional District of
New Mexico.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Senate bill is considered read for amendment, and pursuant to House Resolution 604, the previous question is ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and

other corrupt practices, and for other purposes, with Senate amendments to the House amendments thereto, disagree to the Senate amendments numbered 2 through 6 and concur in the Senate amendment numbered 1 with an amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendments and the further House amendment as follows:

Senate amendments to House amendments:
Page 21 of the House engrossed amendments, strike out all after line 9 over to and including line 5 on page 26.

Page 26, line 6, of the House engrossed amendments, strike out "SEC. 6" and insert "SEC. 5".

Page 28 of the House engrossed amendments, strike out all after line 3, down to and including line 9.

Page 28, line 10, of the House engrossed amendments, strike out "(8)" and insert "(7)".

Page 28, line 14 of the House engrossed amendments, strike out "(9)" and insert "(8)".

Page 28, line 19 of the House engrossed amendments, strike out "(10)" and insert "(9)".

House amendment to Senate amendments:

In lieu of the matter proposed to be stricken by such amendment strike line 8 on page 23 of the House engrossed amendments and all that follows through line 2 on page 25 and insert the following:

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as required by international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(3) EFFECTIVE DATE.—This subsection shall take effect on May 1, 1999.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—

(1) ACTION REQUIRED.—The President shall, in a manner that is consistent with requirements in international agreements to which the United States is a party, expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities that are accorded to an international organization described in subparagraph (A) or (B) of subsection (a)(1), its officials, its employees, or its records, and that are not eliminated pursuant to subsection (c).

(2) DESIGNATION OF AGREEMENTS.—The President shall designate which agreements constitute international agreements to which the United States is a party for purposes of this section.

Mr. BLILEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Virginia?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I do not think I would object, but under my reservation, Mr. Speaker, I yield to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, with this unanimous-consent request the House is amending Senate amendments to the House passed version of S. 2375, the International Anti-Bribery Act of 1998. Under this unanimous-consent request we are disagreeing to five of the Senate amendments and agreeing to one Senate amendment with an amendment. This action reflects the compromise reached with the Senate and the administration regarding the elimination of privileges and immunities afforded in a governmental organization. The legislation before the House today contains several changes from the text of H.R. 4353 as passed by the House. The changes delete redundant language in the legislation with respect to the requirements contained in international agreements addressed by the legislation, clarify aspects of the President's role in implementing the legislation, does not include the Federal Communications Commission where it already has appropriate statutory authority and provides a transition period for the effective date of a provision eliminating certain immunities. While there will be no report filed with this amendment, the committee report of H.R. 4353 contains explanatory material which we intend to be considered as legislative history, and we supplement this with additional information in the RECORD, including explanation of the changes made.

Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MARKEY) without whose help we would not be here tonight.

Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for having yielded to me for an explanation.

This legislation contains amendments to S. 2375 as amended by H.R. 4353, the International Anti-Bribery and Fair Competition Act of 1998. The House bill passed by voice vote on October 9, 1998. The Senate sent it back with some changes taking out provisions we believe are important. Working with the other body and the Administration we have reached an agreement which retains the House language with a few adjustments.

I urge members to support this legislation, which will help achieve a more equitable and transparent business environment by reducing both foreign bribery and unfair privileges and immunities. While no one should be above the law, unfortunately, in the international business environment, some are.

This legislation is designed to help level the playing field for American companies doing business overseas. One way it does this by implementing the O-E-C-D Convention on Combating Bribery of Foreign Public Officials. It does so by changing our domestic anti-bribery law, the Foreign Corrupt Practices Act of F-C-P-A. The FCPA is one of the world's

strictest anti-bribery laws. Americans business believes this law puts them at a disadvantage since most of our trading partners do not have similarly strong laws against bribery of foreign officials. Some of our competitors have even made bribery tax deductible! I believe contracts should go to the best competitor, not the biggest briber.

The Convention has no binding mechanism to make other nations actually adopt their own anti-bribery laws in accordance with its requirements. To help address this potential problem we added a reporting requirement to the legislation.

Chairman OXLEY and I also added a section which helps level the playing field with respect to the intergovernmental satellite organizations, INTELSAT and Inmarsat. No one should be above the law, and this bill seeks to eliminate the unfair privileges and immunities of these organizations. Further, this legislation ensures the bribery of officials in these organizations will not escape from the coverage of the FCPA until they are pro-competitively privatized. The beneficiaries will not only be competing private American satellite companies and their workers, but also consumers who will see the lower prices that increased competition brings.

While there will be no report filed with this amendment, the Committee report for H.R. 4353 explains the sections that were not changed and the managers intend that it be considered as legislative history with respect to the House's views as to the background and purpose of this legislation and for those sections discussed in the report and not changed in this amendment. See House Rpt. 105-802 (October 8, 1998), for H.R. 4353 as passed by the House on October 9, 1998. The Committee held a legislative hearing September 10, 1998, on this bill which should also be considered as part of the legislative history for this legislation.

The legislation before the House today contains several changes from the text of H.R. 4353 as passed by the House. The managers also intend that the Committee report be considered legislative history with respect to the subsections which were modified, subsections 5(c) and 5(d), to the extent it is relevant, and we include here additional explanation such changes in order to provide a more complete legislative history for the legislation we are considering today.

First, subparagraph 5(c)(1) was modified to delete redundant terms. Thus the phrase "specifically and expressly required by mandatory obligations in international agreements" was replaced with the phrase "required by international agreements." We expect the requirements of such agreements to be narrowly construed and thus the additional language is not necessary. A new subparagraph 5(c)(3) was added to provide a transition period for the organizations described in subparagraph 5(a)(1) and their Signatories prior to the elimination of privileges and immunities under section 5(c). This is a transition in terms of effective date but should not be construed as providing any immunity for conduct occurring prior to the transition date.

Section 5(d) was also modified. First, subparagraph 5(c)(1) was modified to delete redundant terms. Thus the phrase "specifically

and expressly required by mandatory obligations in international agreements" was replaced with the phrase "required by international agreements." We expect the requirements of such agreements to be narrowly construed and thus the additional language is not necessary. We intend that immunities in connection with such organizations activities in connection their capacity as providers, directly or indirectly, of commercial communication services, will be eliminated. Thus, for example they would not be immune from bribery of foreign officials to further their business activities, violations of antitrust laws or any other laws, subject to the qualifications in this subsection. Second, subparagraphs 5(d)(1) and 5(d)(2) of H.R. 4353 were combined into one subparagraph. All of the actions required of the Administration under 5(d)(1) (dealing with immunities for suit or legal process in connection with such organizations' capacity as a provider, directly or indirectly, of commercial telecommunications services) in H.R. 4353 were also covered also by 5(d)(2) in H.R. 4353 (which sought elimination or substantial reduction of all immunities not eliminated pursuant to subparagraph 5(d)(1)). These subsections were combined into a single 5(d)(1) which applies to all privileges and immunities. The managers intend that the President will vigorously and expeditiously pursue the elimination or substantial reduction of such privileges and immunities. The reference to the Federal Communications Commission was eliminated from this subsection because the Commission already has the authority under the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, as amended, to condition entry into the U.S. market on waiver of privileges or immunities. Such waivers should be required where the Commission determines that such immunities result in inappropriate or undesirable advantages in the U.S. market, or where doing so would otherwise facilitate the attainment of the policies and objectives in this legislation, the Communications Satellite Act of 1962 or the Telecommunications Act of 1934 or would otherwise serve the public interest. This includes but is not limited to conditioning entry by COMSAT and other Signatories into the U.S. domestic market on waiver of immunities. Conditioning such entry is consistent with existing Commission policy which has been implemented a number of times in the past as described in the background section of the report on H.R. 4353. The Commission also has the authority under the Communications Act of 1934 and the Communications Satellite Act of 1962 to condition entry to the U.S. market with respect to services of the organizations described in subparagraph 5(a)(1) (or their successors) in order to obtain the policy set by subparagraph 5(a)(2). Subparagraph 5(d)(2) permits the President to designate which agreements constitute international agreements for the purposes of this section. This is included for the purpose of allowing the President flexibility as to whether the INTELSAT Headquarters Agreement is an international agreement for the purposes of this section. Subparagraph 5(d)(2) was included because some raised a concern whether this agreement was an "international" agreement since it was an agreement between one nation and an international organization. We do not address this particular question but rather leave it to the President to determine and intend that

his authority to make the determination as to whether the Headquarters Agreement constitutes an international agreement for the purposes of this section be ongoing. This subparagraph is not intended to cover any additional agreements which may be adopted subsequent to the enactment of this legislation.

This legislation we are considering today is particularly important because privileges and immunities are a competitive advantage of the intergovernmental satellite organizations which harms competition in the United States communications market.

Another important aspect of the legislation is that it also says that the Foreign Corrupt Practices Act (FCPA) will continue to apply to intergovernmental satellite organizations until they achieve a pro-competitive privatization. The legislation sets such pro-competitive privatization as U.S. government policy and says that in order for a privatization to be pro-competitive it must be consistent with "the United States policy of obtaining full and open competition to such organizations (or their successors), and non-discriminatory market access, in the provision of satellite service." See section 5(a)(2). Bribery of such organizations is subject to the FCPA until the President makes a certification pursuant to section 5(b)(1), that a pro-competitive privatization has been achieved. For the purposes of section 5(b)(1) the President is to make a determination under subparagraph 5(a)(2) as to whether such privatization is consistent with the policy described in that subparagraph.

Overall, this legislation is designed to reduce to the minimum possible level the privileges and immunities of the intergovernmental satellite organizations. To the extent such immunities can be eliminated without abrogating international agreements the legislation does so subject to the May 1, 1999 effective date. To the extent such immunities are not thus eliminated, the managers intend the United States to seek their elimination as quickly as possible using all appropriate measures necessary to do so.

I would like to thank Chairman OXLEY for cosponsoring this legislation, and for helping to move it through the Committee process by a voice vote. He has been a leader on international issues and this is one more example of his talents. I am also pleased to have the input of the Ranking Minority Member, Mr. DINGELL. His help made a good bill even better. I would like to thank as well the Ranking Minority Member on the subcommittee, Mr. MANTON for his co-sponsorship fine service to our Committee. I also wish to thank Mr. MARKEY, who was the first cosponsor joining Chairman OXLEY and I in moving this bill forward. He and I have worked closely on this issue and I greatly appreciate his advocacy and assistance. Finally, I would also like to thank Senator BURNS for his cooperation in reaching a final deal and Secretary Daley and his staff and other hardworking Administration officials for helping us move this important legislation forward.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Further reserving the right to object, Mr. Speaker, I support the position of the gentleman from Virginia (Mr. BLILEY).

Mr. Speaker, I want to make one thing clear: I firmly believe that it is in the vital inter-

ests of American workers and American business that this Congress pass legislation this year implementing the OECD anti-bribery convention.

I understand the proposal before us includes an extraneous matter involving satellites which represents a compromise with the Administration, Comsat, and at least one Senator. My concern is that this is all happening in the very last minutes of this Congress, and may jeopardize passage of this legislation. I have not heard any definitive commitment from the Leadership of the other body that it intends to consider this matter.

Let me explain the legislative situation we face. There has never been any controversy over the provisions in this bill implementing the OECD anti-bribery convention. The only issue in controversy has been the extraneous satellite provisions.

The Senate has now passed legislation ratifying and implementing the anti-bribery convention on two different occasions, and, both times they have passed it without the satellite provisions that my good friend Chairman BLILEY has put in the House bill. The most certain way to ensure enactment of the anti-bribery legislation would be for my Republican Colleagues to concur with the Senate amendment and send that bill to the President.

Mr. Speaker, I certainly hope that action on this matter can be completed, because if it's not, American workers and American firms that must compete in international markets where bribery is prevalent, will pay the price.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Virginia?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2375, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1998

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight and the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4857) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?