

S. 2240. An act to establish the Adams National Historic Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2246. An act to amend the Act which establish the Federal Law Olmstead National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes.

S. 2285. An act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2413. An act providing the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by Act of Congress.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2468. An act to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center.

S.J. Res. 58. Joint resolution recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

#### MESSAGES FROM THE HOUSE

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 145. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

#### ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 134. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the joint resolution (S.J. Res. 44) proposing an amendment to the Constitution of the United States to protect the rights of crime victims (Rept. No. 105-408).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas (Rept. No. 105-410).

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

S. 1427: A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes (Rept. No. 105-411).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DURBIN:

S. 2625. A bill to impose restrictions on the sale of cigars; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI:

S. 2626. A bill to amend title XIX of the Social Security Act to provide a children's enrollment performance bonus; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2627. A bill to amend the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. MACK:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 2626. A bill to amend title XIX of the Social Security Act to provide a children's enrollment performance bonus; to the Committee on Finance.

#### THE HEALTH CARE FOR AMERICA'S CHILDREN ACT OF 1998

• Mr. TORRICELLI. Mr. President, during last year's passage of the balanced budget agreement, Congress achieved a great victory. We created a new \$24 billion program to fund children's health—the State Children's Health Insurance Program.

Even with that historic effort, our work is far from finished. There are 10 million children in this country without health insurance. But even more troubling is that nearly half of these children are eligible for Medicaid health coverage yet remain unenrolled.

This is the great tragedy of Medicaid. Barriers to enrollment like complicated application forms, inaccessible sign-up procedures, and demeaning eligibility processes are preventing families from enrolling their kids. A recent report by the Agency for Health Care Policy and Research (AHCPR) stressed the need for states to engage in outreach activities to increase enrollment of Medicaid-eligible children. Likewise, President Clinton recently identified Medicaid outreach as a high priority of his administration.

The bill I am introducing today would go a long way toward getting these children enrolled. This bill, the Health Care for America's Children Act of 1998, would create an incentive program to reward states who engage in outreach activities to enroll the 4.7 million uninsured children who are eligible for Medicaid. States who employ effective outreach activities like shortened and simplified applications, presumptive and continuous eligibility,

and outstationing of eligibility workers in schools and day care centers, would be eligible for a performance bonus.

State adoption of these outreach activities is critical to removing the barriers to enrollment and ensuring that all eligible children get the Medicaid health insurance to which they are already entitled. According to the Congressional Budget Office (CBO), adoption of these outreach measures would increase the number of children enrolled in Medicaid by 700,000 each year after the year 2000. That means that by the year 2007, we could have all eligible children covered.

Lack of health insurance can be devastating to the health status of children. Children without health insurance are four times more likely to go without needed medical or surgical care. And children without health care are less likely to grow up to be healthy productive adults, less likely to receive timely preventive care, and less likely to receive treatment even for serious illnesses.

Unmet health care needs also translate into higher costs over the long run. Uninsured children are more likely to need emergency room care at twice the cost of office-based care. Each dollar invested in immunization saves \$7.40 in future medical costs.

Ensuring that children have access to health care is an investment in our future. Over 10 million uninsured children in this country is a crisis. But it is a travesty that we have the means to cover almost half of these children and are failing to do so. In the words of Albert Camus (CAM-OO), "perhaps we cannot prevent this from being our world which children suffer, but we can lessen the number of suffering children."

Mr. President, I ask that the Health Care for America's Children Act of 1998 be included in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2626

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care for America's Children Act of 1998".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Over 10,000,000 children in the United States, 1 in 7, lack health insurance coverage.

(2) Nearly half of those children (4,700,000) are eligible for health benefits coverage through the Medicaid program but are not enrolled in that program.

(3) Children without health insurance coverage are 4 times more likely to go without needed medical or surgical care.

(4) One out of 5 children who are uninsured for a year or longer are missing all of their current immunizations.

(5) Children without health insurance are less likely to have a family doctor, less likely to receive timely preventive care, and less likely to receive treatment, even for serious illnesses.

(6) Uninsured children are more likely to need emergency room care at twice the cost of office-based care.

(7) A recent report by the Agency for Health Care Policy and Research (AHCPR) stressed the need for States to engage in outreach activities to increase the enrollment of medicaid-eligible children.

(8) Outreach activities like shortened and simplified applications, presumptive and continuous eligibility, and outstationing of eligibility workers in schools and day care centers have been found to be effective in getting medicaid-eligible children enrolled in the medicaid program.

### SEC. 3. MEDICAID CHILDREN'S ENROLLMENT PERFORMANCE BONUS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:

"(x)(1) IN GENERAL.—Beginning with fiscal year 1999 and each fiscal year thereafter, in addition to any other payment under this title, the Secretary shall pay to each State that satisfies the requirements of paragraphs (2) and (3) a children's enrollment performance bonus under this subsection for such fiscal year in such amount as the Secretary shall determine.

"(2) DEMONSTRATION OF IMPLEMENTATION OF OUTREACH STRATEGIES.—A State shall demonstrate to the satisfaction of the Secretary that the State has a commitment to reach and enroll children who are eligible for medical assistance under, but not enrolled in, the State plan under this title through effective implementation of each of the following outreach activities:

"(A) STREAMLINED ELIGIBILITY PROCEDURES.—

"(i) IN GENERAL.—The State uses streamlined procedures described in clause (ii) for determining the eligibility for medical assistance under, and enrollment in, the State plan under this title of—

"(I) children in families with incomes that do not exceed the effective income level (expressed as a percent of the poverty line) that has been specified under such State plan (including under a waiver authorized by the Secretary or under section 1902(r)(2) for the child to be eligible for medical assistance under section 1902(l)(2) or 1905(n)(2) (as selected by a State) for the age of such child; and

"(II) children determined eligible for such assistance, and enrolled in the State plan under this title in accordance with the requirements of paragraphs (1) and (2) of section 1931(b).

"(ii) PROCEDURES DESCRIBED.—The streamlined procedures described in this clause include—

"(I) using shortened and simplified applications for the children described in clause (i);

"(II) eliminating the assets test for determining the eligibility of such children; and

"(III) allowing applications for such children to be submitted by mail or telephone.

"(B) CONTINUOUS ELIGIBILITY FOR CHILDREN.—The State provides (or demonstrates to the satisfaction of the Secretary that, not later than fiscal year 2001, the State shall provide) for 12-months of continuous eligibility for children in accordance with section 1902(e)(12).

"(C) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State provides (or demonstrates to the satisfaction of the Secretary that, not later than fiscal year 2001, the State shall provide) for making medical assistance available to children during a presumptive eligibility period in accordance with section 1920A.

"(D) OUTSTATIONING AND ALTERNATIVE APPLICATIONS.—The State complies with the requirements of section 1902(a)(55) (relating to outstationing of eligibility workers for the

receipt and initial processing of applications for medical assistance and the use of alternative application forms).

"(E) SIMPLIFIED VERIFICATION OF ELIGIBILITY REQUIREMENTS.—The State demonstrates to the satisfaction of the Secretary that the State uses only the minimum level of verification requirements as are necessary for the State to ensure accurate eligibility determinations under the State plan under this title.

"(3) REPORT ON NUMBER OF ENROLLMENTS RESULTING FROM OUTREACH.—A State shall annually report to the Secretary on the number of full year equivalent children that are determined to be eligible for medical assistance under the State plan under this title and are enrolled under the plan as a result of—

"(A) having been provided presumptive eligibility in accordance with section 1920A;

"(B) having submitted an application for such assistance through an outstationed eligibility worker; and

"(C) having submitted an application for such assistance by mail or telephone.

"(4) NO SUBSTITUTION OF SPENDING.—Amounts paid to a State under this subsection shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under this title or title XXI. Amounts provided to the State under any other provisions of this title shall not be reduced solely as a result of the State's eligibility for a performance bonus under this subsection."•

By Mr. TORRICELLI:

S. 2627. A bill to amend the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

#### FIREARMS SAFETY AND CONSUMER PROTECTION ACT OF 1998

• Mr. TORRICELLI. Mr. President, today I introduce the Firearms Safety and Consumer Protection Act of 1998. I am sure that this bill will face opposition, but I am equally sure that the need for this bill is so clear, and the logic so unquestionable, that we will soon see hunters, law enforcement agents and other gun consumers fighting for the passage of the legislation.

Mr. President, I have long fought against the gun injuries that have plagued America for years. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And in the 104th Congress, even in the midst of what many consider a hostile Congress, we told domestic violence offenders that they could no longer own a gun. These were each measures aimed at the criminal misuse of firearms.

But there is another subject that the NRA just hates to talk about—the countless injuries that occur to innocent gun owners, recreational hunters, and to law enforcement. Every year in this country, countless people die and many more are injured by defective or poorly manufactured firearms. Yet the Consumer Product Safety Commission, which has the power to regulate every other product sold to the American consumer, lacks the ability to regulate the manufacture of firearms.

Amazingly, in a nation that regulates everything from the air we breathe, to the cars we drive, the cribs that hold our children, the most dangerous consumer product sold, firearms, unregulated. Studies show that inexpensive safety technology and the elimination of flawed guns could prevent a third of accidental firearms deaths. Despite this fact, the Federal Government powerless to stop gun companies from distributing defective guns or failing to warn consumers of dangerous products.

This gaping loophole in our consumer protection laws can often be disastrous for gun users. To take just one recent example, even when a gun manufacturer discovered that it had sold countless defective guns with a tendency to misfire, no recall was mandated and no action could be taken by the Federal Government. The guns remained on the street, and consumers were defenseless. Time after time, consumers, hunters, and gun owners are each left out in the cold, without the knowledge of danger or the assistance necessary to protect themselves from it.

For too long now, the gun industry has successfully kept guns exempt from consumer protection laws, and we must finally bring guns into line with every other consumer product. Logic, common sense, and the many innocent victims of defective firearms all cry out for us to act—and act we must.

To that end, I am introducing the Firearms Safety and Consumer Protection Act, legislation giving the Secretary of the Treasury the power to regulate the manufacture, distribution, and sale of firearms and ammunition. The time has come to stop dangerous and defective guns from killing American consumers. I urge my colleagues to support this bill, and I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Firearms Safety and Consumer Protection Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Purposes.  
Sec. 3. Definitions.

#### TITLE I—REGULATION OF FIREARM PRODUCTS

Sec. 101. Regulatory authority.  
Sec. 102. Orders; inspections.

#### TITLE II—PROHIBITIONS

Sec. 201. Prohibitions.  
Sec. 202. Inapplicability to governmental authorities.

#### TITLE III—ENFORCEMENT

##### SUBTITLE A—CIVIL ENFORCEMENT

Sec. 301. Civil penalties.  
Sec. 302. Injunctive enforcement and seizure.  
Sec. 303. Imminently hazardous firearms.

Sec. 304. Private cause of action.  
 Sec. 305. Private enforcement of this Act.  
 Sec. 306. Effect on private remedies.

#### SUBTITLE B—CRIMINAL ENFORCEMENT

Sec. 351. Criminal penalties.

#### TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Firearm injury information and research.

Sec. 402. Annual report to Congress.

#### TITLE V—RELATIONSHIP TO OTHER LAW

Sec. 501. Subordination to the Arms Export Control Act.

Sec. 502. Effect on State law.

#### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the public against unreasonable risk of injury and death associated with firearms and related products;

(2) to develop safety standards for firearms and related products;

(3) to assist consumers in evaluating the comparative safety of firearms and related products;

(4) to promote research and investigation into the causes and prevention of firearm-related deaths and injuries; and

(5) to restrict the availability of weapons that pose an unreasonable risk of death or injury.

#### SEC. 3. DEFINITIONS.

(a) SPECIFIC TERMS.—In this Act:

(1) FIREARMS DEALER.—The term “firearms dealer” means—

(A) any person engaged in the business (as defined in section 921(a)(21)(C) of title 18, United States Code) of dealing in firearms at wholesale or retail;

(B) any person engaged in the business (as defined in section 921(a)(21)(D) of title 18, United States Code) of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; and

(C) any person who is a pawnbroker.

(2) FIREARM PART.—The term “firearm part” means—

(A) any part or component of a firearm as originally manufactured;

(B) any good manufactured or sold—

(i) for replacement or improvement of a firearm; or

(ii) as any accessory or addition to the firearm; and

(C) any good that is not a part or component of a firearm and is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard individuals from injury by a firearm.

(3) FIREARM PRODUCT.—The term “firearm product” means a firearm, firearm part, non-powder firearm, and ammunition.

(4) FIREARM SAFETY REGULATION.—The term “firearm safety regulation” means a regulation prescribed under this Act.

(5) FIREARM SAFETY STANDARD.—The term “firearm safety standard” means a standard promulgated under this Act.

(6) NONPOWDER FIREARM.—The term “non-powder firearm” means a device specifically designed to discharge BBs, pellets, darts, or similar projectiles by the release of stored energy.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the designee of the Secretary.

(b) OTHER TERMS.—Each term used in this Act that is not defined in subsection (a) shall have the meaning (if any) given that term in section 921(a) of title 18, United States Code.

#### TITLE I—REGULATION OF FIREARM PRODUCTS

##### SEC. 101. REGULATORY AUTHORITY.

(a) IN GENERAL.—The Secretary shall prescribe such regulations governing the design, manufacture, and performance of, and com-

merce in, firearm products, consistent with this Act, as are reasonably necessary to reduce or prevent unreasonable risk of injury resulting from the use of those products.

(b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF PROPOSED AND FINAL REGULATION.—Not later than 120 days after the date on which the Secretary issues a proposed regulation under subsection (a) with respect to a matter, the Secretary shall issue a regulation in final form with respect to the matter.

(c) PETITIONS.—

(1) IN GENERAL.—Any person may petition the Secretary to—

(A) issue, amend, or repeal a regulation prescribed under subsection (a) of this section; or

(B) require the recall, repair, or replacement of a firearm product, or the issuance of refunds with respect to a firearm product.

(2) DEADLINE FOR ACTION ON PETITION.—Not later than 120 days after the date on which the Secretary receives a petition referred to in paragraph (1), the Secretary shall—

(A) grant, in whole or in part, or deny the petition; and

(B) provide the petitioner with the reasons for granting or denying the petition.

##### SEC. 102. ORDERS; INSPECTIONS.

(a) AUTHORITY TO PROHIBIT MANUFACTURE, SALE, OR TRANSFER OF FIREARM PRODUCTS MADE, IMPORTED, TRANSFERRED, OR DISTRIBUTED IN VIOLATION OF REGULATION.—The Secretary may issue an order prohibiting the manufacture, sale, or transfer of a firearm product which the Secretary finds has been manufactured, or has been or is intended to be imported, transferred, or distributed in violation of a regulation prescribed under this Act.

(b) AUTHORITY TO REQUIRE THE RECALL, REPAIR, OR REPLACEMENT OF, OR THE PROVISION OF REFUNDS WITH RESPECT TO FIREARM PRODUCTS.—The Secretary may issue an order requiring the manufacturer of, and any dealer in, a firearm product which the Secretary determines poses an unreasonable risk of injury to the public, is not in compliance with a regulation prescribed under this Act, or is defective, to—

(1) provide notice of the risks associated with the product, and of how to avoid or reduce the risks, to—

(A) the public;

(B) in the case of the manufacturer of the product, each dealer in the product; and

(C) in the case of a dealer in the product, the manufacturer of the product and the other persons known to the dealer as dealers in the product;

(2) bring the product into conformity with the regulations prescribed under this Act;

(3) repair the product;

(4) replace the product with a like or equivalent product which is in compliance with those regulations;

(5) refund the purchase price of the product, or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use;

(6) recall the product from the stream of commerce; or

(7) submit to the Secretary a satisfactory plan for implementation of any action required under this subsection.

(c) AUTHORITY TO PROHIBIT MANUFACTURE, IMPORTATION, TRANSFER, DISTRIBUTION, OR EXPORT OF UNREASONABLY RISKY FIREARM PRODUCTS.—The Secretary may issue an order prohibiting the manufacture, importation, transfer, distribution, or export of a firearm product if the Secretary determines that the exercise of other authority under this Act would not be sufficient to prevent the product from posing an unreasonable risk of injury to the public.

(d) INSPECTIONS.—In order to ascertain compliance with this Act and the regulations

and orders issued under this Act, the Secretary may, at reasonable times—

(1) enter any place in which firearm products are manufactured, stored, or held, for distribution in commerce, and inspect those areas where the products are manufactured, stored, or held; and

(2) enter and inspect any conveyance being used to transport a firearm product.

#### TITLE II—PROHIBITIONS

##### SEC. 201. PROHIBITIONS.

(a) FAILURE OF MANUFACTURER TO TEST AND CERTIFY FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a firearm product to transfer, distribute, or export a firearm product unless—

(1) the manufacturer has tested the product in order to ascertain whether the product is in conformity with the regulations prescribed under section 101;

(2) the product is in conformity with those regulations; and

(3) the manufacturer has included in the packaging of the product, and furnished to each person to whom the product is distributed, a certificate stating that the product is in conformity with those regulations.

(b) FAILURE OF MANUFACTURER TO PROVIDE NOTICE OF NEW TYPES OF FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a new type of firearm product to manufacture the product, unless the manufacturer has provided the Secretary with—

(1) notice of the intent of the manufacturer to manufacture the product; and

(2) a description of the product.

(c) FAILURE OF MANUFACTURER OR DEALER TO LABEL FIREARM PRODUCTS.—It shall be unlawful for a manufacturer or dealer in firearms to transfer, distribute, or export a firearm product unless the product is accompanied by a label that contains—

(1) the name and address of the manufacturer of the product;

(2) the name and address of any importer of the product;

(3) a specification of the regulations prescribed under this Act that apply to the product; and

(4) the certificate required by subsection (a)(3) with respect to the product.

(d) FAILURE TO MAINTAIN OR PERMIT INSPECTION OF RECORDS.—It shall be unlawful for an importer of, manufacturer of, or dealer in a firearm product to fail to—

(1) maintain such records, and supply such information, as the Secretary may require in order to ascertain compliance with this Act and the regulations and orders issued under this Act; and

(2) permit the Secretary to inspect and copy those records at reasonable times.

(e) IMPORTATION AND EXPORTATION OF UNCERTIFIED FIREARM PRODUCTS.—It shall be unlawful for any person to import into the United States or export a firearm product that is not accompanied by the certificate required by subsection (a)(3).

(f) COMMERCE IN FIREARM PRODUCTS IN VIOLATION OF ORDER ISSUED OR REGULATION PRESCRIBED UNDER THIS ACT.—It shall be unlawful for any person to manufacture, offer for sale, distribute in commerce, import into the United States, or export a firearm product—

(1) that is not in conformity with the regulations prescribed under this Act; or

(2) in violation of an order issued under this Act.

(g) STOCKPILING.—It shall be unlawful for any person to manufacture, purchase, or import a firearm product, after the date a regulation is prescribed under this Act with respect to the product and before the date the regulation takes effect, at a rate that is significantly greater than the rate at which the

person manufactured, purchased, or imported the product during a base period (prescribed by the Secretary in regulations) ending before the date the regulation is so prescribed.

**SEC. 202. INAPPLICABILITY TO GOVERNMENTAL AUTHORITIES.**

Section 201 does not apply to any department or agency of the United States, of a State, or of a political subdivision of a State, or to any official conduct of any officer or employee of such a department or agency.

**TITLE III—ENFORCEMENT**

**Subtitle A—Civil Enforcement**

**SEC. 301. CIVIL PENALTIES.**

(a) **AUTHORITY TO IMPOSE FINES.**—

(1) **IN GENERAL.**—The Secretary shall impose upon any person who violates section 201 a civil fine in an amount that does not exceed the applicable amount described in subsection (b).

(2) **SCOPE OF OFFENSE.**—Each violation of section 201 (other than of subsection (a)(3) or (d) of that section) shall constitute a separate offense with respect to each firearm product involved.

(b) **APPLICABLE AMOUNT.**—

(1) **FIRST 5-YEAR PERIOD.**—The applicable amount for the 5-year period immediately following the date of enactment of this Act is \$5,000.

(2) **THEREAFTER.**—The applicable amount during any time after the 5-year period described in paragraph (1) is \$10,000.

**SEC. 302. INJUNCTIVE ENFORCEMENT AND SEIZURE.**

(a) **INJUNCTIVE ENFORCEMENT.**—Upon request of the Secretary, the Attorney General of the United States may bring an action to restrain any violation of section 201 in the United States district court for any district in which the violation has occurred, or in which the defendant is found or transacts business.

(b) **CONDEMNATION.**—

(1) **IN GENERAL.**—Upon request of the Secretary, the Attorney General of the United States may bring an action in rem for condemnation of a qualified firearm product in the United States district court for any district in which the Secretary has found and seized for confiscation the product.

(2) **QUALIFIED FIREARM PRODUCT DEFINED.**—In paragraph (1), the term “qualified firearm product” means a firearm product—

(A) that is being transported or having been transported remains unsold, is sold or offered for sale, is imported, or is to be exported; and

(B)(i) that is not in compliance with a regulation prescribed or an order issued under this Act; or

(ii) with respect to which relief has been granted under section 303.

**SEC. 303. IMMINENTLY HAZARDOUS FIREARMS.**

(a) **IN GENERAL.**—Notwithstanding the pendency of any other proceeding in a court of the United States, the Secretary may bring an action in a United States district court to restrain any person who is a manufacturer of, or dealer in, an imminently hazardous firearm product from manufacturing, distributing, transferring, importing, or exporting the product.

(b) **IMMINENTLY HAZARDOUS FIREARM PRODUCT.**—In subsection (a), the term “imminently hazardous firearm product” means any firearm product with respect to which the Secretary determines that—

(1) the product poses an unreasonable risk of injury to the public; and

(2) time is of the essence in protecting the public from the risks posed by the product.

(c) **RELIEF.**—In an action brought under subsection (a), the court may grant such temporary or permanent relief as may be

necessary to protect the public from the risks posed by the firearm product, including—

(1) seizure of the product; and

(2) an order requiring—

(A) the purchasers of the product to be notified of the risks posed by the product;

(B) the public to be notified of the risks posed by the product; or

(C) the defendant to recall, repair, or replace the product, or refund the purchase price of the product (or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use).

(d) **VENUE.**—An action under subsection (a)(2) may be brought in the United States district court for the District of Columbia or for any district in which any defendant is found or transacts business.

**SEC. 304. PRIVATE CAUSE OF ACTION.**

(a) **IN GENERAL.**—Any person aggrieved by any violation of this Act or of any regulation prescribed or order issued under this Act by another person may bring an action against such other person in any United States district court for damages, including consequential damages. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(b) **RULE OF INTERPRETATION.**—The remedy provided for in subsection (a) shall be in addition to any other remedy provided by common law or under Federal or State law.

**SEC. 305. PRIVATE ENFORCEMENT OF THIS ACT.**

Any interested person may bring an action in any United States district court to enforce this Act, or restrain any violation of this Act or of any regulation prescribed or order issued under this Act. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

**SEC. 306. EFFECT ON PRIVATE REMEDIES.**

(a) **IRRELEVANCY OF COMPLIANCE WITH THIS ACT.**—Compliance with this Act or any order issued or regulation prescribed under this Act shall not relieve any person from liability to any person under common law or State statutory law.

(b) **IRRELEVANCY OF FAILURE TO TAKE ACTION UNDER THIS ACT.**—The failure of the Secretary to take any action authorized under this Act shall not be admissible in litigation relating to the product under common law or State statutory law.

**Subtitle B—Criminal Enforcement**

**SEC. 351. CRIMINAL PENALTIES.**

Any person who has received from the Secretary a notice that the person has violated a provision of this Act or of a regulation prescribed under this Act with respect to a firearm product and knowingly violates that provision with respect to the product shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

**TITLE IV—ADMINISTRATIVE PROVISIONS**

**SEC. 401. FIREARM INJURY INFORMATION AND RESEARCH.**

(a) **IN GENERAL.**—The Secretary shall—

(1) maintain a Firearm Injury Information Clearinghouse to collect, investigate, analyze, and disseminate data and information relating to the causes and prevention of death and injury associated with firearms;

(2) conduct continuing studies and investigations of firearm-related deaths and injuries and the resulting economic costs and losses;

(3) collect and maintain current production and sales figures for each person registered as a manufacturer under the Gun Control Act;

(4) conduct research on, studies of, and investigation into the safety of firearm prod-

ucts and improving the safety of firearm products; and

(5) develop firearm safety testing methods and testing devices.

(b) **AVAILABILITY OF INFORMATION.**—On a regular basis, but not less frequently than annually, the Secretary shall make available to the public the results of the activities of the Secretary under paragraphs (1), (2), and (3) of subsection (a).

**SEC. 402. ANNUAL REPORT TO CONGRESS.**

(a) **IN GENERAL.**—The Secretary shall prepare and submit to the President and Congress at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the most recently completed fiscal year.

(b) **CONTENTS.**—Each report submitted under subsection (a) shall include—

(1) a thorough appraisal, including statistical analyses and projections, of the incidence of injury and death and effects on the population resulting from firearm products, with a breakdown, as practicable, among the various types of such products associated with the injuries and deaths;

(2) a list of firearm safety regulations prescribed that year;

(3) an evaluation of the degree of compliance with firearm safety regulations, including a list of enforcement actions, court decisions, and settlements of alleged violations, by name and location of the violator or alleged violator, as the case may be;

(4) a summary of the outstanding problems hindering enforcement of this Act, in the order of priority; and

(5) a log and summary of meetings between the Secretary or employees of the Secretary and representatives of industry, interested groups, or other interested parties.

**TITLE V—RELATIONSHIP TO OTHER LAW**

**SEC. 501. SUBORDINATION TO ARMS EXPORT CONTROL ACT.**

In the event of any conflict between any provision of this Act and any provision of the Arms Export Control Act, the provision of the Arms Export Control Act shall control.

**SEC. 502. EFFECT ON STATE LAW.**

(a) **IN GENERAL.**—This Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law regulating or prohibiting conduct with respect to a firearm product, except to the extent that such provision of law is inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(b) **RULE OF CONSTRUCTION.**—A provision of State law is not inconsistent with this Act if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this Act. •

By Mr. MACK:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business and meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

**TAX DEDUCTIBILITY OF BUSINESS MEAL EXPENSES**

• Mr. MACK. Mr. President, last year in the Taxpayer Relief Act of 1997, we included a provision to correct an unfair and unsound tax policy of the Clinton administration concerning business meal deductions. The 1993 Clinton tax increases included a reduction in the percentage of business meal expenses that could be deducted, from 80 percent

down to 50 percent. The administration marketed this as an attack on the "three martini lunch," but the tax increase was in fact a big blow to the wallets and pocketbooks of working class Americans whose jobs require them to be stranded far from home.

Workers who are covered by federal "hours of service" regulations—long-haul truckers, airline flight attendants and pilots, long distance bus drivers, some merchant mariners and railroad workers—have no choice but to eat their meals on the road. Their meal expenses are a necessary and unavoidable part of their jobs. The Clinton administration's business meal tax increase hit these occupations hard. For the average trucker, making between \$32,000 and \$36,000 annually, this tax increase might be greater than \$1,000 per year. This is a lot of money to these hard-working taxpayers.

Congress addressed this inequity last year, passing a provision that would gradually raise the meal deduction percentage back to 80 percent for these workers. But a slow, gradual fix is not good enough. Today I am introducing a bill that would immediately restore the 80 percent deduction for truckers, flight crews, and other workers limited by the federal "hours of service" regulations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2628

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.**

(a) IN GENERAL.—Paragraph (3) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

"(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

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

**ADDITIONAL COSPONSORS**

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

**AMENDMENTS SUBMITTED**

**COAST GUARD AUTHORIZATION ACT OF 1998**

**SNOWE AMENDMENT NO. 3813**

Mr. JEFFORDS (for Ms. SNOWE) proposed an amendment to the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000".

**SEC. 2. TABLE OF SECTIONS.**

The table of sections for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of sections.

Title I—Appropriations; Authorized Levels

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. LORAN-C.

Title II—Coast Guard Management

Sec. 201. Severance pay.

Sec. 202. Authority to implement and fund certain awards programs.

Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.

Sec. 204. Authority to reimburse Novato, California, Reuse Commission.

Sec. 205. Eliminate supply fund reimbursement requirements.

Sec. 206. Disposal of certain material to Coast Guard Auxiliary.

Sec. 207. Law enforcement authority for special agents of the Coast Guard Investigative Service.

Sec. 208. Report on excess Coast Guard property.

Sec. 209. Fees for navigation assistance services.

Sec. 210. Aids to navigation report.

Title III—Marine Safety and Environmental Protection

Sec. 301. Alcohol testing.

Sec. 302. Penalty for violation of international safety convention.

Sec. 303. Protect marine casualty investigations from mandatory release.

Sec. 304. Eliminate biennial research and development report.

Sec. 305. Extension of territorial sea for certain laws.

Sec. 306. Safety management code report and policy.

Sec. 307. Oil and hazardous substance definition and report.

Sec. 308. National Marine Transportation System.

Sec. 309. Availability and use of EPIRBs for recreational vessels.

Sec. 310. Search and rescue helicopter coverage.

Sec. 311. Petroleum transportation.

Sec. 312. Seasonal Coast Guard helicopter air rescue capability.

Sec. 313. Ship reporting systems.

Sec. 314. Interim authority for dry bulk cargo residue disposal.

Title IV—Miscellaneous

Sec. 401. Vessel identification system amendments.

Sec. 402. Conveyance of lighthouses.

Sec. 403. Administrative authority to convey lighthouses.

Sec. 404. Conveyance of Communication Station Boston Marshfield Receiver site, Massachusetts.

Sec. 405. Conveyance of Nahant Parcel, Essex County, Massachusetts.

Sec. 406. Conveyance of Coast Guard Station Ocracoke, North Carolina.

Sec. 407. Conveyance of Loran Station Nantucket.

Sec. 408. Conveyance of Reserve training facility, Jacksonville, Florida.

Sec. 409. Conveyance of decommissioned Coast Guard vessels.

Sec. 410. Amendment to conveyance of vessel S/S Red Oak Victory.

Sec. 411. Transfer of Ocracoke Light Station to Secretary of the Interior.

Sec. 412. Vessel documentation clarification.

Sec. 413. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding and providing false information.

Sec. 414. Dredge clarification.

Sec. 415. Great Lakes Pilotage Advisory Committee.

Sec. 416. Documentation of certain vessels.

Sec. 417. Double hull alternative designs study.

Sec. 418. Report on maritime activities.

Sec. 419. Vessel sharing agreements.

Sec. 420. Report on SWATH technology.

Sec. 421. Report on tonnage calculation methodology.

Sec. 422. Authority to convey National Defense Reserve Fleet Vessel, American Victory.

Sec. 423. Authority to convey National Defense Reserve Fleet Vessel, John Henry.

Sec. 424. Authorized number of NOAA Corps commissioned officers.

Sec. 425. Coast Guard City, USA

Sec. 426. Marine transportation flexibility.

Title V—Administrative Process for Jones Act Waivers

Sec. 501. Findings.

Sec. 502. Administrative waiver of coastwise trade laws.

Sec. 503. Revocation.

Sec. 504. Definitions.

Title VI—Harmful Algal Blooms and Hypoxia

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Assessments.

Sec. 604. Northern Gulf of Mexico hypoxia.

Sec. 605. Authorization of appropriations.

Sec. 606. Amendment to National Sea Grant College Program Act.

Sec. 607. Amendment to the Coastal Zone Management Act.

Title VII—Additional Miscellaneous Provisions

Sec. 701. Applicability of authority to release restrictions and encumbrances.

**TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

(a) FISCAL YEAR 1998.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1998, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,715,400,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$397,850,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving