

UNANIMOUS-CONSENT
AGREEMENT—H.J. RES. 137

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate receives H.J. Res. 137, the 1-day continuing resolution, the resolution be considered read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CORRECTION OFFICERS HEALTH
AND SAFETY ACT OF 1998

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2070, and the Senate then proceed to its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 3832

(Purpose: To provide a complete substitute)

Mr. BURNS. Senator HATCH has a substitute amendment at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. HATCH, proposes an amendment numbered 3832.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Correction Officers Health and Safety Act of 1998".

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"§ 4014. Testing for human immunodeficiency virus

"(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus, as appropriate, after the commencement of that incarceration, if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management.

"(b) If the Attorney General has a well-founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall—

"(1) cause the person who may have transmitted the virus to be tested promptly for

the presence of such virus and communicate the test results to the person tested; and

"(2) consistent with the guidelines issued by the Bureau of Prisons relating to infectious disease management, inform any person (in, as appropriate, confidential consultation with the person's physician) who may have been exposed to such virus, of the potential risk involved and, if warranted by the circumstances, that prophylactic or other treatment should be considered.

"(c) If the results of a test under subsection (a) or (b) indicate the presence of the human immunodeficiency virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

"(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

"(e) Not later than 1 year after the date of enactment of this section, the Attorney General shall issue rules to implement this section. Such rules shall require that the results of any test are communicated only to the person tested, and, if the results of the test indicate the presence of the virus, to correctional facility personnel consistent with guidelines issued by the Bureau of Prisons. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus."

(c) GUIDELINES FOR STATES.—Not later than 1 year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3832) was agreed to.

The bill (H.R. 2070), as amended, was considered read the third time and passed.

AFRICA: SEEDS OF HOPE ACT OF
1998

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4283, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4283) to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 3833

(Purpose: To provide a substitute)

Mr. BURNS. Senator DEWINE has an amendment at the desk, and I ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. DEWINE, proposes an amendment numbered 3833.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3833) was agreed to.

The bill (H.R. 4283), as amended, was considered read the third time and passed.

CONTROLLED SUBSTANCES
TRAFFICKING PROHIBITION ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 3633, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3633) to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

Mr. LEAHY. Mr. President, H.R. 3633, "The Controlled Substances Trafficking Prohibition Act," addresses a gap in our controlled substances laws. At present, people entering the United States from Mexico may bring up to a ninety-day supply of drug products into the country without a prescription, under the so-called "personal use" exemption. Many of these drug products are then illegally distributed within the United States.

Such abuses have increased dramatically in recent years, and there is a need to address this problem now. H.R. 3633 does this by limiting the personal use exemption in certain circumstances to 50 dosage units. But this is only a stopgap measure. What constitutes "personal use" is a complicated issue that will turn on a number of circumstances, including the nature of the controlled substance and the medical needs of the individual. It is the sort of issue that should be addressed not through single-standard

legislation but through measures regulations passed by an agency with expertise in the matter. For this reason, I believe that we will have to take this issue up again next year, to direct the Department of Justice to study the problems at our borders and to pass regulations that are more finely-tuned to address those problems. In the meantime, H.R. 3633 will help to stem the tide of illegal importations of controlled drugs, which pose dangers to Americans when illegally distributed and used.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3633) was considered read the third time and passed.

AMENDING THE FOREIGN SERVICE ACT OF 1980

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 633, which was received from the House.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 633) to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 633) was considered read the third time and passed.

REQUIRING A STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4501, which is at the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4501) a bill to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4501) was considered read the third time and passed.

TECHNICAL CORRECTION OF H.R. 3910

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 129, which was submitted by Senator MURKOWSKI.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A current resolution (S. Con. Res. 129) to correct a technical error in the enrollment of H.R. 3910.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

Mr. BURNS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Con. Res. 129) was agreed to as follows:

S. CON. RES. 129

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 3910 the Clerk of the House shall, in title IV, section 406, strike "5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998" and insert "5 years after the date of enactment of this Act".

MORNING BUSINESS

Mr. BURNS. Mr. President, we now enter a time for morning business, and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Virginia, Senator WARNER.

(Mr. BURNS assumed the Chair.)

THE PRESIDENT PRO TEMPORE

Mr. WARNER. Mr. President, I thank the distinguished President pro tempore. I think it should be noted from time to time, particularly on this, presumably one of the last 2 days of the Congress, that this distinguished President pro tempore has reported every morning the Senate has convened, so far as I know, to open the Senate. It is

a responsibility he has taken unto himself with great dignity as he carries out his duties to the credit of this memorable institution, and we express our great appreciation to the President pro tempore. To the best of my knowledge, he has not missed a single day of this Congress in opening up the Senate, which is another record to add to the many, many records of our distinguished President pro tempore.

Mr. THURMOND. I thank the able Senator very much for his kind remarks.

Mr. WARNER. I thank the distinguished Senator.

I rise to address two subjects today, and I ask unanimous consent to use such time as I may require, although I will yield to others as they appear in the Chamber seeking recognition.

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

Mr. WARNER. I thank the Chair.

UNITED STATES-CUBA RELATIONS

Mr. WARNER. Mr. President, I have great concerns about our Nation's policy towards Cuba. Castro remains, in the mind of this Senator and the minds of most, as an individual who has brought great harm to that nation, and it persists to this day. The human suffering there is incalculable.

Some months ago, I joined with my distinguished friend and colleague, the senior Senator from Connecticut, Mr. DODD, who has had considerable experience in this region of our hemisphere, in trying to seek legislation to allow the sale of U.S. food, medicine and medical equipment to Cuba.

Regrettably, that has not been done in its totality. There have been some efforts, but nevertheless that continues to present itself as an example of how I believe—and others share my belief—that the overall policy between the United States of America and Cuba should be thoroughly, pragmatically and objectively reviewed. With that purpose in mind, I and other Senators—I think some 15 in number—have written the President of the United States requesting that he, hopefully jointly with the Congress, establish a commission to make such a study. In short, we wrote President Clinton recommending "the establishment of a national bipartisan commission to review our current U.S.-Cuba policy."

My reason for making this recommendation is simple and straightforward. The current United States-Cuba policy in effect for nearly 40 years—that is astonishing, 40 years—has yet to achieve its goal of a peaceful transition to democracy in Cuba. Of course, Castro remains the single most formidable obstacle to achieving that goal.

Now the time has come, in our judgment, for a thoughtful, rational and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. I am not alone