S. 2112

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2112, a bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Florida (Mr. GRAHAM) was withdrawn as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2130

At the request of Mr. GRAMS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2201

At the request of Mr. TORRICELLI, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of Senate Concurrent Resolution 95, a concurrent resolution expressing the sense of Congress with respect to promoting coverage of individuals under long-term care insurance.

AMENDMENT NO. 2241

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 2241 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2907

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 2907 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

BOND (AND MIKULSKI) AMENDMENTS NOS. 3056–3057

Mr. BOND. (for himself and Ms. MIKULSKI) proposed two amendments to the bill (S. 2168) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes; as follows:

AMENDMENT NO. 3056

On page 73, line 11, strike ''$231,000,000'' and insert ''$239,000,000, including $11,000,000 for assisting state and local governments in preparing for and responding to terrorist incidents''.

On page 42, line 14, strike ''$1,000,826,000'' and insert ''992,826,000''.

AMENDMENT NO. 3057

On page 16, line 20, insert the following:

''SEC. 110. LAND CONVEYANCE, RIDGECREST CHILDREN'S CENTER, ALABAMA.

(a) CONVEYANCE.—The Secretary of Veterans Affairs may convey, without consideration, to the Board of Trustees of the University of Alabama, all right, title, and interest of the United States in and to the parcel of real property, including any improvements thereon, described in subsection (b).

(b) COVERED PARCEL.—The parcel of real property to be conveyed under subsection (a) is the following: A parcel of property lying in the northeast quarter of the southwest quarter, section 28, township 21 south, range 9 west, Tuscaloosa County, Alabama, lying along and adjacent to Ridgecrest (Brewer's Porch) Children's Center being more particularly described as follows: As a point of commencement start at the southeast corner of the north half of the southwest quarter run in an easterly direction along an easterly projection of the north boundary of the southwest quarter of the southwest quarter for a distance of 888.52 feet to a point; thence with a deflection angle to the left of 134 degrees 41 minutes run in a northwesterly direction for a distance of 1164.38 feet to an iron pipe; thence with a deflection angle to the left of 75 degrees 03 minutes run in an southwesterly direction for a distance of 37.13 feet to the point of beginning of this parcel of property; thence continue in this same southwesterly direction along the projection of the chain link fence for a distance of 169.68 feet to a point; thence with an interior angle to the left of 63 degrees 16 minutes run in a northerly direction for a distance of 233.70 feet to a point; thence with an interior angle to the left of 43 degrees 55 minutes run in a southeasterly direction for a distance of 218.48 feet to the point of beginning, said parcel having an interior angle of closure of 72 degrees 49 minutes, said parcel containing 0.40 acres more or less, said parcel of property is also subject to all rights-of-way, easements, and conveyances heretofore given for this parcel of property.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.''

On page 55, after line 13, insert the following new sections and designate, accordingly:

''SEC. . TECHNICAL CORRECTIONS TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998.

(a) SECTION 8 CONTRACT RENEWAL POLICY FOR FY 1999 AND SUBSEQUENT YEARS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended——

(1) in subsection (a)(2), by inserting after ''Notwithstanding paragraph (1)'' the following ''and subject to section 516 of this subtitle''; and

(2) by inserting at the end the following new subsections''

''(b) INAPPLICABILITY TO PROJECTS SUBJECT TO RESTRUCTURING.—This section shall not apply to projects restructured under this subtitle.

''(c) SAVINGS PROVISIONS.—Upon the repeal of this subtitle pursuant to section 579, the provisions of sections 512(2) and 516 (as in effect immediately before such repeal) shall apply with respect to this section.''.

(b) REPEAL OF CONTRACT RENEWAL AUTHORITY UNDER SECTION 405(a).—Section 405(a) of The Balanced Budget Downpayment Act, I is hereby repealed.

(c) EXEMPTIONS FROM RESTRUCTURING.—(1) Section 514(h)(1) of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, is amended to read as follows:

(1) the primary financing for the project was provided by a unit of State government or a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;''.

(2) Section 524(a)(2)(B) is amended by striking ''and financing'' and inserting ''and the primary financing''.

(d) MANDATORY RENEWAL OF PROJECT-BASED ASSISTANCE.—Section 515(c)(1) is amended by inserting ''or'' after the semicolon at the end of subparagraph (B).

(e) PARTIAL PAYMENTS OF CLAIMS.—Section 514 of the National Housing Act is amended by—

(1) by striking ''1978 or'' and inserting ''1978) or ''; and

(2) by striking ''))'' and inserting ''))''.''

On page 56, line 17, after the word ''That'' insert '', of the funds made available under this heading,''.

On page 69, line 15, following the last proviso and prior to the period, insert the following:

''*: Provided further,* That, notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts a State has heretofore included, or will hereafter include, as principal in loans made by such fund to eligible borrowers where such amounts represent costs of administering the fund, except that such amounts heretofore or hereafter included in loans shall be accounted for separately from other assets in the fund, shall only be used for purposes of administering the fund and shall not exceed an amount that the Administrator deems reasonable''

On page 70, line 3, insert the following: ''(a) LIMITATION ON FUNDS USED TO ENFORCE REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.—None of the funds made available by this Act or subsequent Acts may be used by the Environmental Protection Agency to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104–55) or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in—

(1) physical, chemical, biological and other relevant properties; and

(2) environmental effects.

(b) DEADLINE FOR PROMULGATION OF REGULATIONS.—Not later than March 31, 1999, the Administrator of the Environmental Protection Agency shall issue regulations amending 40 C.F.R. 112 to comply with the requirements of Public Law 104–55.''

On page 55, after line 13, insert the following new section:

SEC. . CLARIFICATION OF OWNER'S RIGHT TO PREPAY.

(a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage on or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

COATS AMENDMENT NO. 3058

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2168, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. URBAN HOMESTEAD PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY DEVELOPMENT CORPORATION.—The term ''community development corporation'' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities to low-income families.

(2) COST RECOVERY BASIS.—The term ''cost recovery basis'' means, with respect to any sale of a project or residence by a unit of general local government to a community development corporation under subsection (b)(3)(B), that the purchase price paid by the community development corporation is less than or equal to the costs incurred by the unit of general local government in connection with such project or residence during the period beginning on the date on which the unit of general local government acquires title to the multifamily housing project or residential property under subsection (b)(1) and ending on the date on which the sale is consummated.

(3) LOW-INCOME FAMILIES.—The term ''low-income families'' has the same meaning as in section 3(b) of the United States Housing Act of 1937.

(4) MULTIFAMILY HOUSING PROJECT.—The term ''multifamily housing project'' has the same meaning as in section 203 of the Housing and Community Development Amendments of 1978.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(6) SEVERE PHYSICAL PROBLEMS.—A dwelling unit shall be considered to have ''severe physical problems'' if such unit—

(A) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

(B) on not less than 3 separate occasions, during the preceding winter months was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

(C) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced not less than 3 blown fuses or tripped circuit breakers during the preceding 90-day period;

(D) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

(E) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

(7) SINGLE FAMILY RESIDENCE.—The term ''single family residence'' means a 1- to 4-family dwelling that is held by the Secretary.

(8) SUBSTANDARD MULTIFAMILY HOUSING PROJECT.—A multifamily housing project is ''substandard'' if not less than 25 percent of the dwelling units of the project have severe physical problems.

(9) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974.

(10) UNOCCUPIED MULTIFAMILY HOUSING PROJECT.—The term ''unoccupied multifamily housing project'' means a multifamily housing project that the unit of general local government certifies in writing is not inhabited.

(b) DISPOSITION OF UNOCCUPIED AND SUBSTANDARD PUBLIC HOUSING.—

(1) TRANSFER OF OWNERSHIP TO UNITS OF GENERAL LOCAL GOVERNMENT.—Notwithstanding section 203 of the Housing and Community Development Amendments of 1978 or any other provision of Federal law pertaining to the disposition of property, the Secretary shall transfer ownership of any unoccupied multifamily housing project, substandard multifamily housing project, or other residential property that is owned by the Secretary to the appropriate unit of general local government for the area in which the project or residence is located in accordance with paragraph (2), if the unit of general local government enters into an agreement with the Secretary described in paragraph (3).

(2) TIMING.—

(A) IN GENERAL.—Any transfer of ownership under paragraph (1) shall be completed—

(i) with respect to any multifamily housing project owned by the Secretary that is determined to be unoccupied or substandard before the date of enactment of this Act, not later than 1 year after that date of enactment; and

(ii) with respect to any multifamily housing project or other residential property acquired by the Secretary on or after the date of enactment of this Act, not later than 1 year after the date on which the project is determined to be unoccupied or substandard or the residence is acquired, as appropriate.

(B) SATISFACTION OF INDEBTEDNESS.—Prior to any transfer of ownership under subparagraph (A), the Secretary shall satisfy any indebtedness incurred in connection with the project or residence at issue, either by—

(i) cancellation of the indebtedness; or

(ii) reimbursing the unit of general local government to which the project or residence is transferred for the amount of the indebtedness.

(3) SALE TO COMMUNITY DEVELOPMENT CORPORATIONS.—An agreement is described in this paragraph if it is an agreement that requires a unit of general local government to dispose of the multifamily housing project or other residential property in accordance with the following requirements:

(A) NOTIFICATION TO COMMUNITY DEVELOPMENT CORPORATIONS.—Not later than 30 days after the date on which the unit of general local government acquires title to the multifamily housing project or other residential property under paragraph (1), the unit of general local government shall notify community development corporations located in the State in which the project or residence is located—

(i) of such acquisition of title; and

(ii) that, during the 6-month period beginning on the date on which such notification is made, such community development corporations shall have the exclusive right under this subsection to make bona fide offers to purchase the project or residence on a cost recovery basis.

(B) RIGHT OF FIRST REFUSAL.—During the 6-month period described in subparagraph (A)(ii)—

(i) the unit of general local government may not sell or offer to sell the multifamily housing project or other residential property other than to a party notified under subparagraph (A), unless each community development corporation notifies the unit of general local government that the corporation will not make an offer to purchase the project or residence; and

(ii) the unit of general local government shall accept a bona fide offer to purchase the project or residence made during such period if the offer is acceptable to the unit of general local government, except that a unit of general local government may not sell a project or residence to a community development corporation during that 6-month period other than on a cost recovery basis.

(C) OTHER DISPOSITION.—During the 6-month period beginning on the expiration of

the 6-month period described in subparagraph (A)(ii), the unit of general local government shall dispose of the multifamily housing project or other residential property on a negotiated, competitive bid, or other basis, on such terms as the unit of general local government deems appropriate.

(c) EXEMPTION FROM PROPERTY DISPOSITION REQUIREMENTS.—No provision of the Multifamily Housing Property Disposition Reform Act of 1994, or any amendment made by that Act, shall apply to the disposition of property in accordance with this section.

(d) TENANT LEASES.—This section shall not affect the terms or the enforceability of any contract or lease entered into before the date of enactment of this Act.

(e) PROCEDURES.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this section.

MCCAIN (AND ROCKEFELLER) AMENDMENT NO. 3059

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill, S. 2168, supra; as follows:

On page 93, between lines 18 and 19, insert the following:

SEC. 423. Effective as of the date of enactment of the Transportation Equity Act for the 21st Century (Public Law 105–178), the Veterans Benefits Act of 1998 (subtitle B of title VIII of the Transportation Equity Act for 21st Century) is repealed and shall be treated as if not enacted.

MCCAIN AMENDMENT NO. 3060

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 2168, supra; as follows:

On page 93, between lines 18 and 19, insert the following:

SEC. 423. (a) Each entity that receives a grant from the Federal Government for purposes of providing emergency shelter for homeless individuals shall—

(1) ascertain, to the extent practicable, whether or not each adult individual seeking such shelter from such entity is a veteran; and

(2) provide each such individual who is a veteran such counseling relating to the availability of veterans benefits (including employment assistance, health care benefits, and other benefits) as the Secretary of Veterans Affairs considers appropriate.

(b) The Secretary of Veterans Affairs and the Secretary of Housing and Urban Development shall jointly coordinate the activities required by subsection (a).

(c) Entities referred to in subsection (a) shall notify the Secretary of Veterans Affairs of the number and identity of veterans ascertained under paragraph (1) of that subsection. Such entities shall make such notification with such frequency and in such form as the Secretary shall specify.

(d) Notwithstanding any other provision of law, an entity referred to subsection (a) that fails to meet the requirements specified in that subsection shall not be eligible for additional grants or other Federal funds for purposes of carrying out activities relating to emergency shelter for homeless individuals.

ADDITIONAL STATEMENTS

REAUTHORIZING THE OFFICE OF THE DRUG CZAR

● Mr. WYDEN. Mr. President, for the past two weeks I have been working with Senator GORDON SMITH, Senator BIDEN and others to reach an agreement so that the legislation reauthorizing the office of the so-called Drug Czar, H.R. 2610, can move forward. I do not object to the reauthorization, but have been prevented from offering an amendment to the measure and will not give my consent to adoption of the Drug Czar bill until we have reached agreement on my amendment. The amendment I wish to offer is bipartisan legislation Senator GORDON SMITH and I have sponsored in response to the gun violence that struck Thurston High School in Springfield, Oregon. The bill, S. 2169, would provide an incentive for states to enact a 72-hour holding period for students that bring guns to schools so that the students who bring guns to school may be fully and thoroughly evaluated by professionals. The President has endorsed our proposal, and it is my hope that we can reach a consensus that allows the Senate to pass both the Drug Czar measure and the Wyden-Smith bill.●

TRADE LAW ENFORCEMENT IMPROVEMENT ACT OF 1998

● Mr. ABRAHAM. Mr. President, on Friday, June 26th, the day the Senate adjourned for the July 4th recess, I introduced the Trade Law Enforcement Improvement Act of 1998. This bill would clarify an ambiguity in an important U.S. antitrust law and thereby ensure that U.S. law will be effectively utilized to combat anticompetitive foreign cartels, acts, and conspiracies designed to unfairly exclude American products from overseas markets.

The principal aim of my bill is to codify the U.S. Department of Justice's (DOJ) current—and correct—interpretation of the Foreign Trade Antitrust Improvements Act of 1982 (FTAIA) which is currently embodied in Footnote 62 of the International Antitrust Guidelines. This footnote makes it clear that there are no unnecessary jurisdictional obstacles to challenging anticompetitive acts and conspiracies that take place outside our borders.

The FTAIA authorized the U.S. to assert jurisdiction over anticompetitive conduct abroad that has a ''direct, substantial and reasonably foreseeable'' effect on export trade or commerce or those engaged in export trade or commerce with foreign nations. However, in 1998 DOJ issued International Enforcement Guidelines which included Footnote 159, a new interpretation of FTAIA confining U.S. enforcement efforts solely to anticompetitive conduct that affected U.S. consumers, without regard to its effect on U.S. exporters. Specifically, the footnote announced that henceforth ''the Department [would be] concerned only with adverse effects on competition that would harm U.S. consumers * * *.''

Fortunately, in 1992, DOJ announced that Footnote 159 would be superseded by a policy which recognized that harm to U.S. exporters was sufficient to trigger an antitrust enforcement action regardless of whether there were harmful effects on U.S. consumers. Thus, the interpretation was revised to affirmatively permit DOJ to enforce ''our antitrust laws against anticompetitive practices that harm U.S. commerce.'' That interpretation now appears in Footnote 62 of the current International Enforcement Guidelines.

While the correction to Footnote 159 was drafted by Assistant Attorney General Jim Rill in the Bush Administration, it is important to note that it has been fully endorsed by the Clinton Administration. Assistant Attorneys General Rill, Bingaman, and Klein should all be recognized and commended for their strong leadership in strengthening international antitrust enforcement and for bringing cases under the authority of the FTAIA.

Let me describe why this provision in our trade law is so important and why it is crucial that it be properly interpreted and enforced.

The opening of global markets has advanced America's current economic prosperity, but it also poses fundamental challenges for U.S. antitrust laws. One example is the U.S. flat glass industry. For the better part of a decade, America's leading flat glass producers have been seeking access to the Japanese market, the largest and richest in Asia. American companies are already leaders in producing and selling high-quality innovative glass products around the world. U.S. firms have been very successful in Europe, Asia, the Middle East, and Latin America—but not yet Japan. The fact is that securing effective distribution channels for American glass has not proved to be a significant barrier to entry in any country other than Japan.

It is not for a lack of trying. In 1992, President Bush and Japanese Prime Minister Miyazawa negotiated an agreement in which Japan committed that the Japan Fair Trade Commission (JFTC) would study anticompetitive practices in the flat glass sector. For over a quarter-century, the Japanese market has been controlled by a cartel, consisting of the three leading Japanese producers—Asahi, Nippon, and Central. Because of the cartel, market shares for the three companies have been remarkably constant: Asahi has had a 50% market share, Nippon has had 30%, and Central has had 20% for nearly three decades, while other major markets in Europe and North America have undergone dramatic competitive shifts.

When the JFTC, one year later, issued its report, it found a long-standing history of anticompetitive practices in the Japanese flat glass industry, but concluded that enforcement action was ''inappropriate.''