

issues of juvenile justice by working with me to develop a comprehensive youth violence control and delinquency prevention plan.

By Mrs. FEINSTEIN:

S. 1992. A bill to recognize the significance of the AIDS Memorial Grove, located in Golden Gate Park in San Francisco, California, and to direct the Secretary of the Interior to designate the AIDS Memorial Grove as a national memorial; to the Committee on Energy and Natural Resources.

THE AIDS MEMORIAL GROVE ACT OF 1996

Mrs. FEINSTEIN. Mr. President, today I am introducing the AIDS Memorial Grove Act of 1996.

This bill is identical to H.R. 3193 sponsored by Congresswoman PELOSI in the House.

The legislation recognizes the significance of the 15-acre AIDS Memorial Grove in Golden Gate Park in San Francisco and directs the Secretary of Interior to designate the AIDS Memorial Grove as a national memorial.

The AIDS Memorial Grove is a place where people come together to grieve, find solace, support and hope. Since 1991, volunteers have been planting trees and maintaining this woodland area. Visitors come not only from San Francisco, but also from all across the United States.

In giving national recognition to the area, the legislation makes the AIDS Memorial Grove the Nation's first living memorial dedicated to the thousands of Americans who have died of AIDS and in support of individuals who are living with acquired immune deficiency syndrome and their families and friends.

No Federal funds would be required.

The AIDS Memorial Grove is, and will continue to be, a public/private partnership totally supported by private donations. The AIDS Memorial Grove board of directors already has signed a 99-year agreement with the City of San Francisco and the San Francisco Recreation and Park Department to maintain the grove in perpetuity.

The legislation is consistent with other bills creating areas affiliated with the National Park System. I urge my colleagues to join me in working for its enactment.

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. 1992

SECTION 1. SHORT TITLE.

This Act may be cited as the "AIDS Memorial Grove Act of 1996".

SEC. 2. RECOGNITION AND DESIGNATION OF THE AIDS MEMORIAL GROVE AS NATIONAL MEMORIAL.

(a) RECOGNITION OF SIGNIFICANCE OF THE AIDS MEMORIAL GROVE.—The Congress hereby recognizes the significance of the AIDS Memorial Grove, located in Golden Gate Park in San Francisco, California, as a memorial—

(1) dedicated to individuals who have died as a result of acquired immune deficiency syndrome; and

(2) in support of individuals who are living with acquired immune deficiency syndrome and their loved ones and caregivers.

(b) DESIGNATION AS NATIONAL MEMORIAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall designate the AIDS Memorial Grove as a national memorial.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1646

At the request of Mr. DOMENICI, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1675

At the request of Mr. GRAMM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1743

At the request of Mr. BINGAMAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1857

At the request of Mr. GREGG, his name was added as a cosponsor of S. 1857, a bill to establish a bipartisan commission on campaign practices and provide that its recommendations be given expedited consideration.

S. 1898

At the request of Mr. DOMENICI, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1898, a bill to protect the genetic privacy of individuals, and for other purposes.

S. 1954

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. KYL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. COATS], the Senator from Tennessee [Mr. FRIST], the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1954, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 1957

At the request of Mr. PRESSLER, the name of the Senator from Louisiana

[Mr. BREAU] was added as a cosponsor of S. 1957, a bill to amend chapter 59 of title 49, United States Code, relating to intermodal safe container transportation.

S. 1987

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1987, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

AMENDMENT NO. 4974

At the request of Mr. LEAHY his name was added as a cosponsor of amendment No. 4974 proposed to H.R. 3603, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 5017

At the request of Mr. BREAU, his name was added as a cosponsor of amendment No. 5017 proposed to H.R. 3540, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

At the request of Mr. MCCAIN, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Maine [Mr. COHEN] were added as cosponsors of amendment No. 5017 proposed to H.R. 3540, supra.

AMENDMENT NO. 5018

At the request of Mr. COVERDELL, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of amendment No. 5018 proposed to H.R. 3540, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

COHEN (AND OTHERS)
AMENDMENT NO. 5019

Mr. COHEN (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. CHAFEE, Mr. BREAU, Mr. JOHNSTON, and Mr. THOMAS) proposed an amendment to the bill (H.R. 3540) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 188, strike lines 3 through 22 and insert the following:

POLICY TOWARD BURMA

SEC. 569. (a) Until such time as the President determines and certifies to Congress that Burma has made measurable and substantial progress in improving human rights practices and implementing democratic government, the following sanctions shall be imposed on Burma:

(1) BILATERAL ASSISTANCE.—There shall be no United States assistance to the Government of Burma, other than:

(A) humanitarian assistance,

(B) counter-narcotics assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, if the Secretary of State certifies to the appropriate congressional committees that:

i) the Government of Burma is fully cooperating with U.S. counter-narcotics efforts, and

ii) the programs are fully consistent with United States human rights concerns in Burma and serve the United States national interest, and

(C) assistance promoting human rights and democratic values.

(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of funds of the respective bank to or for Burma.

(3) VISAS.—Except as required by treaty obligations or to staff the Burmese mission to the United States, the United States shall not grant visas to any Burmese government official.

(b) CONDITIONAL SANCTIONS.—The President shall prohibit United States persons from new investment in Burma, if the President determines and certifies to Congress that, after the date of enactment of this act, the Government of Burma has physically harmed, rearrested for political acts, or exiled Daw Aung San Suu Kyi or has committed large-scale repression of or violence against the democratic opposition.

(c) MULTILATERAL STRATEGY.—The President shall seek to develop in coordination with members of ASEAN and other countries having major trading and investment interests in Burma, a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialog between the State Law and Order Restoration Council (SLORC) and democratic opposition groups within Burma.

(d) PRESIDENTIAL REPORTS.—Every six months following the enactment of this act, the President shall report to the Chairmen of the Committee on Foreign Relations, the Committee on International Relations and the House and Senate Appropriations Committees on the following:

(1) progress toward democratization in Burma;

(2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and

(3) progress made in developing the strategy referred to in subsection (c).

(e) WAIVER AUTHORITY.—The President shall have the authority to waive, temporarily or permanently, any sanction referred to in subsection (a) or subsection (b) if he determines and certifies to Congress that the application of such sanction would be contrary to the national security interests of the United States.

(f) DEFINITIONS.—

(1) The term "international financial institutions" shall include the International

Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Asian Development Bank, and the International Monetary Fund.

(2) The term "new investment" shall mean any of the following activities if such an activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Burma or a non-governmental entity in Burma, on or after the date of the certification under subsection (b):

(A) the entry into a contract that includes the economical development of resources located in Burma, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract;

(B) the purchase of a share of ownership, including an equity interest, in that development; and

(C) the entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation; provided that the term "new investment" does not include the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology.

BUMPERS (AND OTHERS)

AMENDMENT NO. 5020

Mr. MCCONNELL (for Mr. BUMPERS, for himself, Mr. HATFIELD, Mr. GORTON, Mr. SIMON, Mr. JOHNSTON, Mr. BURNS, Mr. REID, and Mr. ROTH) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 119, strike lines 6 and 7 and insert in lieu thereof the following:

"(h)(1) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than \$11,000,000 shall be available only for assistance for Mongolia, of which amount not less than \$6,000,000 shall be available only for the Mongolian energy sector.

"(2) Funds made available for assistance for Mongolia shall be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961."

REID AMENDMENT NO. 5021

Mr. MCCONNELL (for Mr. REID) proposed an amendment to the bill, H.R. 3540, supra; as follows:

At the appropriate place, insert the following:

FEMALE GENITAL MUTILATION

SEC. . (a) LIMITATION.—Beginning 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) has, as a cultural custom, a known history of the practice of female genital mutilation;

(2) has not made the practice of female genital mutilation illegal; and

(3) has not taken steps to implement educational programs designed to prevent the practice of female genital mutilation.

(b) DEFINITION.—For purposes of this section, the term "international financial insti-

tution" shall include the institutions identified in section 535(b) of this Act.

INOUYE (AND BENNETT)

AMENDMENT NO. 5022

Mr. MCCONNELL (for Mr. INOUYE, for himself and Mr. BENNETT) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 107, line 23, strike "should be made available" and insert "shall be available only".

LEAHY AMENDMENT NO. 5023

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 184, line 6, delete the word "MORATORIUM" and everything that follows through the period on page 185, line 3.

LEAHY (AND INOUYE)

AMENDMENT NO. 5024

Mr. MCCONNELL (for Mr. LEAHY, for himself and Mr. INOUYE) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 177, line 24, after "Jordan," insert the following: "Tunisia."

On page 178, line 2, after "101-179" insert the following: "Provided, That not later than May 1, 1997, the Secretary of State shall submit a report to the Committees on Appropriations describing actions by the Government of Tunisia during the previous six months to improve respect for civil liberties and promote the independence of the judiciary."

LEAHY (AND OTHERS)

AMENDMENT NO. 5025

Mr. MCCONNELL (for Mr. LEAHY, for himself, Mrs. KASSEBAUM, and Mr. HATFIELD, Mr. DASCHLE, and Mr. JEFFORDS) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 135, line 7, delete "\$626,000,000" and insert in lieu thereof "\$700,000,000."

MCCONNELL (AND LEAHY)

AMENDMENT NO. 5026

Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 148, line 10 through line 13, strike the following language, "That comparable requirements of any similar provision in any other Act shall be applicable only to the extent that funds appropriated by this Act have been authorized: *Provided further*."

SMITH (AND OTHERS)

AMENDMENT NO. 5027

Mr. SMITH (for himself, Mr. THOMAS, and Mr. HELMS) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 105, line 17, strike "*provided further*;" and all that follows through the colon on line 21.

HELMS (AND OTHERS)

AMENDMENT NO. 5028

Mr. HELMS (for himself, Mr. LOTT, and Mr. GREGG) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 198, lines 17 and 18, insert the following:

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS
TO UNITED NATIONS AGENCIES

SEC. . (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including the United Nations Development Program) if the United Nations attempts to implement or impose any taxation or fee on any United States persons or borrows funds from any international financial institution.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations or any of its specialized agencies (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations or such agency, as the case may be, is not engaged in, and has not been engaged in during the previous fiscal year, any effort to develop, advocate, promote, or publicize any proposal concerning taxation or fees on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section:

(1) The term "international financial institution" includes the African Development Bank, the African Development Fund, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the International Monetary Fund, and the Multilateral Insurance Guaranty Agency; and

(2) The term "United States person" refers to—

(A) a natural person who is a citizen or national of the United States; or

(B) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

MURKOWSKI (AND OTHERS)
AMENDMENT NO. 5029

Mr. MURKOWSKI (for himself, Mr. D'AMATO, Mr. THOMAS, and Mr. BOND) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 198, between lines 17 and 18, insert the following:

SENSE OF CONGRESS REGARDING THE UNITED
STATES-JAPAN INSURANCE AGREEMENT

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Japan is the second largest insurance market in the world and the largest life insurance market in the world.

(4) The share of foreign insurance in Japan is less than 3 percent, and large Japanese life and non-life insurers dominate the market.

(5) The Government of Japan has had as its stated policy for several years the deregulation and liberalization of the Japan insurance market, and has developed and adopted a new insurance business law as a means of achieving this publicly stated objective of liberalization and deregulation.

(6) The Governments of Japan and the United States concluded in October of 1994 the United States-Japan Insurance Agreement, following more than one and one-half years of negotiations, in which Agreement the Government of Japan reiterated its intent to deregulate and liberalize its market.

(7) The Government of Japan in June of 1995 undertook additional obligations to provide greater foreign access and liberalization to its market through its schedule of insurance obligations during the financial services negotiations of the World Trade Organization (WTO).

(8) The United States insurance industry is the most competitive in the world, operates successfully throughout the world, and thus could be expected to achieve higher levels of market access and profit-ability under a more open, deregulated and liberalized Japanese market.

(9) Despite more than one and one-half years since the conclusion of the United States-Japan Insurance Agreement, despite more than one year since Japan undertook new commitments under the WTO, despite the entry into force on April 1, 1996, of the new Insurance Business Law, the Japanese market remains closed and highly regulated and thus continues to deny fair and open treatment for foreign insurers, including competitive United States insurers.

(10) The non-implementation of the United States-Japan Insurance Agreement is a matter of grave importance to the United States Government.

(11) Dozens of meetings between the United States Trade Representative and the Ministry of Finance have taken place during the past year.

(12) President Clinton, Vice President Gore, Secretary Rubin, Secretary Christopher, Secretary Kantor, Ambassador Barshefsky have all indicated to their counterparts in the Government of Japan the importance of this matter to the United States.

(13) The United States Senate has written repeatedly to the Minister of Finance and the Ambassador of Japan.

(14) Despite all of these efforts and indications of importance, the Ministry of Finance has failed to implement the United States-Japan Insurance Agreement.

(15) Several deadlines have already passed for resolution of this issue with the latest deadline set for July 31, 1996.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Ministry of Finance of the Government of Japan should immediately and without further delay completely and fully comply with all provisions of the United States-Japan Insurance Agreement, including most especially those which require the Ministry of Finance to deregulate and liberalize the primary sectors of the Japanese market, and those which insure that the current position of foreign insurers in Japan will not be jeopardized until primary sector deregulation has been achieved, and a three-year period has elapsed; and

(2) failing satisfactory resolution of this matter on or before July 31, 1996, the United States Government should use any and all resources at its disposal to bring about full and complete compliance with the Agreement.

HELMS AMENDMENT NO. 5030

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 198, between lines 17 and 18, insert the following:

SENSE OF CONGRESS REGARDING THE CONFLICT
IN CHECHNYA

SEC. . (a) CONGRESSIONAL DECLARATION.—The Congress declares that the continuation of the conflict in Chechnya, the continued killing of innocent civilians, and the ongoing violation of human rights in that region are unacceptable.

(b) SENSE OF CONGRESS.—The Congress hereby—

(1) condemns Russia's infringement of the cease-fire agreements in Chechnya;

(2) calls upon the Government of the Russian Federation to bring an immediate halt to offensive military actions in Chechnya and requests President Yeltsin to honor his decree of June 25, 1996 concerning the withdrawal of Russian armed forces from Chechnya;

(3) encourages the two warring parties to resume negotiations without delay so as to find a peaceful political solution to the Chechen problem; and

(4) supports the Organization for Security and Cooperation in Europe and its representatives in Chechnya in its efforts to mediate in Chechnya.

BROWN AMENDMENT NO. 5031

Mr. McCONNELL (for Mr. BROWN) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 125, line 2, before the period insert the following: "Provided, That of the funds appropriated under this heading, \$2,000,000 shall be available only for demining operations in Afghanistan".

FAIRCLOTH AMENDMENTS NOS.
5032-5033

Mr. McCONNELL (for Mr. FAIRCLOTH) proposed two amendments to the bill, H.R. 3540, supra; as follows:

AMENDMENT NO. 5032

At the appropriate place, insert the following new section:

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID
IN REPORT ON SECRETARY OF STATE

SEC. . (a) FOREIGN AND REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in that fiscal year.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

AMENDMENT NO. 5033

On page 198, between lines 17 and 18, insert the following new section:

REPORT ON DOMESTIC FEDERAL AGENCIES
FURNISHING UNITED STATES ASSISTANCE

SEC. . (a) IN GENERAL.—Not later than June 1, 1997, the Comptroller General of the United States shall study and report to the Congress on all assistance furnished directly or indirectly to foreign countries, foreign entities, and international organizations by domestic Federal agencies and Federal agencies.

(b) DEFINITIONS.—As used in this section:

(1) DOMESTIC FEDERAL AGENCY.—The term “domestic Federal agency” means a Federal agency the primary mission of which is to carry out functions other than foreign affairs, defense, or national security functions.

(2) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term in section 551(1) of title 5, United States Code.

(3) INTERNATIONAL ORGANIZATION.—The term “international organization” has the meaning given the term in section 1 of the International Organization Immunities Act (22 U.S.C. 288).

(4) UNITED STATES ASSISTANCE.—The term “United States assistance” has the meaning given the term in section 481(c)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

SIMON (AND OTHERS)
AMENDMENT NO. 5034

Mr. MCCONNELL (for Mr. SIMON for himself, Mrs. KASSEBAUM, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, and Mr. JEFFORDS) proposed an amendment to the bill, H.R. 3540, supra; as follows:

On page 105, beginning on line 12, strike “amount” and all that follows through “should” on line 13 and insert “amount made available to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa) shall”.

THE NUCLEAR WASTE POLICY ACT
OF 1996

WELLSTONE AMENDMENTS NOS.
5035–5037

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments intended to be proposed by him to the bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982; as follows:

AMENDMENT NO. 5035

On page 65 of the bill at the end of line 20, insert the following: “The adjusted fee proposed by the Secretary shall be effective after a period of 90 days of continuous session have elapsed following the receipt of such transmittal unless during such 90-day period a law is enacted disapproving the Secretary’s proposed adjustment.”

AMENDMENT NO. 5036

On page 85 of the bill, strike lines 13 through 15 and insert in lieu thereof the following:

“(a) Notwithstanding any other provision of this Act or contract as defined in section 2 of this Act, the Secretary shall not accept title to spent nuclear fuel or high-level nuclear waste generated by a commercial nuclear power reactor unless the Secretary determines that accepting title to the fuel or waste is necessary to enable the Secretary to protect adequately the public health or safety, or the environment. To the extent that the federal government is responsible for personal or property damages arising from such fuel or waste while in the federal government’s possession, such liability shall be borne by the federal government.”

AMENDMENT NO. 5037

On page 85 of the bill, strike line 13 through 15 and insert in lieu thereof the following:

“(a) Notwithstanding any other provision of this Act (except subsection (b) of this sec-

tion) or contract as defined in section 2 of this Act, the Secretary shall not accept title to spent nuclear fuel or high-level nuclear waste generated by a commercial nuclear power reactor unless the Secretary determines that accepting title to the fuel or waste is necessary to enable the Secretary to protect adequately the public health or safety, or the environment. To the extent that the federal government is responsible for personal or property damages arising from such fuel or waste while in the federal government’s possession, such liability shall be borne by the federal government.”

THE SEXUAL OFFENDER TRACKING
AND IDENTIFICATION ACT
OF 1996

GRAMM (AND OTHERS)
AMENDMENT NO. 5038

Mr. GRAMM (for himself, Mr. BIDEN, Mr. HATCH, and Mrs. HUTCHISON) proposed an amendment to the bill (S. 1675) to provide for the nationwide tracking of convicted sexual predators, and for other purposes; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pam Lychner Sexual Offender Tracking and Identification Act of 1996”.

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of Title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

“SEC. 170102. FBI DATABASE.

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘FBI’ means the Federal Bureau of Investigation;

“(2) the terms ‘criminal offense against a victim who is a minor’, ‘sexually violent offense’, ‘sexually violent predator’, ‘mental abnormality’, and ‘predatory’ have the same meanings as in section 170101(a)(3); and

“(3) the term ‘minimally sufficient sexual offender registration program’ means any State sexual offender registration program that—

“(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) or section 170101(a)(1);

“(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

“(C) meets the requirements for verification under section 170101(b)(3); and

“(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

“(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

“(1) each person who has been convicted of a criminal offense against a victim who is a minor;

“(2) each person who has been convicted of a sexually violent offense; and

“(3) each person who is a sexually violent predator.

“(c) REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a

minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

“(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

“(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

“(2) for the life of the person, if that person—

“(A) has 2 or more convictions for an offense described in subsection (b);

“(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

“(C) has been determined to be a sexually violent predator.

“(e) VERIFICATION.—

“(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person’s address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

“(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

“(f) COMMUNITY NOTIFICATION.—

“(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

“(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

“(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

“(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

“(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

“(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and a photograph of that person, for inclusion in the appropriate database, with—

“(A) the FBI; and

“(B) the State in which the new residence is established.