

The amendments to this bill will protect Hawaii from an energy crisis. They will also help our farmers and our environment. I urge my colleagues to support S. 417.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of S. 417 as amended by the Senate last week. This legislation, a companion to H.R. 4017 of which I am a co-sponsor, represents a bipartisan, bicameral, win-win solution for communities like Kansas City which currently find it cost-prohibitive to comply with the requirements of the Energy Policy Act.

On September 29, 1998, the day after H.R. 4017 passed the House, I participated in a Forum on Transportation, sponsored jointly by the Kansas City Chamber of Commerce and the Mid America Regional Council. When I shared with the Forum participants the news of our success with H.R. 4017 in the House, they were very excited about the opportunities this legislation would present for the use of biodiesel products in metropolitan transportation fleets and for the growth of associated markets, such as agricultural waste products and soybean products.

S. 417 is a step in the right direction—for cleaner air, for less dependence on foreign petroleum, for opening up new markets for indigenous energy use, and for cost-effective compliance with EPA standards. I urge my colleagues to support this measure. Thank you.

Mr. DINGELL. Mr. Speaker, I am pleased to support S. 417, which incorporates legislation previously reported by the House as well as several new provisions added by the Senate. The bill is companion legislation to H.R. 2472, which was signed into law by the President earlier this year and reauthorized other provisions of the Energy Policy and Conservation Act (EPCA).

The measure before us today reauthorizes several other EPCA programs pertaining to energy conservation for a period of five years. The bill makes needed technical changes to EPCA, the National Energy Conservation Policy Act, and the Energy Conservation and Production Act. In addition, the bill authorizes legislative and judicial branch entities to enter into Energy Savings Performance Contracts and extends a provision of the Defense Production Act of 1950 granting the President priority contracting authority for projects which maximize domestic energy supplies in times of emergency.

In addition to these important reauthorizations, S. 417 amends the Energy Policy Act of 1992 to help biodiesel blended fuel a more attractive option as a replacement fuel. This bipartisan amendment, coauthored by Representative SHIMKUS and Representative KAREN MCCARTHY, will reduce emissions of carbon dioxide and air pollutants.

The legislation also reauthorizes a program initiated under the Energy Policy Act of 1992 to promote energy resource development on Indian reservations, and amends that Act to facilitate the continued clean up of a contaminated thorium site in West Chicago, Illinois.

Finally, the legislation amends EPCA to provide the State of Hawaii special access to the Strategic Petroleum Reserve (SPR) during a declared oil supply emergency. Agreement to include this provision would not have been achieved without the tireless efforts of Mr. ABERCROMBIE, who brought this issue to our attention and helped forge a consensus.

Hawaii depends entirely on oil imports for electric generation, and this provision is critical

to ensuring its citizens' well-being during an oil supply emergency. The legislation authorizes Hawaii to submit a special bid for SPR oil during a declared oil emergency, and to purchase the oil at the average price of other bids accepted by the Department of Energy.

Of course, other parties also are entitled to bid on SPR oil in an emergency, and the Secretary of Energy may limit the amount of oil made available to Hawaii under this measure. Finally, in keeping with other provisions in ERCA, the bill allows Hawaii to enter into an exchange agreement directing that SPR oil be delivered to locations other than Hawaii. The right to exchange SPR oil, however, is conditioned on the obligation to deliver oil of similar quantity to Hawaii. This will help ensure that the benefits reach the citizens of Hawaii, rather than speculators who might wish to resell SPR oil for great profit on the open market.

I commend my colleagues on both sides of the aisle for their cooperation in crafting and reaching agreement on this important legislation, and urge my colleagues to support the bill.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

STATE DEPARTMENT BASIC AUTHORITIES ACT AMENDMENT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—DEPARTMENT OF STATE REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

“(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

“(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

“(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

“(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

“(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

“(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

“(B) the killing or kidnapping of—

“(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

“(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

“(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

“(c) COORDINATION.—

“(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

“(B) the publication of rewards;

“(C) the offering of joint rewards with foreign governments;

“(D) the receipt and analysis of data; and

“(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

“(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

“(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed \$15,000,000.

“(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

“(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

“(e) LIMITATIONS AND CERTIFICATION.—

“(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed \$5,000,000.

“(2) APPROVAL.—A reward under this section of more than \$100,000 may not be made without the approval of the Secretary.

“(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

“(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than \$100,000 set forth in paragraph (2) may not be delegated.

“(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

“(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

“(g) REPORTS.—

“(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

“(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

“(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

“(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

“(j) DEFINITIONS.—As used in this section:

“(1) ACT OF INTERNATIONAL TERRORISM.—The term ‘act of international terrorism’ includes—

“(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-

nuclear-weapon state (as defined in paragraph (5) of that section); and

“(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(3) MEMBER OF THE IMMEDIATE FAMILY.—The term ‘member of the immediate family’, with respect to an individual, includes—

“(A) a spouse, parent, brother, sister, or child of the individual;

“(B) a person with respect to whom the individual stands in loco parentis; and

“(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

“(4) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1).

“(5) UNITED STATES NARCOTICS LAWS.—The term ‘United States narcotics laws’ means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a citizen or national of the United States; and

“(B) an alien lawfully present in the United States.”

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this section may be paid from funds authorized to carry out section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the Administration and payment of rewards under the rewards program of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate committees of rewards paid under this section in the same manner as required by section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

TITLE II—EXTRADITION TREATIES INTERPRETATION ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the “Extradition Treaties Interpretation Act of 1998”.

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103-173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word “kidnapping”, but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnapping" and "kidnapping" to include parental kidnapping.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. GILMAN. Mr. Speaker, this measure enjoys strong bipartisan support in the Congress and the executive branch. It raises the rewards that can be offered to arrest terrorists, narcotraffickers and Yugoslav war criminals. The House passed this measure by voice vote on October 8 and the Senate passed it yesterday.

When the other body considered this measure, it deleted the separate funding authorization for rewards related to the arrest of Yugoslav war criminals and added the text of S. 1266, the Extradition Treaties Interpretation Act. S. 1266 passed the Senate by voice vote last year and would permit divided American parents to levy extradition requests on their former spouses who have kidnapped their children. I will note that this language also has strong bipartisan support and the backing of the administration.

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

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4660, as amended.

I would like to commend the gentleman from New York (Mr. GILMAN) for his leadership in bringing H.R. 4660 to the floor today. I understand that the Senate has amended the bill. The amendment will interpret the term "kidnapping" in any extradition treaty to which the U.S. is a party to include parental kidnapping.

The amendment will result in three important changes: First, it will cure a disparity between list and dual criminality extradition treaties. Parental kidnapping is an extraditable offense under dual criminality treaties but not list treaties. Second, it will enable the Departments of State and Justice to pursue extradition requests under list treaties for parental kidnapping. This change will grant law enforcement offi-

cial the necessary flexibility to process extradition requests. Currently we have two outstanding list treaty requests that cannot be processed because this legislation is not in place. Finally, it will harmonize the term "parental kidnapping" in list treaties with U.S. domestic law which makes parental kidnapping a crime. The bill has the support of the Department of Justice and State, and State and local prosecutors.

Mr. Speaker, I support this important bill and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, if I can yield to the chairman of the committee for a question, I think we are doing good work here. Some of us are concerned that the implementation language for the chemical treaty, the ban on chemical weapons, could end up dying because there are so many other issues that have been added to that particular bill. I am just wondering what the chairman's intention is. I can guarantee you near Democratic support if it is a clean bill on the chemical treaty. If it has a number of other items on it, I am afraid we may not see that bill pass in this session. I think that would just be wrong. It is late in the session. We have got agreement on the chemical portion. I would hope the chairman's plan is to bring a clean bill to the floor rather rapidly.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would be pleased to relate the status. We have been negotiating with regard to the proponents of the omnibus bill to try to get as much of our reauthorization language in as well as the chemical weapons measure. We are awaiting a final decision with regard to that. It is still under negotiation.

Mr. GEJDENSON. I hope the chairman could at this point release the chemical treaty while he is negotiating in the omnibus. The advantage of that, of course, is that this is an important thing that I think the chairman should if he does not, I think he does support, we ought to get that done and you can continue to negotiate on the other matter.

Mr. GILMAN. If the gentleman will yield further, we certainly recognize the importance of the chemical weapons bill. I want to assure the gentleman we will try our best to try to make certain that we get the reauthorization language and the chemical weapons measure before the full House before we adjourn.

□ 1330

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

In concluding, Mr. Speaker, this bill says to terrorists they can run but

they cannot hide. Terrorists everywhere will have to live with the paranoia that a price is on their head dead or alive, and it sends a very important message, too, toward criminals, Number 1; and 2, Karadzic and Milosevic that their days of freedom are numbered.

Mr. Speaker, I urge support for the measure.

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4660.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 3:00 p.m.

Accordingly (at 1 o'clock and 31 minutes p.m.), the House stood in recess until approximately 3:00 p.m.

□ 1508

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 3 o'clock and 8 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2370. An act to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 2536. An act to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1525) "An Act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers