

and second time by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself and Mr. DEWINE):

S. 768. A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 769. A bill to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. MURKOWSKI, Mr. INOUE, Mr. HARKIN, and Mr. WELLSTONE):

S. 770. A bill to provide reimbursement under the medicare program for telehealth services, and for other purposes; to the Committee on Finance.

By Mr. ROBB:

S. 771. A bill to amend title 38, United States Code, to authorize the memorialization at the columbarium at Arlington National Cemetery of veterans who have donated their remains to science, and for other purposes; to the Committee on Veterans Affairs.

S. 772. A bill to amend section 8339(p) of title 5, United States Code, to clarify the computations of certain civil service retirement system annuities based on part-time service, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BREAU:

S. 773. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

S. 774. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

By Mr. TORRICELLI:

S. 775. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 776. A bill to authorize the National Park Service to conduct a feasibility study for the preservation of the Loess Hills in western Iowa; to the Committee on Energy and Natural Resources.

By Mr. FITZGERALD:

S. 777. A bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI:

S. 778. A bill for the relief of Blanca Echeverri; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. FITZGERALD, Mr. MOYNIHAN, and Mr. SCHUMER):

S. 779. A bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 780. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the participation of the Secretary of the Interior in the America's Agricultural Heritage Partnership, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 781. A bill to amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications that is applicable to telephone communications; to the Committee on the Judiciary.

S. 782. A bill to amend title 18, United States Code, to modify the exception to the prohibition on the interception of wire, oral, or electronic communications to require a health insurance issuer, health plan, or health care provider obtain an enrollee's or patient's consent to their interception, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 783. A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. MACK, Mr. FRIST, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SARBANES, Mr. CONRAD, Mr. JOHNSON, Mr. WELLSTONE, Mr. SMITH of Oregon, Ms. COLLINS, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. INOUE, Mr. CRAIG, Mr. GRAHAM, Mr. KERREY, Mr. HARKIN, and Mr. LEAHY):

S. 784. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 785. A bill for the relief of Frances Schochenmaier; to the Committee on Armed Services.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mr. SARBANES, Ms. COLLINS, and Mr. LOTT):

S. 786. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. DURBIN):

S. 787. A bill to amend the Truth in Lending Act to enhance consumer disclosures regarding credit card terms and charges, to restrict issuance of credit cards to students, to expand protections in connection with unsolicited credit cards and third-party checks, and to protect consumers from unreasonable practices that result in unnecessary credit costs or loss of credit, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS (for himself, Mr. ENZI, and Mr. CRAIG):

S. 788. A bill to amend the Federal Meat Inspection Act to provide that a quality

grade label issued by the Secretary of Agriculture may not be used for imported meat and meat food products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN:

S. 789. A bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees; to the Committee on Armed Services.

By Mr. LAUTENBERG:

S. 790. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S.J. Res. 18. A joint resolution honoring World War II crewmembers of the U.S.S. Alabama on the occasion of the 1999 annual reunion of the U.S.S. Alabama Crewmen's Association; to the Committee on Veterans Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS (for himself, Mr. GREGG, Ms. COLLINS, Mr. LOTT, Mr. DEWINE, Mr. HAGEL, Mr. ENZI, Mr. BROWNBACK, Mr. HATCH, Mr. ASHCROFT, and Mr. COVERDELL):

S. Con. Res. 25. A concurrent resolution urging the Congress and the President to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act; to the Committee on Armed Services.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself and Mr. DEWINE):

S. 768. A bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; to the Committee on the Judiciary.

### MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. SESSIONS. Mr. President, I rise to introduce the Military and Extraterritorial Jurisdiction Act of 1999. This bill will close a legal loophole through which civilians who commit crimes while accompanying the Armed Forces overseas evade punishment. Today, when a civilian accompanies the military outside the United States, whether a relative, a dependent, or a civilian contractor—and there are many—the civilian is not subject to prosecution under the Uniform Code of Military Justice and does not fall under any of the general Federal criminal laws.

These individuals can only be prosecuted for their crimes if the host country chooses to do so. However, there are many circumstances in which the host country does not choose to

prosecute. They just often do not have an interest in the case. Additionally, in situations such as Somalia and Haiti, when our troops are rapidly deployed, typically no agreement exists governing how civilians will be prosecuted until months into the operation. Indeed, many times there are no laws in effect really in those countries. So we believe that something must be done in this regard.

There is a glaring deficiency here and it has come to my attention through a tragic incident. A U.S. Army dependent, not a soldier, living on an Army base in Germany, sexually molested two dependent children. The Army investigators found probable cause to believe that the sexual acts had occurred. However, under German law, no action could be taken against this juvenile.

Sometimes prosecutors are restricted by legal prohibitions, and sometimes they just have no interest in prosecuting a case involving Americans.

As of March 31, 1996, there were more than 240,000 family dependents and 96,000 civilian employees overseas. These persons accompany our troops to represent the United States, but many times they are in effect outside the law.

In addition to the sexual molestation incident that I have already mentioned, examples of crimes that have gone unpunished due to this loophole are rape, assault, battery, vandalism, and drug dealing. Although the offenders may receive some sort of administrative punishment, such as being barred from certain areas of the base or monetary fines, these administrative noncriminal penalties are inadequate for the more serious violations.

Because the military continues to rely heavily on civilian assistance and support, the United States must develop an appropriate and effective criminal process to deal with the misbehavior of civilians. It is important to the morale of our military forces that enlisted men and women working outside the United States along with civilian personnel do not believe that civilians who may commit a crime against them are beyond criminal prosecution.

This bill would extend the reach of title 18 of the United States Criminal Code to include those civilians that accompany the military outside the United States. When one of these civilians commits an offense that Congress has established as a maritime crime, the U.S. attorney's office would have the option to exercise jurisdiction and prosecute the offender in the United States. The bill would employ title 18, United States Code section 3238, which provides that an accused be tried in the U.S. district court where the offender first appears when he is brought back to the United States.

Finally, in order to prevent legal conflicts with a jurisdiction recognized by the United States, this bill only applies if the host country has already prosecuted or is in the process of prosecuting the accused.

The need for this legislation was most recently described in a report submitted by the Overseas Jurisdiction Advisory Committee to the Secretary of Defense, the Attorney General, and to this Congress. This panel was established in section 1151 of the 1996 National Defense Authorization Act.

In the act, Congress recognized this jurisdictional loophole needed to be examined so it established this advisory committee to study the problems of civilians who commit criminal acts when accompanying the Armed Forces overseas. This committee was composed of experts in military and civilian law from all branches of the armed services, the Department of Justice, and the State Department. The advisory committee found that this problem was serious enough that "legislation is needed to address misconduct by civilians accompanying the forces overseas in peacetime settings." These experts believed that the jurisdictional void must be closed to "maintain order and discipline."

The American Government must have the authority to discipline people it sends overseas to represent and serve this country. It is inconsistent with the American system of justice that a civilian employee working with service members and dependents of service members not be subject to American criminal laws. This piece of legislation is an important step toward recognizing the changing nature of our Armed Forces and making sure that the Criminal Code is keeping pace with the military's changing dynamic.

As a former U.S. attorney for 12 years myself, and one who has met frequently with victims, nothing can be more frustrating than to see a person or a family victimized by some awful act and have to tell them: There is no law that will vindicate you. Even though under various other circumstances it would be a plain crime, for some technical reason there is not a way to legally right this wrong.

So I believe this is an important bill. It closes a loophole involving more and more Americans each year. We simply do not need to cede away the authority to prosecute criminal acts to nations that may have no interest whatsoever in vindicating the rights of an American service man or woman who has been a victim of a crime.

I believe this is an important act. It has broad support, the support of the military and support of other officials of this Government. We think it is a needed step and I commend it to my fellow Members of the Senate.

I also want to express my appreciation for an Alabama family whose child was a victim of a crime, a sexual act, in a foreign country, who is here in this Capitol today, at the Senate today, and without whose support and encouragement this piece of legislation would not become law and would not have reached this point.

Mr. DEWINE. Mr. President, I rise today with my colleague, Senator SES-

SIONS, to reintroduce legislation that would close the loopholes that permit civilians accompanying the Armed Forces and those serving with the Armed Forces from evading punishment for crimes they committed while abroad. Under current law, many illegal acts committed abroad by dependents, civilian employees, and those servicing with the Armed Forces go substantially unaddressed by either military or civilian courts. Administrative punishments have proven equally inadequate to address this problem.

When civilians accompany the Armed Services outside the United States, they are not subject to prosecution under Federal criminal law or the Uniform Code of Military Justice. This has proven to be a double-edged sword. While foreign nations frequently have no interest in vindicating crimes committed by American civilians against other Americans, despite the extreme seriousness of the offense, there have been instances where the United States has had to turn over American civilians to host countries for potentially harsh punishment because of the absence of appropriate enforcement action. Unfortunately, this problem is likely to worsen as there are a large number of dependents overseas, and the number of civilian employees of the Armed Services overseas is increasing. As for those serving with the Armed Forces, criminal prosecutions by the military court or administrative alternatives sometimes simply discharge the individual and send them home, rather than imposing any serious punishment for a crime.

The case that has united Senator SESSIONS and me behind this legislation is that of an Ohio resident, Amy McGough, who was stationed in Germany, along with her husband who is from Alabama. Mrs. McGough's 8-year-old son and 5-year-old daughter were repeatedly raped and molested by a neighbor boy who was supposed to be baby-sitting them. While the Criminal Investigations Division of the Army found sufficient facts, neither the Army nor Federal prosecutors had jurisdiction to prosecute the case, and the German government would not intervene because of the age of the perpetrator.

In such cases, our bill would guarantee that civilians, or those serving with the Armed Forces in certain circumstances, who commit an illegal act punishable under the Federal law by more than a year's imprisonment, will be subject to the special maritime or territorial jurisdiction of the United States for prosecution by a military court or for Federal criminal prosecution. Neither civilians connected with the Armed Forces nor those serving with the Armed Forces abroad accused of rape, child molestation or some other serious felony will simply be allowed to resign or leave the foreign country to avoid punishment. They will be subject to Federal prosecution.

We need to make sure that an appropriate criminal process exists in these circumstances. Letting these individuals back on America's streets does little to hold them accountable, and nothing to protect our communities here at home. I appreciate the efforts of my colleague, Senator SESSIONS, who is also a member of the Armed Services Committee, in working with me to introduce this legislation to address our mutual concern.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 769. A bill to provide a final settlement on certain debt owed by the city of Dickinson, ND, for the construction of the bascule gates on the Dickinson Dam; to the Committee on Energy and Natural Resources.

THE DICKINSON DAM BASCULE GATES SETTLEMENT ACT OF 1999

Mr. CONRAD. Mr. President, I rise today to introduce the Dickinson Dam Bascule Gates Settlement Act of 1999 and I am pleased that my colleague from North Dakota, Senator DORGAN, is an original cosponsor of the bill. This legislation would permit the Secretary of the Interior to accept a one-time, lump-sum payment for the city of Dickinson, ND, in lieu of the annual payments required under the city's existing repayment contract for construction of the "bascule gates" on the Dickinson Dam on the Heart River. This bill would resolve a long-standing issue for the city of Dickinson and the Bureau of Reclamation. The Dickinson Dam Bascule Gates Settlement Act is nearly identical to a bill I introduced last June, and it is my hope that the Senate will quickly consider and pass this important piece of legislation.

Mr. President, the history of the bascule gates is long and complex. The Bureau of Reclamation constructed the Dickinson Dam on the Heart River in 1949 and 1950 to supply water to the city of Dickinson, and for flood control, recreation, and other purposes. The reservoir created by this dam was named Patterson Lake in about 1960.

The need for additional water supply for the city was identified in the early 1970's, and the bascule gates were constructed in the early 1980's, to provide additional water storage capacity in Lake Patterson. At the time, the city expressed reservations over the cost of the bascule gates and the viability of the gates, since the city was not aware of any other location in a northern climate in which the gates had been tested or proven. In 1982, shortly after the gates were operational, a large ice block caused excessive pressure on the hydraulic system, causing it to fail. Construction modifications were made to the gate hydraulic system and a de-icing system were added in 1982, adding further costs to the project.

In 1991, the city began to receive its municipal water supply from the Southwest Pipeline Project, a project constructed in part with funds provided for North Dakota's statewide water

project, the Garrison Diversion project, which is another Bureau of Reclamation project. The Southwest Pipeline brings high-quality water from Lake Sakakawea on the Missouri River to the city of Dickinson and other communities in southwest North Dakota. The water is of much higher quality than the water from the city's previous supply from Lake Patterson, and has helped spur economic development in the region. While the citizens of the area now benefit from a higher quality water supply, the city no longer benefits from the additional water supply provided by the bascule gates. The result is the city is paying for two Bureau of Reclamation projects, while it is using water from only one of those projects for its municipal water supply. The city has repaid more than \$1.2 million to the United States for the bascule gates, despite the fact that the gates now provide almost no direct benefit to the city.

The city has previously investigated alternatives to the current situation. The city has discussed the option of assuming title to the dam and bascule gates, as well as attempting to negotiate a new agreement with the Bureau of Reclamation administratively. However, because the terms of the existing contract are outlined statutorily, new legislation is required to make any changes to the current repayment contract.

The legislation I am introducing today would do three primary things. First, it would permit the Interior Secretary to accept a lump-sum payment of \$300,000 from the city and terminate the remaining annual payments required under the existing repayment contract. This is an increase from last year's legislation, which called for a \$150,000 final settlement. Enacting this legislation would end the issue of paying for the construction of these gates for both the city and the Federal government.

Second, my bill would require the Secretary to reallocate the costs of operation and maintenance for the bascule gates and the Dickinson Dam. The bill does not prescribe any particular reallocation formula, but does require the Secretary to consider the fact that the current benefits of the dam and bascule gates are primarily for flood control, recreation, and fish and wildlife purposes. In my view, operation and maintenance costs should be borne by those who benefit from a particular project.

Finally, my bill would permit the Secretary to enter any appropriate water service contracts in the future if the city or any other entity uses water from Patterson Lake for municipal water supply or for other purposes. It is only fair that if the city benefits in the future from the water stored behind the bascule gates that we preserve an option for recovering additional costs from those beneficiaries.

Mr. President, this legislation represents a win-win situation for the

residents of the Dickinson area and for the Federal Government. I hope this Congress will carefully study this issue and quickly pass this important legislation.

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. 769

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 1999".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than \$1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **BASCULE GATES.**—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) **CITY.**—The term "City" means the city of Dickinson, North Dakota.

(3) **DAM.**—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) **LAKE.**—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

**SEC. 4. FORGIVENESS OF DEBT.**

(a) **IN GENERAL.**—The Secretary shall accept a 1-time payment of \$300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments