continue to enrich the St. Louis community for years to come.●

INTERNET TAX FREEDOM ACT

● Mr. CLELAND. Mr. President, the Internet, as an growing form of communication, commerce, and information exchange, is a powerful medium for all who are able to take advantage of the opportunities it presents. The initial version of S. 442, the Internet Tax Freedom Act, would, in my opinion, have provided this already powerful tool with even more competitive advantages. Frankly, I believed that the original version was too one-sided in aiding Internet-based businesses at the expense of other interests. However, I was very pleased with the willingness of the authors of this bill to address the concerns raised by state and local governments as well as ''Main Street'' business owners in such a way that I was able to support the final bill.

The final version of S. 442 contains several positive features. Among those is the inclusion of the Hutchinson amendment, which will allow the Commission created by S. 442 to examine the impact of all types of remote sales. Every year states lose billions of dollars in revenue from remote sales, most recently via the Internet but also in catalog sales. The Hutchinson amendment, which is faithful to the recommendation of the Finance Committee, makes a proper and relevant expansion of the mandate of the Commission.

Not all states and municipalities have imposed taxes on the Internet. However, those that have should not have their Constitutional right to impose these taxes stripped away by Congress. The grandfathering of existing taxes on electronic commerce contained in the final version of S. 442, is consistent with our federalist system and balances the needs of interstate commerce with the proper role of states and municipalities.

Although these and other positive provisions in S. 442 allowed me to support the overall bill, I am hopeful that the initial concerns I had with S. 442 will not arise again when the three year moratorium established by the bill expires. The purpose of this temporary moratorium is to allow government and industry representatives time to work together to decide the rules for electronic commerce. However, S. 442 offers no guarantee that the moratorium will not be extended after the three year period. I supported Senator GRAHAM's amendment that would have required a super majority to extend the moratorium, but unfortunately, it was defeated.

There is a precedent of another ''temporary'' moratorium that never expired. In 1959, Congress enacted Public Law 86–272, which limited state corporate income tax collection on out-of-state corporations. Like the goal of the Commission created by S. 442, a moratorium was imposed to try to negotiate a uniform standard with regard to the tax treatment of out-of-state corporations. The results of P.L. 86–272 was an increase in litigation and a decrease in state and local tax revenue. This precedent explains state and local leaders' skepticism about a temporary Internet tax moratorium. It is my hope that when the three year moratorium expires, Congress will not extend the moratorium. The experience of P.L. 86–272 does not need to be repeated.

I fear that a continuation of the moratorium would tilt the scales heavily in favor electronic commerce at the expense of local ''Main Street'' businesses. Internet sales should not receive any privileges that are not available to other forms of commerce. Business competitors of Internet-based firms should not have to experience such legalized discrimination.

Although the use of computers will certainly continue to grow, there will always be consumers who will not have access to the Internet. If attempts are made to extend the three year moratorium, Congress will, in effect, be offering a tax break to those who can afford a computer and Internet access to the detriment of those who cannot.

I wanted to take this opportunity to applaud the efforts that have been made to address this rapidly emerging form of trade, and I believe that the compromise version of S. 442 is an appropriate balance that will give the Commission time to make a recommendation while not greatly interfering with interstate commerce. However, I urge caution by my colleagues, when we revisit this issue in three years, that in our zeal to encourage the growth of the Internet and all the promise it offers we should not compromise the needs of our states, cities, towns, and local merchants. I pledge my efforts to achieve that goal.●

AUTO CHOICE REFORM ACT

● Mr. SHELBY. Mr. President, while I know that the Senate will not take up consideration of S. 625, The Auto Choice Reform Act of 1997, during the 105th Congress, I wanted to put my views regarding this legislation on the record.

S. 625 creates a federally mandated two-tracked automobile insurance system under which car owners would have the option to enroll in a ''personal protection system'' or the traditional ''tort maintenance system.'' Those who select the personal protection system are promised ''prompt recovery'' of economic loss, regardless of fault. However, they forfeit the right to recover damages for pain and suffering while being exempted from liability for such damages themselves.

I have some strong concerns regarding this type of so-called ''reform'' legislation.

First and foremost, I believe that the argument that ''Auto Choice'' will reduce insurance premiums is unfounded. Over the last few years, the numerous states that have adopted no-fault insurance programs similar to those in this legislation have had the highest premiums in the country. In fact, in 1995, 6 out of the 10 states with the highest average liability premiums were no-fault systems. In light of the failure of auto choice to lower premium costs, I cannot understand why we are seeking to put such a system into place across the country.

I am also greatly troubled by the fact that this bill involves an attempt by the federal government to impose a one-size-fits-all solution on the states. While I recognize that some reforms are necessary, I do not believe that federalizing our tort system, is, or should be the solution.

For more than 200 years, states have had the power to develop and refine their own tort systems. Supreme Court Justice Powell wisely observed: ''Our 50 states have developed a complicated and effective system of tort laws and where there have been problems, the states have acted to fix those problems.'' Mr. President, federally directed reform efforts such as those contained in S. 625 detract from the states' abilities to fashion their own initiatives and deny them the opportunity to provide solutions to meet their own particularized needs.

Furthermore, I am troubled by the fact that this bill allows people to waive their right to recover for non-economic damages. Mr. President, such a provision could lead to a lifetime of pain and suffering for those who suffer massive injury in a car accident. In fact, that possibility is so high, no state, not one, allows its citizens to choose to waive their right of recovery for pain and suffering.

Consider the fact that in all likelihood people would ''choose'' to waive these rights when they are sitting in their den, filling out their insurance forms. Mr. President, I would argue that the timing of such a choice precludes the possibility of informed consent on the part of the consumer. No one can predict the future, people cannot say whether they will need to pursue recovery for some accident. I predict that, many of those who so choose will one day find that they guessed wrong. Mr. President, checking off a box on a form could forever cost someone the ability to seek damages for loss of a limb, blindness, loss of a child or permanent disfigurement. This legislation does not provide a choice, it opens people up to take an unnecessary chance.

This legislation contains another flaw in that it does not fully protect the rights of those who choose traditional tort protection. Someone who chooses tort law coverage can only seek complete access to the courts if the at-fault driver has also selected traditional tort law coverage. Thus, a victim in an accident has to hope to be lucky enough that the person that hits him has selected the ''right'' type of coverage. Again, what appear to be

''choices'' in this bill are in effect risky chances.

Mr. President, if we revisit this issue in the future, I believe we must closely consider these factors. Ultimately, we must also note that we cannot advance reform without taking our federal system into consideration. What is right in Alabama, may not be proper for California, or North Dakota or Connecticut. States must play the preeminent role in setting the course for tort law reform. Common sense demands it, our legal traditions demand it, and our Constitution demands it.●

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT

● Mr. ROCKEFELLER. Mr. President, I rise today to join Mr. DEWINE in his introduction of the Strengthening Abuse and Neglect Courts Act. I would like to thank Mr. DEWINE of this leadership on this bill, another example of his ongoing commitment to our Nation's most vulnerable children and families. I would also like to thank my good friends Ms. LANDRIEU and Mr. CHAFEE for their support of and input on this legislation.

Last year at this time, Congress passed and President Clinton signed into law the Adoption and Safe Families Act, the most sweeping piece of child welfare legislation in more than two decades. For the first time, this law establishes that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the abuse and neglect system. The law promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes. More specifically, the law requires a State to move to terminate the parental right of any parent whose child has been in foster care for 15 out of the last 22 months. While essential to protect children, these accelerated time lines increase the pressure on the Nation's already overburdened abuse and neglect courts.

Our courts play a vital role in the Nation's abuse and neglect system. Through my discussions with judges in my state of West Virginia and across the country, I have learned that abuse and neglect judges make some of the most difficult decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations are not made without careful and sometimes painful deliberation. Despite the courts' commitment to the fair and efficient administration of justice in these cases, staggering increases in the number of children in the abuse and neglect system, have placed a tremendous burden on our abuse and neglect courts.

Many abuse and neglect courts have found creative and effective new ways to eliminate their backlogs and move children more efficiently and safely through the court system. In West Virginia, Supreme Court Justice Margaret Workman and a dedicated group of judges and attorneys have developed a comprehensive plan to increase the accountability and efficient administration of abuse and neglect cases. In Cincinnati, Ohio, Judge Grossman's abuse and neglect courts have implemented state-of-the-art computer tracking systems which help them smooth the legal paths of children in foster care.

The purpose of the Strengthening Abuse and Neglect Courts Act is to help remove the burdens on an even greater number of abuse and neglect courts by increasing their administrative efficiency and effectiveness. The bill establishes a program which will provide grants to state and local courts for the creation and implementation of computerized casetracking systems, similar to the one that has seen such incredible success in Ohio. Through the establishment of such systems, courts are able to more easily track how long a child spends in foster care and the status of their cases. Such easy-to-access information will allow courts to move children more quickly and efficiently through the foster care system and into adoptive homes and other permanent placements. This grant program will also enable state and local courts to design and use similar computer systems and to allow for the replication of similar models in other jurisdictions. The technical assistance provision in this bill provides additional funds to aid these courts in the design and implementation of their new computer programs.

Throughout the debate on the Adoption and Safe Families Act, we heard from dozens of judges who said that the biggest problems facing their courts was the overwhelming backlog of abuse and neglect cases. Without creative ways to eliminate such backlogs, the judges argued, new cases will never move smoothly through the court system. That is why this bill also authorizes a grant program to provide State courts with the funds they need to eliminate current backlogs once and for all. For some courts, that might involve the temporary hiring of an additional judge, a temporary extension of court hours, or restructuring the duties of court personnel. This program will provide grants to those court projects that will result in the effective and rapid elimination of current backlogs to smooth the way for a more efficient courts in the future.

The Strengthening the Abuse and Neglect Courts also recognizes the need to improve training, continuing education opportunities, and model practice standards for judges, attorneys and other court personnel who work in the abuse and neglect courts. More specifically, the bill requires that abuse and neglect agencies design and encourage the implementation of ''best practice'' standards for those attorneys representing the agencies in abuse and neglect cases. The Act also extends the federal reimbursement for training currently provided to agency representatives to judges, court personnel, law enforcement representatives, guardians-ad-litem, and the other attorneys who practice in abuse and neglect proceedings. For the first time, such reimbursement would help fund specialized cross-trainings between agency and court personnel and trainings that focus on vital subjects such as new research on child development.

In addition to the judges, guardians-ad-litem and attorneys in the abuse and neglect courts, volunteers for the Court-Appointed Special Advocate (CASA) Program also play a key role in helping abused and neglected children in the court system. CASA volunteers are the eyes and the ears of the courts, spending time with abused and neglected children, interviewing the adults involved in their lives, and helping to give judges a better understanding of the needs of each individual child. Despite the incredible success of the CASA programs, thousands of abused and neglected children do not have the benefit of CASA representation. The Strengthening Abuse and Neglect Courts Act provides CASA with a $5 million grant to expand its programs into under-served areas and to improve its ability to recruit, train and supervise volunteers in already existing programs.

When we talk about child welfare in this country, abuse and neglect courts are too often left out of the discussion. This is an unacceptable mistake, since our courts play a central role in the well-being of our nation's abused and neglected children. I am confident that the Strengthening Abuse and Neglect Courts Act will be valuable first step in making these courts stronger and more efficient than ever, and I ask my colleagues to join us in this important effort.●

RECOGNITION OF MS. VERONICA CALVILLO

● Mr. GORTON. Mr. President, I speak today in recognition of a young woman from my home state of Washington, Ms. Veronica Calvillo. Ms. Calvillo, a sophomore at Seattle University, is the recipient of a scholarship from the Hispanic College Fund. While I did not have the good fortune of attending the recent awards dinner at which Ms. Calvillo spoke, I have heard from many who did attend that she made a remarkable impression. After reading the remarks she made at that dinner, I can certainly understand why. Through her remarks, Ms. Calvillo shows herself to be an intelligent, mature and centered young woman. Ms. Calvillo and her family are truly an example of what is best about America. I ask that Ms. Calvillo's remarks be printed in the CONGRESSIONAL RECORD.

The remarks follow.