

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) STANDARDS OF PROOF.—

(A) FOR IMPORTERS AND RETAILERS.—

(i) IN GENERAL.—The United States Customs Service (in this Act referred to as the “Customs Service”) shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) FOR COUNTRIES.—

(i) IN GENERAL.—The President may determine that a country is not taking adequate measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—

(I) IN GENERAL.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) EXAMPLES.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) PENALTIES.—

(A) FOR IMPORTERS AND RETAILERS.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than \$100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than \$1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) FOR COUNTRIES.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) MONITORING AND REPORTS TO CONGRESS.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(d) ADDITIONAL ENFORCEMENT.—A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under section 506A(a)(1) (C) and (D) of the Trade Act of 1974 and subsection (c) of this section, with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (E) of section 506A(a)(1) of the Trade Act of 1974 and subsection (c) of this section.

(e) DEFINITION.—In this section, the term “Agreement on Textiles and Clothing” means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(f) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000 and shall remain in effect through September 30, 2006.

HOLLINGS AMENDMENT NO. 2429

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill, H.R. 434, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . ENVIRONMENTAL AGREEMENT REQUIRED.

The benefits provided by the amendments made by this Act shall not be available to any country until—

(1) the President has negotiated with that country a side agreement concerning a side

agreement concerning the environment, similar to the North American Environment Cooperation Agreement; and

(2) submitted that agreement to the Congress.

LANDRIEU AMENDMENT NO. 2430

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 434, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, the President may not exercise the authority to extend preferential tariff treatment to any country in sub-Saharan Africa provided for in this Act, unless the President determines that the per capita gross national product of the country (calculated on the basis of the best available information including that of the International Bank for Reconstruction and Development) is not more than 5 times the average per capita gross national product of all sub-Saharan African countries eligible for such preferential tariff treatment under the Act.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an executive session of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, November 3, 1999, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1114, The Federal Mine Safety and Health Act of 1999;

2. S. 1809, The Developmental Disabilities Assistance and Bill of Rights Act of 1999; and

3. Presidential nominations.

ADDITIONAL STATEMENTS

EITELJORG FELLOWSHIP FOR  
NATIVE AMERICAN FINE ART

• Mr. BAYH. Mr. President, as November has been designated Native American History Month, I am honored to congratulate a museum in my own state for its efforts to recognize Native American artists and encourage the creation of new Native American fine art. The Eiteljorg Museum of American Indians and Western Art recently launched an unprecedented 10-year program to strengthen the recognition and study of Native American artists who are making a valuable contribution to our nation's fine arts. The long-term goal of the program is to create a national alliance of scholars, curators, artists, teachers, and collectors who would further the notice and study given to Native American fine artists.

Under the leadership of John Vanausdall, the museum's president

and CEO, an international jury of scholars was appointed to select the first year's fellows and master artist from 106 qualified nominees. Jurors included: Gerald R. McMaster (Plains Cree), curator of contemporary Indian art at the Canadian Museum of Civilization; Bruce Bernstein, assistant director for cultural resources at the National Museum of the American Indian; and Kay WalkingStick (Cherokee), artist and professor of fine art at Cornell University.

On November 13, the first five recipients of the Eiteljorg Fellowship of Native American Fine Art will travel to the Eiteljorg Museum where they will receive national acclaim. They will each be presented with a fellowship award of \$20,000 and participate in the opening events for an exhibition of their art. I am pleased to announce the inaugural winners: Lorenzo R. Clayton (Navajo), Truman Lowe (Ho Chunk), Marianne Nicolson (Kwakwaka'wakw), Rick Rivet (Métis/Dene), and Jaune Quick-to-See Smith (Flathead). In addition, George Morrison (Chippewa) was named a master artist. I urge Americans to visit the exhibition which will be on view at the Eiteljorg Museum, located in the beautiful White River State Park in Indianapolis from November 13, 1999 through January 23, 2000.

I commend the Eiteljorg Museum for conceiving this long-overdue honor to Native American artists. This wonderful program is due to the generosity of the Indianapolis-based Lilly Foundation, Inc. which has directed \$490,000 to this worthy endeavor. Thanks to the efforts of the Eiteljorg Museum and Lilly, the future is bright for Native American artists, as this program will award \$100,000 to five artists every two years. Our state is fortunate for their vision and I am honored to recognize their efforts in promoting Native American Art and preserving the culture of Native Americans.●

#### TRIBUTE TO MARC HULL

● Mr. JEFFORDS. Mr. President, it is with much pride, and a little sadness, that I rise today to pay tribute to one of Vermont's outstanding leaders in education. Marc Hull, who recently resigned his post as Commissioner of Education in my home state, deserves both praise and gratitude for all he has accomplished for the children and youth of Vermont.

At a time when education rightly tops the state and national agenda, we have been fortunate to have his services. Marc has effectively advanced the education agenda of Vermont through his dedication and perseverance in making sure that every child achieves his or her highest potential, by setting high standards and giving children and teachers the means to reach them. To do so, he developed the Vermont

Framework of Standards which is serving as the guide for improving the performance of all Vermont schools, and most importantly the performance of Vermont's students.

I also want to take this opportunity to salute Marc for his prior service to Vermont as Director of Special Education. He has consistently spoken for those who at one time had no voice and helped individuals advocate for themselves and their children. For years he has labored tirelessly to provide appropriate education programs for children with disabilities.

But despite these important positions and titles, I think of Marc as first and foremost a teacher. He has certainly taught me, and I think he has probably touched and inspired everyone around him.

I am especially fond of the example that stemmed from his visit to Washington, D.C. this spring. Marc had led Vermont's efforts to implement the federal Ed Flex law, and was invited by the President to attend the signing ceremony in the Rose Garden. At the ceremony, the President graciously gave Marc one of the pens he used to sign the legislation. For most of us, the story would have stopped there, as the pen gathered dust on our bookshelf or in a drawer. Not so for Marc. He took the pen with him to classrooms throughout Vermont so that hundreds of students had the thrill of writing a word or two with the pen the President used to sign the Ed Flex legislation. As usual, their comments were priceless, ranging from "This must be worth millions!" to "Can I use it to write my name in my baseball cap?"

Marc Hull has written his name into the fabric of our state. With compassion for all whom he served, unique leadership skills and unsurpassed creativity, Marc has worked to make Vermont schools the best they can be. I am pleased that while he has left his post as Commissioner, he will not leave the field of education. And wherever he works, I know he will continue to have an impact on helping children to reach higher.

His integrity, humility and humanity make Marc Hull a wonderful advisor, a good friend and an asset to the nation. He's not a bad politician either, in the best sense of the word. Throughout my term as chairman of the Senate's education committee I have relied on his good counsel. Though he will never get proper credit, his influence has been felt far beyond the Green Mountains. I thank him, I wish him well, and I plan to continue learning from him.●

#### ON THE RETIREMENT OF JAMES B. EDWARDS

● Mr. HOLLINGS. Mr. President, it gives me great pleasure today to recognize my friend Dr. Jim Edwards, who recently retired as president of the

Medical University of South Carolina after a distinguished 17-year tenure. Thanks to his hard work and dedication, MUSC is now consistently ranked as one of the top 100 research universities in the country and has established itself as a leader in teaching and patient care.

Since Dr. Edwards took the helm at MUSC, the university has graduated more than 10,000 health care professionals who are serving throughout the state and nation. The university also experienced remarkable physical growth under his leadership with the construction of several valuable facilities including the Children's Hospital, the Hollings Cancer Center, the Gazes Institute for Cardiac Research and the Strom Thurmond Biomedical Research Center. The Charleston area is fortunate to have MUSC in its midst. The area's largest employer, MUSC has an impressive economic impact of \$1.3 billion annually.

Dr. Edwards' vision and drive that helped place MUSC in the medical forefront are talents he developed during the previous two decades as a public servant. He became a politician for all the right reasons. He was the archetypal man fed up with America's ills, but with the uncommon belief that it was his duty to correct them.

A successful oral surgeon, Jim served for two years in the South Carolina Senate before resigning to run for governor in 1974. Although the underdog in the race, he emerged the victor, becoming the first Republican governor of South Carolina since Reconstruction. As governor, he passed the Education Finance Act, which helped modernize our state's education system. He also established a reserve fund, created a motor vehicle management office, streamlined the state budgeting process, developed welfare reform procedures, established the Energy Research Institute and launched state government reorganization efforts.

His nonpartisan approach to state government was commendable. "I sincerely believe that during a campaign you ought to be partisan as you can be," he told The State newspaper recently, "and talk about the differences of the two parties. There's plenty there to talk about. . . . But when elected, all this partisan stuff should stop. You ought to work together with whomever the people elected to work with you in government." Democrats far outnumbered Republicans in the South Carolina legislature when Jim was governor, yet representatives from both parties have compliments to bestow upon him to this day. He left the Governor's Mansion with an approval rating of nearly 80 percent.

A year after Dr. Edwards returned to his dental practice, President Reagan asked him to serve as the nation's energy secretary. True to his commitment to public service, Jim answered