SENATE—*Friday, April 3, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, Sovereign of this Nation, we praise You for the gift of authentic hope. More than wishful thinking, yearning, or shallow optimism, we turn to You for lasting hope. We have learned that true hope is based on the expectation of the interventions of Your Spirit that are always on time and in time. You are the intervening Lord of the Passover, the opening of the Red Sea, the giving of the Ten Commandments. You have vanquished the forces of evil, death, and fear through the Cross and the Resurrection. All through the history of our Nation, You have blessed us with Your providential care. It is with gratitude that we affirm, "Blessed is the Nation whose God is the Lord."—Psalm 33:12.

May this sacred season, including both Passover and Holy Week, be a time of rebirth of hope in us. May Your Spirit of hope displace the discordant spirit of cynicism, discouragement, and disunity. Hope through us, O God of hope. Flow through us patiently until we hope for one another what You have hoped for us. Then Lord, give us the vision and courage to confront those problems that have made life seem hopeless for some people. Make us communicators of hope. We trust our lives, the work of the Senate, and the future of our Nation into Your all-powerful hands. In the Name of the Hope of the World. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

(Mr. ENZI assumed the chair.)

THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I wish to observe, as is always the case, the distinguished Senator from South Carolina was one of the last to leave last night, approaching 11 o'clock, and was the first here this morning. We thank the Senator for his leadership as the President pro tempore of the Senate.

Mr. THURMOND. I thank the majority leader for his fine leadership of the Senate.

THE SENATE CHAPLAIN

Mr. LOTT. Mr. President, I also commend the Chaplain not only on his usual beautiful prayer but on the beauty of his Ogilvie tartan tie that he sports this morning in recognition, I am sure, of Tartan Day that is coming up in just 3 days, next Monday. So we look forward to that celebration with the Chaplain.

PROGRAM

Mr. LOTT. Mr. President, we will have a period of morning business today until 12 noon. It is planned today to consider S. 414, the international shipping bill. In addition, the Senate, of course, will take up any executive or legislative business cleared for Senate action. I thank all the Senators who have been working on the international shipping bill, including the chairman of the subcommittee, Senator HUTCHISON; the chairman of the full Committee on Commerce, Senator MCCAIN; Senator SLADE GORTON of Washington, who has been working to address some concerns he still has, and he believes he may have an amendment on this later on today; and Senator HARKIN and others who worked with us on getting this language agreed to so that we can take up this important legislation.

I do confirm that there are some further nominations that we hope to move today. Several of them were considered and approved last night, but we will be going over the list in the next couple hours to see if there are others that can be approved. There will be no rollcall votes today. The next rollcall vote will occur on or in regard to the Coverdell A+ education savings account bill on Tuesday, April 21, at a time to be announced—probably in the morning, hopefully the early morning of Tuesday.

ACTIONS OF THE SENATE

Mr. LOTT. Mr. President, since there is no other Senator seeking recognition at this time, I wish to further comment on the action of the Senate over the past few days, particularly with regard to the budget resolution that passed last night. Because of the lateness of the hour and the fact that we had had 24 votes during the day on Thursday, we did not really have an opportunity to give proper accolades when we completed that work.

I say again how much I appreciate the leadership of Senator DOMENICI, the chairman of the Budget Committee. As always, he exhibited real leadership. He knows more about budget substance, about the numbers, and about the points of order than all the rest of us combined probably. He did a great job of getting the bill through in, I believe, record time at least in recent history, certainly since I have been in the Senate since 1988. So I thought that was a tremendous accomplishment. He did get good cooperation from Senator LAUTENBERG, the ranking member of the Budget Committee, and he worked on both sides of the aisle to hold down some of the amendments that really did not need to be offered, either sense of the Senate or could be offered at another time.

It was really a tremendous accomplishment to get it completed from a process standpoint, but also the substance deserves more attention than we were able to give it late last night. It is a historic budget because it does for the first time since, I believe, 1969 get us to an actual balanced budget and to a surplus, hopefully, in this year and over the next few years, hundreds of millions, billions of dollars of surplus, which is something we have not experienced in a long, long time. So it is balanced. It will lead to surpluses. It provides tax cuts, and we hope to have even more tax cuts agreed to in the conference report beyond what was actually included in this budget resolution.

It does take steps to further protect and preserve and allows us to look at reforming Social Security so it will be there not only for our parents but for ourselves and our children well into the next century by setting aside a surplus for Social Security.

I think that is a very positive step. I think we need to think very carefully about how we go beyond not just setting aside some money but how we really deal with the future needs of Social Security. It also, after repeated attacks, continues to say that any tobacco settlement that we may reach will go into Medicare, where it is needed, because over the next 8 to 10 years that program will again begin to have problems.

So the combination was a really good budget resolution. It goes to conference now, as I noted. We will have a good conference. I hope, as we discussed yesterday, that we can actually come up with more tax cuts than we have earmarked in this budget resolution. But I remind my colleagues we can always come up with more than what is provided in the budget if we can find offsets, and we should look for them. We should look for places where there is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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spending not necessary or that is duplicative or can be better used by allowing people to keep their own money.

I do think we should make a special effort this year to begin the process of eliminating the marriage penalty tax. How in the world in America can we defend the fact that young couples, when they get married, pay more taxes even though they make no more income. The average tax increase for a married couple over what they pay before they are married is $1,400. You talk about fairness in the Tax Code. That is one provision that must be changed, and we will work together in a bipartisan way to see if we can eliminate the marriage penalty tax this year.

I also thank the Senate for a lot of good work in other areas over the past couple weeks. We did reach agreement on how to consider the Coverdell A+ education bill. It will be a very fair process. We will have 15 or so amendments that will be offered dealing with education only, not extraneous matters that we argued about for over 2 weeks. It will deal with education from both sides of the aisle. Some of them may be accepted, some of them may be second degreed, but I think we will have a great education discussion when we return on April 20, and hopefully we can complete that bill by April 22.

We do hope to take up the NATO enlargement bill later on that week, but I want to make sure that every Senator is comfortable with how that is done, make sure that we have enough time to debate that very important matter fully, but reach a conclusion within, hopefully, 3 days or so—probably by the 26th or 27th of April.

The Finance Committee took a very positive step forward earlier this week with regard to IRS reform. The House did a good job last year getting it started, but we found where there are other real abuses by IRS. We had a unanimous bipartisan vote to report the IRS reform bill out of the Finance Committee, so that bill will be coming to the floor, probably around the first week in May—May 4, something of that nature. It does deal with abuses of such things like the innocent spouse, where an innocent spouse, even though he or she may be divorced, is now being held responsible for half or all of the debts of their spouse or former spouse in a very unfair way. It does provide for some restrictions on the excesses of penalties and interest. Many of us know instances, now, where people have found that they owe more in penalties and interest on taxes than they originally owed. So this bill will begin to cut that back and get it under control. I think the taxpayers will be very proud of that.

Finally, I think we should take note of the vote that occurred in the Senate Commerce Committee on a tobacco settlement package. It still has a long way to go, but that vote was 19 to 1, and was reported out. Most people thought it would never get beyond the committee, that it probably would never even be considered. But it was considered, and I think that was a move that will lead us to an opportunity in late May to take up that very important legislation to deal with teenage smoking, to try to deal with the Medicare problems that are caused by the health effects of smoking.

I commend Senator MCCAIN and Senator HOLLINGS, all those on both sides of the Commerce Committee for their leadership there.

So, as is typical of the Senate, after a lot of work behind the scenes, there was a burst of activity this week, and I think it has put us in a position to complete a lot of good bills when we return the latter part of April.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 414

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Larry DiRita, my legislative director, and Jim Sartucci from the Commerce Committee professional staff, be allowed floor privileges during the duration of the debate on S. 414.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCEAN SHIPPING REFORM ACT OF 1997

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of S. 414, and it be considered under the following limitations: A substitute amendment offered by Senator HUTCHISON and an amendment to the substitute on application of the act to be offered by Senator GORTON.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1997".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect on March 1, 1998.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking paragraph (5) and redesignating paragraph (4) as paragraph (5);

(2) inserting after paragraph (3) the following:

"(4) 'Board' means the Intermodal Transportation Board.";

(3) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(4) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(5) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(6) striking "in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(7) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(8) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(9) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(10) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.".

(11) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(12) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(13) striking paragraph (19), as redesignated and inserting the following:

"(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party.";

(14) striking paragraph (21), as redesignated, and inserting the following:

"(21) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment, except that the amendments made by paragraphs (1) and (2) take effect on January 1, 1999.

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) OCEAN COMMON CARRIERS.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;"; and

(2) striking "and" in paragraph (6) and inserting "or".

(b) MARINE TERMINAL OPERATORS.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)"; and

(2) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

(a) IN GENERAL.—Section 5(b) of the Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amended by—

(1) striking "and" at the end of paragraph (7);

(2) striking paragraph (8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item; and

"(9) prohibit the agreement from—

"(A) prohibiting or restricting the members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

"(B) requiring a member of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those specified by section 8(c)(3) of this Act; and

"(C) issuing mandatory rules or requirements affecting an agreement member's right to negotiate and enter into service contracts.

An agreement may issue voluntary guidelines relating to the terms and procedures of agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines and the guidelines are filed with the agreement.".

(b) APPLICATION.—Section 5(d) of that Act (46 U.S.C. App. 1704(d)) is amended by striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933," and inserting "this Act and the Shipping Act, 1916,".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

(a) IN GENERAL.—Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) inserting "Federal Maritime" before "Commission" in paragraph (6) of subsection (a);

(3) striking "or" at the end of subsection (b)(2);

(4) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(5) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment except the amendment made by paragraph (2) of subsection (a) takes effect on January 1, 1999.

SEC. 106. TARIFFS.

(a) IN GENERAL.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "and" at the end of paragraph (1)(D);

(6) striking "loyalty contract," in paragraph (1)(E);

(7) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(8) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(9) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) SERVICE CONTRACTS.—Subsection (c) of that section is amended to read as follows:

"(c) SERVICE CONTRACTS.—

"(1) IN GENERAL.—An individual common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be affiliated with, or controlled by, any party to the contract.

"(2) FILING REQUIREMENTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

"(A) the origin and destination port ranges;

"(B) the origin and destination geographic areas, in the case of through intermodal movements;

"(C) the commodity or commodities involved;

"(D) the minimum volume or portion;

"(E) the line-haul rate;

"(F) the duration;

"(G) service commitments; and

"(H) the liquidated damages for nonperformance, if any.

"(3) PUBLICATION OF CERTAIN ESSENTIAL TERMS.—When a service contract is filed confidentially with the Commission, a concise statement of the terms described in paragraphs (2)(C), (D), and (F) and the United States port range shall be published and made available to the public in tariff format.

"(4) DISCLOSURE OF CERTAIN UNPUBLISHED TERMS.—A party to a collective-bargaining agreement may petition the Commission for the disclosure of any service contract terms not required to be published by paragraph (3) which that party considers to be in violation of that agreement. The petition shall include evidence demonstrating that

"(A) a specific ocean common carrier is a party to a collective-bargaining agreement with the petitioner;

"(B) the ocean common carrier may be violating the terms and conditions of that agreement; and

"(C) the alleged violation involves the moment of cargo subject to this Act.

"(5) ACTION BY COMMISSION.—The Commission, after reviewing a petition under paragraph (4), the evidence provided with the petition, and the filed service contracts of the carrier named in the petition, may disclose to the petitioner only such unpublished terms of that carrier's service contracts that the Commission reasonably believes may constitute a violation of the collective-bargaining agreement. The Commission may not disclose any unpublished service contract terms with respect to a collective-bargaining agreement term or condition determined by the Commission to be in violation of this Act.".

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking "30 days after filing with the Commission." in the first sentence and inserting "30 calendar days after publication.";

(2) inserting "calendar" after "30" in the next sentence; and

(3) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (e) of that section is amended to read as follows:

"(e) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.".

(e) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Subsection (f) of that section is amended to read as follows:

"(f) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "service contracts filed with the Commission" in the first sentence of subsection (a) and inserting "service contracts, or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" in paragraph (1) as redesignated and inserting "published or assessed";

(8) striking "filing with the Commission." in subsection (c) and inserting "publication.";

(9) striking "DISAPPROVAL OF RATES.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish".

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide services, facilities, or privileges, other than in accordance with the rates or terms in its tariffs or service contracts in effect when the service was provided;";

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking "except for service contracts," in paragraph (4), as redesignated, and inserting "for service pursuant to a tariff,";

(6) striking "rates;" in paragraph (4), as redesignated, and inserting "rates or charges;";

(7) inserting "(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any location, port, class or type of shipper or ocean transportation intermediary, or description of traffic;" after paragraph (4);

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

"(6) use a vessel in a particular trade to drive another ocean common carrier out of that trade;";

(10) striking paragraphs (9) through (13) and inserting the following:

"(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

"(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any location, port, class or type of shipper or ocean transportation intermediary, or description of traffic;

"(10) unreasonably refuse to deal or negotiate;";

(10) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(11) striking "a non-vessel-operating common carrier" in paragraphs (11) and (12) as redesignated and inserting "an ocean transportation intermediary";

(12) striking "sections 8 and 23" in paragraphs (11) and (12) as redesignated and inserting "sections 8 and 19";

(13) striking "or in which an ocean transportation intermediary is listed as an affiliate" in paragraph (11), as redesignated;

(14) striking "Act;" in paragraph (12), as redesignated, and inserting "Act, or with an affiliate of such ocean transportation intermediary;"

(15) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(16) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c)(5) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(5)) is amended by striking "freight forwarder" and inserting "transportation intermediary, as defined by section 3(17)(A) of this Act,".

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking "freight forwarders," and inserting "transportation intermediaries,";

(2) striking "freight forwarder," in paragraph (1) and inserting "transportation intermediary,";

(3) striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b) (8), (9), (10), and (13)"; and

(4) adding at the end thereof the following:

"(4) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries as defined by section 3(17)(A) of this Act.".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (6)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking " 'non-vessel-operating common carrier', " in subsection (a)(1) and inserting " 'ocean transportation intermediary', ";

(2) striking "forwarding and" in subsection (a)(4);

(3) striking "non-vessel-operating common carrier" in subsection (a)(4) and inserting "ocean transportation intermediary services and";

(4) striking "freight forwarder," in subsections (c)(1) and (d)(1) and inserting "transportation intermediary,";

(5) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(6) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(7) striking "(b)(5)" each place it appears in subsection (h) and inserting "(b)(6)".

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels of the common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (7)";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking "or (b)(4)" and inserting "or (b)(2)"; and

(2), striking "(b)(1), (4)" and inserting "(b)(1), (2)".

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking "freight forwarders" in the section caption and inserting "transportation intermediaries";

(2) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.";

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act, or any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act; and

"(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim.

"(3) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(5) striking, each place such term appears—

(A) "freight forwarder" and inserting "transportation intermediary";

(B) "a forwarder's" and inserting "an intermediary's";

(C) "forwarder" and inserting "intermediary"; and

(D) "forwarding" and inserting "intermediary";

(6) striking "a bond in accordance with subsection (a)(2)." in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1).";

(7) striking "FORWARDERS.—" in the caption of subsection (e), as redesignated, and inserting "INTERMEDIARIES.—";

(8) striking "intermediary" the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting "intermediary, as defined in section 3(17)(A) of this Act,";

(9) striking "license" in paragraph (1) of subsection (e), as redesignated, and inserting "license, if required by subsection (a),";

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

"(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.".

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984 shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1997, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1997.";

(2) inserting the following at the end of subsection (e):

"(3) The Ocean Shipping Reform Act of 1997 shall not affect any suit—

"(A) filed before the effective date of that Act; or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1997.".

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

SEC. 119. REPLACEMENT OF FEDERAL MARITIME COMMISSION WITH INTERMODAL TRANSPORTATION BOARD.

(a) IN GENERAL.—The Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.) is amended by—

(1) striking "Federal Maritime Commission" each place it appears, except in sections 7(a)(6) and 20, and inserting "Intermodal Transportation Board";

(2) striking "Commission" each place it appears (including chapter and section headings), except in sections 7(a)(6) and 20, and inserting "Board"; and

(3) striking "Commission's" each place it appears and inserting "Board's".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 1999.

TITLE II—TRANSFER OF FUNCTIONS OF THE FEDERAL MARITIME COMMISSION TO THE INTERMODAL TRANSPORTATION BOARD

SEC. 201. TRANSFER TO THE INTERMODAL TRANSPORTATION BOARD.

(a) CHANGE OF NAME OF SURFACE TRANSPORTATION BOARD TO INTERMODAL TRANSPORTATION BOARD.—The Surface Transportation Board shall be known as the Intermodal Transportation Board after December 31, 1998.

(b) TRANSFER OF FUNCTIONS, PERSONNEL, AND ASSETS OF THE FEDERAL MARITIME COMMISSION.—

(1) FUNCTIONS; POWERS; DUTIES.—All functions, powers, and duties vested in the Federal Maritime Commission are hereby transferred to and shall be administered by the Intermodal Transportation Board.

(2) TRANSFER OF ASSETS AND PERSONNEL.—Any personnel, property, or records employed, used, held, available, or to be made available in connection with a function transferred to the Board under paragraph (1) shall be transferred to the Board for use in connection with the function transferred, and unexpended balances of appropriations, allocations, and other funds of the Federal Maritime Commission shall be transferred to the Board. Those unexpended balances, allocations, and other funds, together with any unobligated balances from fees collected by the Commission during fiscal year 1999, may be used to pay for the closedown of the Commission and severance costs for Commisssion personnel, regardless of whether those costs are incurred at the Commission or at the Board.

(c) REGULATIONS.—No later than January 1, 1998, the Federal Maritime Commission, in consultation with the Surface Transportation Board, shall prescribe final regulations to implement the changes made by this Act.

(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.—There is authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

(e) COMMISSIONERS OF THE FEDERAL MARITIME COMMISSION.—Effective January 1, 1999, the right of any Federal Maritime Commission commissioner to remain in office is terminated.

(f) MEMBERSHIP OF THE INTERMODAL TRANSPORTATION BOARD.—

(1) NUMBER OF MEMBERS.—Section 701(b)(1) of title 49, United States Code, is amended by—

(A) striking "3 members," and inserting "5 members,"; and

(B) striking "2 members" and inserting "3 members".

(2) INITIAL TERMS.—Of the 2 additional members of the Intermodal Transportation Board first appointed under section 701(b)(1) of title 49, United States Code, as amended by paragraph (1), one shall serve for a term ending December 31, 2000, and the other shall serve for a term ending December 31, 2002.

(3) QUALIFICATIONS.—Section 701(b)(2) of title 49, United States Code, is amended to read as follows:

"(2) At any given time, at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of surface or maritime transportation or their regulation, and at least 2 members shall be individuals with professional or business experience (including agriculture, surface or maritime transportation, or marine terminal or port operation) in the private sector. At any given time, at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in maritime transportation

or its regulation or professional or business experience in maritime transportation or marine terminal or port operation in the private sector, and at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in surface transportation or its regulation or professional or business experience in agriculture or surface transportation in the private sector. Neither of the 2 individuals appointed as surface transportation members under the preceding sentence, and neither of the 2 individuals appointed as maritime transportation members under that sentence, may be members of the same political party.".

SEC. 202. SAVING PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Maritime Commission or the Surface Transportation Board, any officer or employee of the Surface Transportation Board that are in effect on December 31, 1998, (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Intermodal Transportation Board, any other authorized official, a court of competent jurisdiction, or operation of law. .

(b) PROCEEDINGS.— The provisions of this title shall not affect any proceedings or any application for any license pending before the Federal Maritime Commission or the Surface Transportation Board at the time this Section takes effect, but such proceedings and applications shall be continued before the Intermodal Transportation Board. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS.—(1) This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) Any suit by or against the Federal Maritime Commission or the Surface Transportation Board begun before the effective date of this Act shall be continued with the Intermodal Transportation Board.

(3) If the court in a suit described in paragraph (1) remands a case to the Board, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(d) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Maritime Commission or the Surface Transportation Board shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Maritime Commission or the Surface Transportation Board, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

SEC. 203. REFERENCES.

Any reference to the Surface Transportation Board in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Surface Transportation Board or an officer or employee of the Surface Transportation Board, is deemed to refer to the Intermodal Transportation Board, or a member or employee of the Board, as appropriate.

SEC. 204. EFFECTIVE DATE.

This title, and the amendments made by this section shall take effect on January 1, 1999, except as otherwise provided.

SUBTITLE B—CONFORMING AMENDMENTS TO UNITED STATES CODE

SEC. 221. TITLE 5 AMENDMENTS.

(a) COMPENSATION FOR POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking "Chairman, Surface Transportation Board." and inserting in lieu thereof "Chairman, Intermodal Transportation Board.".

(b) COMPENSATION FOR POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking "Members, Surface Transportation Board." and inserting in lieu thereof "Members, Intermodal Transportation Board.".

SEC. 222. TITLE 11 AMENDMENTS.

Subchapter IV of chapter 11 of title 11, United States Code, is amended—

(1) by striking section 1162 and inserting in lieu thereof the following:

"SEC. 1162. Definition

"In this subchapter, 'Board' means the 'Intermodal Transportation Board'."; and

(2) by striking "Commission" each place it appears and inserting in lieu thereof "Board".

SEC. 223. TITLE 18 AMENDMENT.

Section 6001(1) of title 18, United States Code, is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 224. INTERNAL REVENUE CODE OF 1986 AMENDMENTS.

(a) SECTION 3231.—Section 3231(a) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

(b) SECTION 7701.—Section 7701(a)(33)(c)(i) of such Code is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 225. TITLE 28 AMENDMENTS.

(a) Chapter 85.—Chapter 85 of title 28, United States Code, is amended—

(1) in the section heading to section 1336 by striking "Surface Transportation Board's" and inserting in lieu thereof "Intermodal Transportation Board's";

(2) in section 1336 by striking "Surface Transportation Board" each place it appears and inserting in lieu thereof "Intermodal Transportation Board";

(4) in the item relating to section 1336 of the table of sections by striking "Surface Transportation Board's" and inserting in lieu thereof "Intermodal Transportation Board's".

(b) Chapter 157 Amendments.—

(1) IN GENERAL.— Chapter 157 of such title is amended—

(A) by striking "SURFACE TRANSPORTATION BOARD" in the chapter heading and inserting in lieu thereof "INTERMODAL TRANSPORTATION BOARD"; and

(B) by striking "Surface Transportation Board" each place it appears and inserting in lieu thereof "Intermodal Transportation Board".

(2) TABLE OF CHAPTERS.— The item relating to chapter 157 in the table of chapters of such title is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

(c) CHAPTER 158 AMENDMENTS.—

SEC. 226. TITLE 31 AMENDMENTS.

Section 3726(b)(2) of title 31, United States Code, is amended by striking "Surface" and inserting "Intermodal".

SEC. 227. TITLE 39 AMENDMENTS.

Title 39, United States Code, is amended—

(1) in section 5005(b)(3) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board";

(2) in section 5201(1) by striking "Surface" and inserting "Intermodal"

(3) in the section heading to section 5207 by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board; and

(4) in the item relating to section 5207 of the table of sections of chapter 52, by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 228. TITLE 49 AMENDMENTS.

(a) CHAPTER 7.—Chapter 7 of title 49, United States Code, is amended by striking "Surface Transportation Board" each place it appears, and inserting "Intermodal Transportation Board".

(b) CHAPTER 221.—Chapter 221 of such title is amended—

(1) in section 22101(a)(1) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board";

(2) in section 22103(b)(1) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board";

(3) in section 22107(c) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

(c) Section 24301.—Section 24301(c)(2)(B) of such title is amended by striking "Surface" and inserting "Intermodal".

(d) Subtitle IV of such title is amended by striking "Surface Transportation Board" each place it appears and inserting "Intermodal Transportation Board".

SUBTITLE C—OTHER AMENDMENTS

SEC. 241. AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENTS.

Section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) is amended by striking "Surface Transportation Board" each place it appears and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 242. ANIMAL WELFARE ACT AMENDMENT.

Section 15(a) of the Animal Welfare Act (7 U.S.C. 6145(a)) is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 243. FEDERAL ELECTION CAMPAIGN ACT OF 1971 AMENDMENTS.

Section 401 of the Federal Election Campaign Act of 1971 is amended by striking "Surface" and inserting "Intermodal".

SEC. 244. FAIR CREDIT REPORTING ACT AMENDMENT.

Section 621(b)(4) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)(4)) is amended by striking "Surface" and inserting "Intermodal."

SEC. 245. EQUAL CREDIT OPPORTUNITY ACT AMENDMENT.

Section 704(a)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c(a)(4)) is amended by striking "Surface" and inserting "Intermodal"

SEC. 246. FAIR DEBT COLLECTION PRACTICES ACT AMENDMENT.

Section 814(b)(4) of the Fair Debt Collection Practices Act (15 U.S.C. 1692l(b)(4)) is amended by striking "Surface" and inserting "Intermodal".

SEC. 247. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

Sections 8(d) and 9(b) of the National Trails System Act are each amended by striking "Surface" and inserting "Intermodal"

SEC. 248. CLAYTON ACT AMENDMENTS.

Sections 7, 11(a), and 16 of the Clayton Act (15 U.S.C. 18, 21(a), and (22)) is amended

SEC. 249. ENERGY POLICY ACT OF 1992 AMENDMENTS.

Subsections (a) and (d) of section 1340 of the Energy Policy Act of 1992 (42 U.S.C. 13369 (a) and (d)) are each amended by striking "Interstate Commerce Commission" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 250. ADDITIONAL MERCHANT MARINE ACT, 1920, AMENDMENTS.

Sections 8 and 28 of Merchant Marine Act, 1920 (46 U.S.C. App. 867 and 883-1) are each amended by striking "Surface" and inserting "Intermodal".

SEC. 251. RAILWAY LABOR ACT AMENDMENTS.

The first and fifth paragraphs of section 1 of the Railway Labor Act (45 U.S.C. 151) are each amended by striking "Surface" and inserting "Intermodal".

SEC. 252. RAILROAD RETIREMENT ACT OF 1974 AMENDMENTS.

Subsections (a)(1)(i), (a)(2)(ii), and (o) of section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) are each amended by striking "Surface" and inserting "Intermodal".

SEC. 253. RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENTS.

Sections 1(a), a(b), and 2(h)(3) of the Railroad Unemployment Insurance Act (45 U.S.C. 351(a), 351(b), and 352(h)(3) are each amended by striking "Surface" and inserting "Intermodal".

SEC. 254. EMERGENCY RAIL SERVICES ACT OF 1970 AMENDMENTS.

Section 2(2) of the Emergency Rail Services Act of 1970 (45 U.S.C. 661(2)) is amended by striking "Surface" and inserting "Intermodal".

SEC. 255. REGIONAL RAIL REORGANIZATION ACT OF 1973 AMENDMENTS.

Section 713 of the Regional Rail Reorganization Act of 1973 is amended by striking "Surface" and inserting "Intermodal".

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board";

(2) striking "forwarding and" in subsection (1)(b);

(3) striking "non-vessel-operating common carrier operations," in subsection (1)(b) and inserting "ocean transportation intermediary services and operations,";

(4) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(5) striking "tariffs of a common carrier" in subsection 7(d) and inserting "tariffs and service contracts of a common carrier";

(6) striking "use the tariffs of conferences" in subsections (7)(d) and (9)(b) and inserting "use tariffs of conferences and service contracts of agreements";

(7) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts"; and

(8) striking "freight forwarder," each place it appears and inserting "transportation intermediary,";

(9) striking "tariff" each place it appears in subsection (11) and inserting "tariff or service contract"; and

(10) striking "Commission" each place it appears (including the heading) and inserting "Board".

(b) STYLISTIC CONFORMITY.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking "subdivision (c) of paragraph (1)" in subsection (c), as redesignated, and inserting "subsection (a)(3)";

(9) striking "paragraph (2)" in subsection (c), as redesignated, and inserting "subsection (b)";

striking "paragraph (1)(b)" each place it appears and inserting "subsection (a)(2)";

(10) striking "subdivision (b)," in subsection (g)(4), as redesignated, and inserting "paragraph (2),";

(11) striking "paragraph (9)(d)" in subsection (j)(1), as redesignated, and inserting "subsection (i)(4)"; and

(12) striking "paragraph (7)(d) or (9)(b)" in subsection (k), as redesignated, and inserting "subsection (g)(4) or (i)(2)".

(c) SPECIAL EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act, except that the amendments made by paragraphs (1) and (10) of subsection (a), take effect on January 1, 1999.

SEC. 302. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 89-777.—Sections 2 and 3 of the Act of November 6, 1966, (46 U.S.C. App. 817d and 817e) are amended by—

(1) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board";

(2) striking "Commission" each place it appears and inserting "Board"; and

(3) striking "they in their discretion" each place it appears and inserting "it in its discretion".

(b) TITLE 28, UNITED STATES CODE, AND CROSS REFERENCE.—

(1) Section 2341 of title 28, United States Code, is amended by—

(A) striking "the Federal Maritime Commission," in paragraph (3)(A); and

(B) striking "Surface" in paragraph (3)(E) and inserting "Intermodal".

(2) Section 2342 of such title is amended by—

(A) striking paragraph (3) and inserting the following:

"(3) all rules, regulations, or final orders of the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C. App. 802, 803, 808, 835, 839, or 841a) or pursuant to part B or C of subtitle IV of title 49 (49 U.S.C. 13101 et seq. or 15101 et seq.);"; and

(B) striking paragraph (5) and inserting the following:

"(5) all rules, regulations, or final orders of the Intermodal Transportation Board—

"(A) made reviewable by section 2321 of this title; or

"(B) pursuant to—

"(i) section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876);

"(ii) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C. App. 1713 or 1716); or

"(iii) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C. App. 817d(d) or 817e(d));".

(c) FOREIGN SHIPPING PRACTICES ACT OF 1988.—Section 10002(i) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. 1710a(i)) is amended by striking "2342(3)(B)" and inserting "2342(5)(B)".

(d) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), and (c) take effect January 1, 1999.

(2) The repeal made by subsection (d) takes effect March 1, 1998.

TITLE IV—MERCHANT MARINER BENEFITS.

SEC. 401. MERCHANT MARINER BENEFITS.

(a) BENEFITS.—Part G of subtitle II, title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Qualified service.
"11202. Documentation of qualified service.
"11203. Eligibility for certain veterans' benefits.
"11204. Processing fees.

"§ 11201. Qualified service

"For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11202. Documentation of qualified service

"(a) RECORD OF SERVICE.—The Secretary shall, upon application—

"(1) issue a certificate of honorable discharge to a person who, as determined by the Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Federal government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

"(b) TIMING OF DOCUMENTATION.—The Secretary shall take action on an application under subsection (a) not later than one year after the Secretary receives the application.

"(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) CORRECTION OF RECORDS.—An official of the Federal government who is requested to correct service records under subsection (a)(2) shall do so.

"§ 11203. Eligibility for certain veterans' benefits

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The qualified service of an individual referred to in paragraph (2) is deemed to be active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(2) COVERED INDIVIDUALS.—Paragraph (1) applies to an individual who—

"(A) receives an honorable discharge certificate under section 11202 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) PROSPECTIVE APPLICABILITY.—An individual is not entitled to receive, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

"§ 11204. Processing fees

"(a) COLLECTION OF FEES.—The Secretary shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be credited to appropriations available to the secretary for carrying out this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant mariner benefits.....11201".

TITLE V—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 501. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) unless the Commissioner of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years;

(2) is not currently under investigation by the Commission concerning the suspected violation of section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a);

(1) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port; and

(4) is not currently under investigation by the Commission concerning the suspected violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.) which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port.

Amend the title so as to read "A Bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there be a total of 10 minutes of debate on the bill, equally divided, between the chairman and ranking member or their designees, that there be an additional 60 minutes for debate on the Gorton amendment, equally divided between the proponents and the opponents. I further ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to lay aside the Gorton amendment and a vote occur on or in relation to the Gorton amendment at a time to be determined by the majority leader, after notification of the Democratic leader, on Tuesday, April 21, to be preceded by 20 minutes for closing remarks equally divided on Tuesday, to be followed by adoption of the substitute amendment, and that the bill then be read a third time and passed, with no intervening action or debate. I finally ask unanimous consent that if the Gorton amendment is adopted, this consent be considered void and the bill be open to further amendment and debate.

Mr. GORTON. Reserving the right to object, I simply would like a clarification that the 20 minutes, after the recess is over, is 20 minutes on the Gorton amendment, is it not?

Mrs. HUTCHISON. Yes.

Mr. GORTON. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1689

(Purpose: To amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes)

Mrs. HUTCHISON. Mr. President, I ask that the substitute at the desk, amendment No. 1689, be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. LOTT and Mr. BREAUX, proposes an amendment numbered 1689.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with and I be recognized to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, American ports and carriers and shippers are disadvantaged by current laws that require all contracts to be public. To avoid publication, U.S. ports are bypassed when possible and the U.S. carriers lose business. U.S. exporters, unlike their foreign competitors, must reveal their ocean transportation costs, permitting the foreign competition to undercut them. Recent economic problems in Asia will increase pressure in those countries to increase their exports. S. 414 will be even more important if our shippers meet the heightened competitive challenge. S. 414 attempts to level the playing field between U.S. companies which export and their foreign competitors.

This bill will encourage greater competition among carriers. It will provide American exporters and importers with greater choice in obtaining ocean transportation services and promote more ocean shipping activity for our carriers and our ports.

In providing our shippers with this important reform, we have still attempted to preserve antidiscrimination provisions in current law and the elements of our current "transparent" system that protect our ports, smaller shippers, and U.S. workers. This bill balances the need to have enough transparency to assure fair pricing with contract privacy.

Ninety-five percent of U.S. foreign commerce is transported via ocean shipping. Half of this trade which is carried by container liner vessels with scheduled service is regulated under the Shipping Act of 1984 and would be affected by these reforms. This legislation represents an important opportunity to ease the hand of regulation on a significant sector of commerce.

This bill represents the first major reform of this critical industry in a decade and the most significant change to the underlying statute since 1984. Its completion complements the free trade revolution that has occurred during this same period and will allow American businesses and consumers to take advantage of the global increase in trade, both imports and exports.

Mr. President, I am proud to have worked on this bill with the distinguished Majority Leader LOTT and colleagues from both sides of the aisle to advance this important legislation. I really appreciate the leadership of the ranking member of the full Commerce Committee, Senator HOLLINGS, as well as certainly the ranking member of the Surface Transportation and Merchant Marine Subcommittee, Senator INOUYE, and my colleague from Louisiana, Senator BREAUX, and the chairman of the committee, Senator MCCAIN.

I would also like to acknowledge the concerns of my colleague from Washington, Senator GORTON. I am aware of the outstanding issue that he will soon address with his amendment. I understand the merits of his amendment. I have sympathy for it. However, I will have to vote against it and urge my colleagues to do likewise because its adoption at this time will jeopardize the progress of this bill.

I would like to outline the key points of the legislation. Here are the highlights of the floor amendment that I have introduced.

We provide shippers and common carriers greater choice and flexibility in

entering into contractual relationships for ocean transportation and intermodal services. To this end, the most significant improvements are:

No. 1, that we strengthen the right of individual members of ocean carrier groups to negotiate and enter into service contracts with one or more shippers, independent of the carrier group. This means that individual carriers will be better able to customize their services without the interference of the carrier conferences.

No. 2, we clarify the rights of groups of ocean common carriers to jointly negotiate inland transportation rates and services consistent with antitrust statutes and FMC approval. This means that carriers will be able to incorporate electronic commerce, logistics and other services that add value to the customer's contract.

No. 3, we continue to require a form of tariff publication. However, it is much more flexible than the current tariff filings. Tariffs become effective upon publication through a private system, such as on the carriers' World Wide Web pages, not a governmental publication. Also tariff changes do not require Government approval. This puts the maritime industry on a similar footing as other transportation industries which we have deregulated in recent years, providing carriers with greater flexibility.

The measure protects U.S. exporters from disclosure to their foreign competitors of certain proprietary business information through their contractual relationships with common carriers by allowing confidentiality of certain service contract terms. As I have mentioned earlier, our competitors can and do contract ocean shipping transportation confidentially, and our shippers never know what their competitors are paying for transportation. However, U.S. shippers' ocean transportation costs are an open book, and foreign competitors use the information to undercut our exporters whenever possible. Our ports suffer, too. Shippers who conveniently can, will ship out of foreign ports in nearby Canada or Mexico to avoid this penalty.

Our shippers say they want more flexibility in dealing with their ocean carriers and the ability to go outside the traditional tariff system and conference structure. We have provided this needed confidentiality, but balanced it with protections for ports and U.S. dockworkers who seek information on the movement of commodities to protect their competitive position.

Additionally, this measure relaxes some of the restrictions on individual carriers relating to practices or preferences in dealing with exporters, but maintains them with regard to the concerted activity of two or more carriers.

Finally, the reported bill would have combined the functions of the Federal Maritime Commission and the Service Transportation Board into a single agency. This floor amendment retains these separate agencies and functions in their current form.

Thus, the overall thrust of this entire bill—with the amendment that I am offering—is to generate more competition for shippers of all sizes in the ocean transportation sector and to make this important transportation link to their overseas markets more affordable and sensitive to their individual needs.

This is a bill that should help our ports get more business, which means more jobs in America. It should level the playing field for our U.S. carriers while protecting the rights of shippers and dock workers and other union personnel. It is very important that we have tried to balance this.

Is the bill perfect? No. There are things I would like to have seen different. We have had to compromise to a degree. But I do think we have done a good job of working with all the interests here and allowing our carriers, shippers and ports to compete, which means jobs for Americans.

That is the purpose of this bill. I believe we have done it in the best way we could, balancing all of the competing interests. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

AMENDMENT NO. 2287 TO AMENDMENT NO. 1689

(Purpose: To provide rules for the application of the Act to intermediaries)

Mr. GORTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington, [Mr. GORTON], proposes an amendment numbered 2287 to amendment numbered 1689.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 10, strike "ocean".
On page 5, line 15, strike "ocean".
On page 11, line 16, strike "ocean".
On page 12, line 8, strike "ocean".

Mr. GORTON. Mr. President, with the exception of the single paragraph toward the beginning of the eloquent statement by the Senator from Texas, I agree, literally, with every word of her remarks. In fact, I think, as I will show to you, that single paragraph with which I disagree is totally inconsistent with the remarks of the Senator from Texas. Let me tell you why.

For my first 3 years in the U.S. Senate, 1981–1984, I held hearings, drafted, worked on, discussed, and ultimately sponsored and passed the Shipping Act of 1984. Fifteen years ago, I probably could have recited it from memory. I was at that time the chairman of the subcommittee of the Commerce Committee now chaired by my esteemed friend, the Senator from Texas. The goal of the Shipping Act of 1984 was to breathe fresh air, competition, and deregulation into the worldwide system of ocean carriage of goods, at least as that carriage affected the United States. It was an industry controlled by cartels and monopolies far less interested in those whom it served than in those who provided the service—most particularly, many foreign-flagged merchant marines.

I am certain when I introduced that bill for debate I made the same remarks the Senator from Texas has just made—that it was not perfect, that it did not create a purely competitive market, but that it represented a major step forward in allowing the fresh air of competition to breathe on the ocean carriage of goods. And now building on that 1984 act, the Senator from Texas has brought us a further proposal which opens up, still wider, the field of ocean carriage of goods to competition. It is in that respect a fine bill.

What the bill does is say that shippers can make agreements with ocean carriers in the same fashion that almost all contracts in the private sector can be made in the United States without having to follow the specific monetary requirements of filed tariffs, but simply as private contracts in which the shipper could get the best possible deal that it can negotiate and the carrier can get as high a price for that carriage as it can negotiate. This is the heart of the free market system. It is a precisely proper philosophy for the carriage of goods by sea. The bill also allows the ocean carriers to get together with land carriers so that you can get one price for shipping your goods from, say, in your case, Mr. President, Cheyenne, WY, to Yokohama, Japan, also a major step forward.

One thing, however, it does not do, and that is what my amendment is all about. If you are a major manufacturer, a huge shipper, capable of filling an entire vessel with a single shipment of your goods, or at least so large a container that you can effectively deal directly with the ocean carrier, you get the advantage of this competitive system. You can make the best deal you can wring out of that ocean carrier.

But if you are the kind of shipper or seller that I suspect is more common in a rural State like Wyoming, and you are shipping only a modest amount of goods, you have very little leverage with the ocean carrier. You probably don't even know very much about how to engage in that business. So you hire an intermediary, usually in one of America's ports, a customs broker, or a freight consolidator, to do it for you.

These intermediaries, almost without exception, are small business people. That intermediary gets together a bunch of shipments from small shippers and it makes the contract with the ocean carrier. In other words, small business people hire other small business people to consolidate their shipments so they can have advantages equal to those of the big businesses and the big shippers.

At the present time, under the 1984 law the same rules as to published tariffs and the degree of competition or lack of competition apply to the big shipper and the small shipper.

And I may say that when the Senator from Texas wrote this bill, she provided the same advantages to the small shipper and the intermediary as she did to the big shipper. Obviously, there should not be discrimination between those two groups. And that is the way the bill was reported from the Commerce Committee—more competition, more ability to negotiate. You didn't have to tell your competitors what you were paying. Everybody benefited.

Oh, but, Mr. President, what happen then? Well, then, the big longshore unions objected. The International Longshoremen's Association and the International Longshoremen's and Warehouseman's Union don't like these little guys because sometimes the little guys don't use the longshore unions to put these shipments together. So the longshoremen's unions go to the majority leader and the Senator from Texas and say: We are not going to let this bill pass unless you help us drive these little people out of business and say that we will give all of these new competitive advantages to the big boys, who automatically use the longshore unions, but we are not going to give the benefits of competition to the little people, to that small shipper from Cheyenne, WY; we are not going to give them to that freight intermediary in Seattle, WA, or in Newark, NJ. Oh, no. They still have to publish their rates. They still can't enter into long term contracts and make the best possible deal.

So not only are you depriving the small shippers and transportation intermediaries of an advantage of a free market, you are telling them they are in a terribly unfavored competitive situation as against the ocean carriers themselves. You are forcing the small shipper in Cheyenne, if he can possibly do so, to go directly to the ocean carrier.

What kind of deal do you expect he is going to get under those circumstances? He doesn't know anything about these transactions and he doesn't have any expert working for him. He will pay far more than his large competitor will for the carriage of his goods. Or, of course, he could still go to the intermediary, but the intermediary can't get as good a deal for him as the large shipper can get.

You listened to the unanimous consent that preceded this debate, Mr. President, and you may have questioned the end of it. The end of it states that if I win, the ball game is over. If my amendment is adopted, most of the members of the party that claims to be for the little guy will kill the bill, and they will kill it because the little guy gets equal advantages with the big guy. That is what the unanimous consent is all about.

Mr. President, it is no more complicated and no less complicated than just that. If we are willing to put our votes where our mouths are when we go home and talk about the virtues of small businesses, if we are willing to carry out the kind of pledges we make in our election campaigns and treat people equally, if we are willing to say that if a competitive market is good for the large, it is good for the small, we will vote for the Gorton amendment and see whether or not the people on the other side dare kill a procompetitive bill just because it doesn't add to the monopoly of two unions at the expense of small businesses all across the United States of America.

Mr. President, I ask that you and other Members of this body consider this matter in the 2½ weeks we are going to be away, and see whether or not we don't want to treat people fairly and not ratify an agreement that was made behind closed doors, with the ocean carriers present and the big shippers present and the unions present, but the small business people told: Get lost; we are not going to listen to you while we make this deal.

That is the wrong way to reach an agreement, and it is the wrong way to pass legislation. We can correct it by passing this amendment.

Mr. BREAUX. Mr. President, I rise in opposition to the Gorton amendment, which would give non-vessel-operating common carriers, or NVOs, the right to offer service contracts to shippers—that is, the importers and exporters—just as do vessel-operating ocean common carriers. NVOs do not own or operate vessels. They are middlemen, who act as carriers in relation to their shipper customers, and who then act as shippers when they offer those cargoes to vessel-operating carriers for transport. NVOs were first legislatively recognized as a legal entity in the 1984 Shipping Act, in recognition that NVOs can provide specialized attention and service to small shippers whose minimal cargo volumes are not always worth the time and attention of large vessel-operating carriers. No other nation has legally recognized the concept of non-vessel-owner-common carriers.

Originally, NVOs consolidated the cargoes of several shippers into a container and then took advantage of the full container rates offered by ocean carriers. There are thousands of NVOs doing business in the United States, all of whom are required to file their rates, to adhere to their rates, and to be bonded to establish their financial responsibility to their customers. It should be noted that S. 414 will reduce the cost of tariff filing by eliminating the requirement that the federal government collect and disseminate tariff information, and would replace this system with a requirement that tariff information be publicly available through a private sector resource, such as the internet or other private sector information system provider.

This system has been working well for 14 years. There is no reason to change it. Small shippers—with only the occasional box or two of cargo to be transported—have come to depend on NVOs for the care and personal attention that a larger carrier cannot offer. But some NVOs have grown immeasurably in size, primarily those that are based in Europe, and are now competing directly for cargo with the major U.S. and foreign shipping lines. It is precisely these NVOs who are not satisfied with their current status, and insist that despite the fact that they have none of the expenses attendant to actually operating vessels, want to be treated like a vessel-operating common carrier in every respect. They want to offer service contracts to shippers and groups of shippers who can afford to promise large volumes of cargo in return for more favorable rates.

It is not fair to the vessel-operating common carriers serving our trades, with their huge capital investments, that they be put on par with entities taking advantage of the fiction of current law calling them carriers. And it is especially not fair that the small "mom and pop" NVOs, who are not in a position to compete with some of the NVO giants that have emerged, may be swallowed up by them if the larger ones are allowed to offer service contracts. Small NVOs, by virtue of the modest cargoes they handle, will not be able to take advantage of the Gorton amendment; only the mega-companies will. America's small businesses do not deserve this treatment. This amendment is not about protecting the interests of small business, it is actually about treating large multinational forwarding companies the same way that we would ocean carriers. The end result would be to provide a disincentive to actually own and operate ships. Why actually own and operate ships if you could function in the same fashion as an ocean carrier without actually having to own or control any of the transportion functions or liabilities.

Moreover, S. 414, as revised by the Hutchison, Lott, Breaux amendment, represents a delicately crafted compromise reflecting the interests of all sectors of the shipping industry, including vessel- and non-vessel-operating common carriers, as well as shipper, forwarder, port and labor interests. The resulting documents cannot

be altered in a piecemeal fashion without upsetting that balance. No one in this compromise got exactly and completely what was wanted; everyone won a little and lost a little. That's what a compromise is.

I urge my colleagues to vote against destroying several years of hard work to come up with a fair and viable revision of our shipping laws. I would like to thank my colleagues, Senators HUTCHISON, LOTT and GORTON for all of the work that they have put into this measure, and I urge you to vote against the Gorton amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think the Senator from Washington has made a very eloquent statement, and I am very glad that we agree on 99 percent of this bill and that we agree that this is a very important improvement for the whole shipping and carrier industry which will promote more business for U.S. ports.

I do not take issue with anything Senator GORTON has said, except to say that in the balancing of competing interests, it is very difficult to have acceptance by all. And I can truthfully say that no one who is affected in this shipping industry is completely happy with this bill—no one—not the unions, not the shippers, not the carriers, and not the non-vessel-operating common carriers of which Senator GORTON spoke. But in the main, the balance is better for all of these than in the present law.

This bill has some advantages above current law for these non-vessel-operating common carriers. They can take advantage of the tariff reforms. They will be able to privately publish tariffs, and they don't need to file them with the Federal Maritime Commission. These NVOs, as shippers, can have confidential contracts with carriers, helping them compete against each other. They will be able to benefit, of course, from the more competitive atmosphere among carriers when purchasing space, and they have the current protections against discrimination against them by cartels maintained in this bill.

So while they are not completely happy with this bill—and I certainly understand their concerns—there are important pro-competitive reforms they will benefit from.

I would point out that the other entities affected by this bill are also not completely happy with it. But they too, recognize it as a compromise that contains positive reforms. I think all would say that having this legislation does open competition, it does bring business to U.S. carriers, the competition will bring lower prices to shippers, and our ports will get the business.

That is good for everyone above and beyond the law as it stands today.

I hope, when we vote on Senator GORTON's amendment, people will understand this balancing, that they will opt in favor of the Hutchison amendment to S. 414 unamended by the Gorton amendment and then let us keep working on this issue, which I think certainly the non-vessel-operating common carriers are entitled to and which I pledge I will do and try to get a bill that is a balance, that creates more jobs and more business for America. That should be our goal, and I believe it is. Let us just get there.

I thank the Chair.

Now, according to the unanimous consent agreement, I will yield back the time from the majority side. The minority side has agreed to also yield back time. If Senator GORTON does not wish to have further debate, then I will yield the floor and the unanimous consent agreement is in effect.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Washington.

Mr. GORTON. I thank the Senator from Texas. We are about finished with debate on this amendment, and it is the appropriate course of action for both of us to yield back our time. I will maybe take 2 minutes on it and then relieve the Chair for my assignment there, and we can go on to something else.

Mr. President, I appreciate the courteous response of the Senator from Texas to my remarks. Again I have to say that she and I agree profoundly on the goals of this legislation. I am proud that she has been able to build on what I started a decade and a half ago. She has worked as hard and almost as long on this bill as I did on the 1984 act itself. It certainly can be said they go in precisely the same direction—more competition, better service, and a higher degree of competitiveness on the part of American business in that portion of the world's merchant marine, including the U.S. flag merchant marine that operates out of the United States. She is certainly right when she says many of the current rules disadvantage American businesses and cause some shipments to go to Canada or Mexico that might otherwise come directly here.

The amendment that I have proposed, of course, moves another major step in that direction. It is, as I emphasized, exactly what the Senator from Texas wanted when she wrote the bill in the committee and was forced to retreat from by these large interests, particularly the maritime unions. But it does disadvantage one group. If you have a semicompetitive system and all American businesses, large and small, operate under the same rules, that is one thing. If you have a system that says the big boys get to operate under much less restrictive rules, do not have to publish their fares and their tariffs, can enter into any kind of agreements they want, but the little guys cannot, they are still subject to those old rules, you have created a fundamentally unfair situation. When that unfairness is directed at small shippers and small freight consolidaters, the difference, the discrimination, is particularly egregious.

I agree with the Senator from Texas. However it ends up, this is not the final form of the bill; it has not passed the House of Representatives yet. But, Mr. President, you and my colleagues should not fool yourselves to think if we do not adopt this fairness amendment, this small business amendment now, it is somehow going to come back in later. I think if we do adopt it now, we have a far greater opportunity to see to it that this bill is not only procompetition and deregulatory but fair; that all the people, all the groups in America who deserve that fairness, the small businesses, about whom we talk so much on every one of our trips home, do deserve an equal opportunity to compete.

That is all this amendment is about. It allows the little guys to contract the way the big guys contract. Often we will make a policy that says the little people will have an advantage over the big ones because the big ones have the advantage of their bigness. Rarely do we say, as we are asked to here, that we will give the big guys an advantage and deprive their small competitors of that advantage. Equal the playing field. If competition is good for the large shippers, it is good for the small shippers. If it is good for the large carriers, it is good for the small carriers. That is what this amendment is all about.

With that, I will yield the remainder of my time.

Mrs. HUTCHISON. Mr. President, I think Senator GORTON has made a very good statement. I think we will be able to work together for our common goal.

I yield back the remainder of my time.

Mr. GORTON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. It is my understanding, Mr. President, that this vote will not take place before April 21.

Mrs. HUTCHISON. That is correct.

The PRESIDING OFFICER. If all time is yielded back, under the previous order, S. 414 will be laid aside until Tuesday, April 21, to be considered at a time to be determined by the majority leader.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Ohio is recognized to speak for up to 1 hour.

Mr. DEWINE. Mr. President, I ask unanimous consent at this time to extend that to 75 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Mr. DEWINE. Mr. President, I rise today to bring my colleagues up to date on the situation in Haiti. Two weeks ago, I traveled once again to this troubled country. While I knew little about Haiti before becoming a Senator, this was my fifth trip to Haiti in the last 3 years. So I have had the opportunity to see what changes have taken place and the general direction of events.

Later today, the Secretary of State, Madeleine Albright, will visit Haiti. She will find when she arrives a troubled country, but a country in which the United States does have a major national interest.

Mr. President, let me begin by pointing out that while Haiti is not of strategic importance to the United States, what happens there does have a impact on our country and on our citizens.

Haiti's current political system is not stable. It is a struggling democracy in its infancy. If this unstable democracy descends into outright chaos, the result could be an exodus of boat people coming to our shores.

It has, of course, Mr. President, happened before. Remember, Haiti is just 700 miles from Florida. During the early 1990s, after President Jean Bertrand Aristide was ousted from power, tens of thousands of Haitians risked their lives by boarding small boats, even rafts, hoping to reach the United States or other countries. Between 1991 and 1994, 67,000 Haitians were interdicted at sea—67,000. Our Government was forced to house more than 25,000 Haitians in Guantanamo Bay in Cuba, at a cost of more than $400 million.

Historically, our countries have important ties. Haiti is the second oldest republic in the hemisphere. Their defeat of Napoleon's army in 1804 led the French to sell us the Louisiana Territory. In 1915, the United States intervened militarily to restore order to Haiti, and we remained there until a new government was installed in 1934. So our interest in Haiti is not new—it is rooted in our history.

Hundreds of thousands of Haitians live in the United States. In fact, there are more Haitians in the United States than any other country outside of Haiti, and thousands of U.S. citizens live in Haiti, either permanently or temporarily, for humanitarian purposes. I am amazed, as I travel throughout Haiti, at the number of Americans I meet. They can be found all over that small country.

Haiti's troubles have a direct effect on the United States, and impact. Haiti's current political power vacuum already is being filled by dangerous drug lords. Today, 8 percent of the drugs on our Nation's streets come from Haiti or through Haiti. This is a clear example of how the current crisis in Haiti has a clear and direct impact on the people of my home State of Ohio, your home State of Washington, and the rest of this country.

Geographic proximity has dictated U.S. interest in Haiti over the course of this century. It will continue to do so. In September 1994, the United States—in conjunction with the international community—sent over 20,000 troops, at a cost of over $1 billion, to restore President Aristide to power. This figure does not include the additional $120 million the United States provided the United Nations for peacekeeping operations. In addition, since then, the United States has invested well over $2 billion in nonmilitary assistance to establish and help sustain democracy in Haiti.

Mr. President, I would now like to update my colleagues on where things stand in Haiti with regard to a number of specific topics. Let me first start with American civilian police presence there.

One cause for optimism in Haiti is the American civilian police, who participate in the United Nations civilian police presence. Their mandate recently shifted from mentoring the cops on the streets, the Haitian police officers on the streets, to mentoring the mid-level management of the Haitian National Police.

I had the distinct pleasure, when I was in Haiti several weeks ago, of accompanying American civilian policemen on duty in Cite Soleil—a slum in Port-au-Prince with probably the highest degree of violence in this whole country. Surprisingly, several of these American cops told me they had no problem moving through Cite Soleil both during the day and at night. We have, today, 31 dedicated U.S. police officers, Haitian-born U.S. citizen veteran U.S. cops, who are down in Haiti on a contract basis, mentoring the Haitian police. These 31 dedicated police officers from New York, New Jersey, Florida, L.A.—they are all creole speakers. This enables them to communicate well with the Haitian population. In fact, the majority of these 31 Americans were born or have relatives in Haiti. These U.S. police officers told me they feel their work with the Haitian police is helping. It is beneficial. It is important. Mr. President, I commend them and I support the efforts of these fine Americans.

Let me turn now to the Haitian police. One of the main missions of the United States after President Aristide was restored to power was to help train a brand new Haitian police force. This was a daunting, and remains a daunting, task. I don't know that it has ever been undertaken in the world at such a magnitude as we tried and have been doing in Haiti. We have trained over 5,000 new Haitian police recruits. Our men and women who travel to Haiti to do this did, and continue to do, an excellent job.

The Haitian National Police, or HNP, are doing fairly well and have taken strides to professionalize the institution. Continued concerns of some human rights violations are being addressed in the newly formed inspector general's office. The United States has spent considerable money and effort in training the police force. In conjunction with other interested international donors, this training must continue. Furthermore, efforts should be made to address the lack of resources needed by this police force.

When the international community restored Aristide to power in 1994, the Haitian military and police were then totally dismantled. A new police force was formed from scratch. Although a very young force, the Haitian National Police has been described as the only functioning institution in Haiti.

When the U.S. Government decided to train the new Haitian police through the International Criminal Investigative Training Assistance Program—this is our U.S. Government program known as "ICITAP"—we laid down three conditions: No. 1, that the old armed forces must be and were disbanded; No. 2, that the new police force must be civilian; and, No. 3, that the police must have reasonable means to overcome their historic corruption.

While the Haitian police are generally doing a good job, some Haitians continue to fear HNP, the Haitian National Police. These Haitians particularly fear the crowd control/riot squad unit. This unit, which dresses in all black uniforms, including reflective sunglasses, is extremely intimidating and reminiscent of the previous military regime. Further, serious human rights abuses by the HNP officials continue, tragically, to occur.

There is really only one solution, and that is to continue to work to help professionalize the police. That is what we are doing. A newly installed inspector general's office within the HNP is looking at these human rights violation cases. We will not see real progress in this area until and unless the IG moves these cases forward—and until and unless the judicial system successfully prosecutes policemen involved in these crimes.

Efforts are being made to start integrating the Haitian police into the Haitian society. The concept of community policing is a concept that our men and women are taking to Haiti. Haitian

President Preval has requested the HNP to engage in this community policing. American civilian police personnel are mentoring their HNP counterparts in this effort. Though this effort is only in its initial stages, it is a change in the right direction. The police are also attempting to change from a reactive force to become a more typically American proactive force.

Our continued commitment to the professionalization of the Haitian police is essential. As all Americans know, a strong and effective police force is essential to any civil, democratic society. We must continue the ICITAP program, and urge the Haitian Government to continue its own efforts to professionalize the police, from the officer on the street to the midlevel management at headquarters.

To succeed, a quality police force needs quality resources. The fact is resources are, of course, lacking in Haiti. For example, in Cap Haitien, the second largest city in Haiti that we visited with over 300,000 residents, 130 policemen have access to only six vehicles. This force also lacks simple phones and two-way radios.

But perhaps most important is not the lack of physical resources, but the lack of human resources.

The current police force—slightly over 6,000 for the whole country—is of course, too small. The Dominican Republic—Haiti's neighboring country—has roughly the same population and a national police force of 29,000. I urge the administration to consult with the international donor community—and together with the Haitian Government—discuss ways to (1) continue training; (2) continue mentoring this police force; (3) provide necessary and better equipment; and (4) slowly but steadily increase the size of the Haitian national police.

Let me turn now to the issue of judicial reform.

Mr. President, the police in Haiti is only one element of the judicial system. While we have made progress in police reform, there is not now a functioning judicial system in Haiti. Reforming the entire judicial system—the courts, prosecutors and defense attorneys—should be a priority for the Haitian Government. If any progress—economic or political—is going to happen, Haiti needs a working judicial system. To get there, the Haitian Government needs to demonstrate a real commitment—real political will—to make judicial reform a priority. We should make clear that our Government is willing to make a commitment—an investment—to create an effective judicial system, but only—only—if it is clear that the Haitian Government itself is willing to lead that effort.

Although the 1987 Haitian Constitution requires a separation of powers between the judicial and executive branches, the Minister of Justice—an executive branch official—currently has control over the entire law enforcement system: the police, prosecutors, defense attorneys and the courts! Not only are the courts not independent, to make matters worse, I was informed by both U.S. and Haitian officials that the current Minister of Justice in Haiti is not committed to any real reform measures. The seriousness of this problem cannot be overstated.

The credibility of the Haitian legal system is undermined by the perception that it is awash in corruption—and that justice is for sale. Until the Haitian Government demonstrates the political will to bring murderers to justice, for instance, the Haitian people will lack confidence in their own legal system, and vigilante-style justice will tragically continue.

True judicial reform cannot take place unless and until Haiti political leaders exercise the political will to solve the high profile political murders. There have been dozens of political murders in Haiti over the past several years. Unfortunately, to date, not a single one has been solved. Despite the efforts of the Special Investigative Unit inside the Haitian national police, which has the specific mandate to investigate these high-profile murder cases, the Haitian Government has done nothing to help resolve these cases. Some argue that one of the reasons behind this fact is that some senior Haitian Government officials may be implicated in the crimes.

Having said that, I still believe we must continue to fund the Special Investigations Unit, because, as one high ranking U.S. official told me when we were in Haiti: "It keeps pressure on the Haitian Government and keeps them halfway honest."

Mr. President, successfully solving and prosecuting even one of these political cases could serve as a turning point for reform of the judicial system. It could send the right signal. We need to do all we can to put pressure on the Haitian Government to make this a top priority. For example, last year, Congress enacted legislation I proposed which denies visas to Haitians involved in extrajudicial and political killings. The identity of many of these people who committed atrocities is well known. We should keep this law that we passed last year in place as a way of pressuring the Haitian Government—and sending a signal to the Haitian population that the U.S. cares about justice, and that they themselves should demand it.

Any expressed commitment by the Haitian Government to judicial reform cannot be taken seriously without its cooperation in the identification, capture and prosecution of political murderers. That kind of commitment will give the judicial system the credibility it needs to be seen as a viable law enforcement agency for all Haitians.

Furthermore, currently the Haitian judicial system is a system in name only. Although the number of arrests has increased, those arrested are not being prosecuted. At this time, justice begins and ends with the police. If this does not change, we can only imagine the negative impact this will have on police morale. All our efforts to reform the police could end up, in the long run, being in vain. Mr. President, without judicial reform, we cannot expect Haitian society—its government, its economy—to move forward. On the contrary, it will move backward.

Since the Minister of Justice currently is not committed to reform, the U.S. Government has found ways to work around the Ministry by mentoring judges, for example. I was extremely impressed by our Department of Justice representative in Haiti who is helping train judges and prosecutors. He has found ways to work around the Ministry to start instituting positive change in that system.

But we cannot make serious long-term progress until the Haitian Government—starting with the Minister of Justice—agrees to reform. Working around the Minister of Justice can only go so far. Serious judicial reform in Haiti begins with a commitment from the government's leaders. Therefore, I recommend the following:

First, the United States, along with the international donors, must urge President Preval to appoint a new Minister of Justice who will demonstrate a commitment to work with the international donor community to together help create meaningful reforms in the judiciary.

Second, the United States and the other international donors must get from the Haitian Government a serious commitment to reform the entire judicial system. Amazingly, the list of official priorities the Haitian Government has presented to the U.S. Government does not include judicial reform! Unless that changes, I suggest we reconsider any continued U.S. assistance for judicial reform. Without such a commitment, I am concerned that any money we send will simply be wasted.

A true commitment by the Haitian Government to reform the entire judiciary system must include action on the following basic elements:

An independent judiciary;

New legislative laws regarding the judiciary, including a judicial career system, and reform of the penal codes;

Increased budget for the national and local judiciary system; and

Establishment of an appropriate career and salary structure for the judiciary system, including salary increases for committed prosecutors and judges; and creation of a functioning disciplinary body to oversee the entire judiciary, such as an inspector general's office within the Ministry of Justice.

We must make clear that we stand ready to assist the Haitian Government if they are serious about taking

the actions I have just described. We must make clear what that assistance would amount to. This year, we provided $11 million for judicial reform. In next year's budget request, the Clinton administration has proposed to reduce the judicial reform program from $11 million to $7 million and grant an additional $4 million (which together would equal $11 million) for human rights initiatives. Now, there are some who will argue that human rights is part of a judicial reform. While providing assistance to those who have suffered human rights abuses is a commendable effort, it should not and cannot replace an effort to reform the system that encourages these abuses.

If the Haitian Government agrees to invest in judicial reform, we should at least maintain our current annual investment in judicial reform—the $11 million figure—and we should increase it if possible. After all, the level of our investment should reflect the degree of importance we place on this kind of reform.

However, if the Haitian Government does not express and demonstrate a true political will to do these basic reforms, then the United States must reconsider its assistance in this area.

Thus, Mr. President, we should set aside the same level of funding for judicial reform in this year's budget. But we must make it clear this money will not be spent, cannot be spent, until we have a commitment, a demonstrated commitment in action, from the Haitian Government to achieve these important benchmarks.

Mr. President, before I conclude this section, let me tell my colleagues a quick story about the benefits of judicial reform in another country. During our recent visit to Haiti, we also visited the Dominican Republic where we focused on their efforts to reform the judicial system. Speaking with the President of the Dominican Republic, I got a sense of the Government's true commitment to the judicial reform process. When I asked the President what finally got the process underway, he said that first there had to be political will. Aside from that, the people must also want, if not demand, it.

A well-known writer, Orlando Martinez, was murdered several years ago in the Dominican Republic. At the time, no one attempted to take on the case. No one would. The reason was that no one had trust or faith in the judicial system. Well, one courageous judge in early 1996 decided to take on that case. He made the case a priority and through the process did something unprecedented. He had a number of military officials arrested and successfully prosecuted and sentenced.

Mr. President, to make a long story short, the prosecution of the individuals involved in this murder was a turning point in moving forward with judicial reform in that country.

The case got tremendous media coverage, and the society was never the same—the Dominican Republic was not the same. Soon after the civil society started demanding important judicial reforms, the business community started demanding important judicial reforms. They felt invigorated by the prosecution of this one, but highly important, case. It gave them faith in the system.

Mr. President, as I mentioned earlier, there have been a number of unsolved political murder cases in Haiti. The murder case in the Dominican Republic serves as an important example of an important transformation that took place in that society. We saw a similar scenario in El Salvador in the 1980s when high-profile murders were investigated and those responsible were successfully prosecuted and sentenced. That was something new in El Salvador and had an unbelievable effect on the society. Specifically, in El Salvador, high-ranking military officers were sentenced for the killing of Jesuit priests. The solving of even one political murder—the solving of even one political murder—in Haiti would do wonders to send a powerful signal about justice and the rule of law in that troubled country.

Mr. President, let me now turn to another topic in regard to Haiti that is extremely troubling, and that is the drug situation.

The need for a stronger judiciary, Mr. President, and a professional police force becomes readily apparent if you examine Haiti's situation with regard to drugs. When it comes to the matter of illegal narcotics, I must report to the Senate that the situation in Haiti is grave and even approaching a crisis. Because of Haiti's weak political and economic condition, this country is becoming increasingly attractive to international drug traffickers. The United States must pay close attention to this growing concern, for there is a threat that Haiti could turn into a full-fledged narcostate. That means, and would mean, more and more illegal drugs coming through Haiti into our country.

For that reason, the Clinton administration must direct more Drug Enforcement Administration and Coast Guard personnel to Haiti to better combat the drug problem within the country and better control the drug trafficking in international waters surrounding Haiti. We should also incrementally increase our counter-narcotics assistance to Haitian Government agencies responsible for counter-narcotics in terms of training, as they become more efficient and professional.

According to a U.S. Government interagency assessment on cocaine movement, in 1996, between 5 and 8 percent of the cocaine coming into the United States passed through the country of Haiti. By the third quarter of 1997, the percentage jumped to 12 percent and increased to 19 percent by the end of that year. One of the reasons cited for the increase is the enhanced law enforcement effort that is being made in Puerto Rico, which has caused traffickers to move operations from there to Haiti.

Responding to this trend, the Clinton administration added Haiti to the list of countries requiring annual certification in 1995, and though it has been certified as cooperative in the war on drugs each year since, the problem appears to be getting worse.

Mr. President, most people are aware that most of the cocaine coming into our country is grown and processed in Colombia, but the transit routes are always changing. The drug traffickers continue to move them. As indicated on this map, Haiti, the Dominican Republic, and Puerto Rico are all located approximately halfway between Colombia and the United States.

Drug interdiction efforts have increased to combat direct shipment of drugs from Colombia to Puerto Rico, forcing opportunistic drug lords to seek alternative routes. Thus Haiti, a mere 15 hours from Colombia by speedboat, seems a perfect candidate, a mere overnight passage in a boat. Because commercial shipments from Haiti to the United States are scarce, illegal drugs are transported from Colombia into Haiti and across Haiti into the Dominican Republic and then the short distance to Puerto Rico. Puerto Rico is only about 75 miles away at its closest point to the Dominican Republic. These drugs go into Puerto Rico disguised as legitimate commercial shipments. Once they are in Puerto Rico, they are virtually home free into the United States.

Drug traffickers realize that once the drugs land in Puerto Rico, they are virtually home free because of the special status of Puerto Rico as a U.S. Commonwealth. That is the route. And it is increasing every single day, the transshipment through Haiti.

Apart from the strategic location, Haiti has become increasingly attractive to international traffickers because drug interdiction efforts are minimal in that country. Haitian law enforcement authorities present no threat to the drug traffickers. The Haitian Coast Guard consists of only a few boats, and it is simply outnumbered and outgunned by the Colombian professional drug lords.

The Haitian Coast Guard has had, with our help, a few successes. With the assistance of the United States, in 1998 Haitian authorities have seized 1,000 pounds of cocaine, 500 pounds of marijuana, and 25 pounds of hashish oil. But serious problems remain that when Haitian law enforcement succeeds and actually makes a seizure, Haiti's slow and ineffective criminal justice system does not act as a serious deterrent.

In addition, the fledgling Haitian National Police has only 24 agents devoted to the drug problem—24. Granted, this counternarcotics unit was just established last year. I am told there are plans to slowly increase the number of personnel. There is apparently a leadership problem within the unit. Hence, more training is absolutely essential.

Sadly, some evidence also exists that those responsible for upholding the law in Haiti are themselves part of the problem. Last year, the Haitian Government arrested 21 of its own policemen on narcocorruption charges.

Money laundering appears to be on the rise as well. Until several years ago, only a handful of banks existed in Haiti at all. That number is said to have more than doubled, or even tripled, in the last few years.

The transit of drugs in Haiti represents a serious threat to an already fragile democracy. The United States should pay close attention to this growing concern—for there is a threat that Haiti could turn into a full-fledged narcostate, completely controlled by the drug lords with institutionalized power. If Haiti's current political vacuum is filled by these drug cartels, it will then be too late. We simply must not allow that to happen.

The Clinton administration's budget for next year in regard to drugs calls for $166 million for international narcotics and law enforcement affairs for all of Latin America and the Caribbean. Of that $166 million, no assistance is earmarked specifically for Haiti. Rather, any assistance for Haiti comes from a general fund. Through this general fund, Mr. President, Haiti is expected to get a meager $400,000, up from an estimated $300,000 in 1998—this despite the fact that a country like Jamaica has a requested earmark at $800,000 and the Bahamas have an earmark of $1 million.

I believe the President's proposed budget would not do very much to stem the tide of drugs flowing through Haiti. A better effort to seize these shipments simply must be made. That means, of course, more investment in training the Haitian Coast Guard. We are doing some of that, Mr. President. It means, further, the Haitian police counternarcotics units must be professionalized.

It also means a U.S. law enforcement presence in Haiti and the Dominican Republic. When I visited Haiti 2 weeks ago, there was one DEA agent in all of Haiti—one. I was told at the time that two more were on the way. Next door, in the Dominican Republic, when I visited the Dominican Republic, I found they have one permanent and one temporary DEA agent. That is three for the entire island. This is a very small presence considering the fact that Congress has authorized over 100 DEA agents for the Caribbean alone. I was disappointed to find the lack of serious counternarcotics plans for both of these countries. We do not have a plan. I recommended that we do more.

I must say that I had the opportunity late yesterday afternoon to talk on the phone to Secretary of State Madeleine Albright about this issue. She informed me and assured me yesterday when I talked about this that shortly the United States will be beefing up its DEA presence, the number of DEA agents in both Haiti and in the Dominican Republic. I applaud that. We need to do it, and we need to do it immediately.

Let me make today my specific recommendations in regard to this area. One, we have to increase our DEA presence in Haiti. One is not enough. Two, we must increase Coast Guard personnel and boats in international waters around Haiti and the Dominican Republic. Three, we must slowly increase our counternarcotics assistance resources for Haiti. The Clinton administration's proposed fiscal year 1999 budget would provide foreign aid to Haiti in a total aggregate of over $182 million. That is the proposal. Yet the proposed budget by the Clinton administration only provides $400,000 in counternarcotics assistance. Clearly, we have to do more.

When we consider the top priorities in U.S. policy toward Haiti, counternarcotics matters should be clearly at or near the top of the list. Having said that, it is important to note that just giving more money to the weak and inefficient Haiti National Police counternarcotics unit and to the Haitian Coast Guard won't solve the problem. It won't solve the problem, because these institutions are weak, and because they are weak, we first need to focus on training. As these institutions slowly become more professional and efficient, we must incrementally, then, increase our counternarcotics assistance to them.

Let me turn now to probably the most serious problem that Haiti faces. That is the political impasse which has plagued this country for 10 months. The political impasse means there is virtually no Government in existence. A political impasse stops any kind of progress that this country might see. When we look at the challenges I have already described in regard to Haiti, challenges of social stability, law enforcement, and drug trafficking, all of these are symptomatic of a larger problem. The larger problem is the political paralysis that exists within the Haitian Government itself.

Since the Prime Minister resigned from office last June, there has not been a functioning Government. Charges of election fraud in the April 1997 election still remain unresolved, halting any real democratic and economic progress. In conjunction with the international community, the United States must pressure the Haitian Government to, one, resolve the current crisis; and, two, allow for greater international administration and monitoring of the upcoming elections.

Mr. President, almost 10 months ago, then Prime Minister of Haiti, Prime Minister Rosny Smarth, stepped down from his position due to his frustration with the Government's inability to resolve an electoral dispute and implement his economic modernization plan. Since then, a Prime Minister has not been confirmed by the Parliament. The Prime Minister is designed and designated as the Chief Executive of the Government. He appoints the Cabinet and basically runs the Government. Without a Prime Minister, the country simply cannot function.

The current political impasse stems from pervasive fraud and improper vote tabulation in the April 6, 1997, elections. Not only have the opposition of the parties demanded that the April 1997 elections be annulled, the international community, including the United Nations, has deemed the elections—which produced only a meager 5 percent turn out—fraudulent. The political parties, led by OPL, insist they will not move forward on a Prime Minister candidate until the issues surrounding the 1997 April elections are finally resolved.

This paralysis in Government is being felt everywhere. Economic reform efforts have stalled, the legislature has not passed a budget, it has not enacted structural reforms needed to free up over $100 million in foreign assistance, nor has it approved loans for millions of technical assistance.

The lack of a Government has halted the process of privatization and made it difficult to implement civil downsizing. Finally, it has discouraged potential investors who could play a key role in economic development and in improving Haiti's image. Regardless of the countless visits to Haiti in the last year alone by very senior U.S. Government administration officials, up to and including Secretary Albright's visit this weekend, there has not been a real movement toward a solution to this crisis.

One thing that is clear to me after my recent visit is that the United States cannot do for Haiti what it will not do for itself. The Haitians first have to realize the need to solve their political crisis. They have not yet hit rock bottom, and maybe that is what it will take to create the political will to move forward. Unfortunately, I do not yet see the requisite political will and determination in Haiti.

What complicates matters even more is that there are upcoming national and municipal elections slated for November of 1998 in Haiti. Hundreds of seats are up, including the entire lower

Chamber, up to two-thirds of the Senate, and all municipal seats. The problem is, there hasn't been a resolution to the irregularities surrounding the previous election, and as the clock continues to tick, we are getting closer and closer to even more elections, including the Presidential election scheduled for the year 2000.

During my visit, the Haitian political parties made very clear the importance of this November's election. So far, however, the international community has not developed a united or current strategy for this crucial election. I recommended that the administration—our administration—work with the international community to take the following measures:

One, we must pressure the Haitian Government to allow the international community to take a lead role in the upcoming election; two, we must insist on the establishment of a credible, nonpartisan, competent electoral commission to oversee that crucial election; three, we must insist there be a fair, equitable, and transparent resolution to the numerous controversies resulting from the 1997 electoral fraud; four, we must urge the Haitian Government to reform the electoral and political party laws to level the playing field; five, we must insist on attention to several important technical matters, such as the voter registration list, voter cards, access to state media, and access to state financial resources as stipulated in the Constitution and in the electoral law; six, we must ensure that the police do not become politicized, favoring certain factions or parties at the expense of others; seven, we must encourage a visit by a high-visibility delegation of notable world leaders to go to Haiti and observe the election. This kind of high visibility would help force the Haitian Government to agree to fair and transparent standards for the election. And, finally, we must provide funding for the International Republican Institute and the National Democratic Institute to continue their political-party-building programs in Haiti.

If the current election impasse is broken, the IRI and NDI will need money to help support the crucial institutional election programs that make for open, democratic elections. Unfortunately, several political parties made it clear to me during my visit that they viewed the U.S. Government as strictly aligned with the ruling party of Preval and Aristide, that they are not getting the attention they deserve regarding a resolution to the current crisis. I strongly believe that if we are going to help establish a true democracy in Haiti, we need to stress the importance of political party pluralism in that country.

Mr. President, in light of these benchmarks, I strongly urge that no U.S. assistance should be used to underwrite the November elections until and unless a settlement of the impasse of the April 6, 1997, elections is reached—and until a fair and independent electoral council is established in accordance with the Haitian Constitution.

Since 1995, Mr. President, the United States has provided almost $17 million for elections in Haiti. Strangely, of $182 million requested for fiscal year 1999, the Clinton administration has only asked for $900,000 for these upcoming elections. My first reaction to this is that this specific assistance request is simply not enough for this important election. But before we consider ways to sustain and consolidate democracy in Haiti, by building infrastructures and institutions, it is essential to have the first true element of any democracy; that is, the ability to have free and fair elections. Our administration should make the upcoming election a priority and work with the international community to pressure the Haitian Government to have a fair and transparent election.

Having said that, Mr. President, if the Haitian Government is not willing to make the election a priority and agree to these simple and obvious benchmarks, then there is no use for the United States to administer this kind of assistance for any future election. The money would simply be wasted. We must have a commitment first. We need to know the Haitian Government is serious before we agree to get involved in the election. Our administration should coordinate with other international donors to develop a common front based on agreement to this basic principle.

Let me turn to Haiti's economy. Haiti is an impoverished country that simply cannot afford further political shenanigans.

The Haitian economy has experienced dismal growth while experiencing some growth in the underground market—primarily, contraband and drugs. Private investment is absolutely critical if Haiti is going to create new jobs and put an end to the cycle of poverty. Several key things the United States should pursue include: 1, extending trade preferences to the CBI beneficiary countries under the Caribbean Basin Trade Enhancement Act; 2, we should urge the Haitian Government to begin implementation of its long-delayed plan to reduce the civil service; 3, we should urge the Haitian Government to move forward with privatization efforts; 4, we should find ways to empower the chamber of commerce communities in Haiti, particularly those interested in economic development. We must empower these chamber communities; they have a tremendous potential.

Mr. President, last year the Haitian economy experienced tepid growth of only 1.1 percent in the formal sector—down from 2.7 percent in 1996. The informal, or nontaxed, sector experienced slightly higher growth of 2.2 percent. It is important to note here that this growth is largely due to the tremendous amount of foreign assistance provided by the international donor community. The reality of the Haitian economy today is that but for the donor contributions to the economy, the economy would have negative growth during the last several years.

This slow growth is causing problems for the Government, through increased tax revenues—and the failure to meet Haitians' expectation that Haiti would begin a period of sustained economic growth and job creation in a country with chronically high unemployment and underemployment. While economic growth is slow or nonexistent, it is well known in Haiti that the underground market—primarily contraband and drugs—is on the rise.

The Preval administration in Haiti is faced with a difficult fiscal situation, compounded by the lack of a fiscal year 1998 budget, suspension of international donor disbursement, and an inability to significantly cut spending.

The Government has trouble cutting spending because the bulk of Government funds go to pay the large civil service. Other factors include the Central Bank's financing of deficit spending, which has increased significantly in the first quarter of this year, and that is a very scary thought, Mr. President. Further, preliminary Government statistics indicate that tax revenues have dropped during the first quarter of this fiscal year, largely because of a strike in the tax office.

The Government of Haiti is moving to implement a cash management program that would limit spending to expenditures. But President Preval will face difficulty putting such a program in place, never mind sustaining it, if Government workers press for wage hikes to keep up with inflation. Inflation was roughly 17 percent last year. Price hikes for basic foodstuffs will further impoverish more Haitians and could spark demonstrations against the Preval government in the coming months.

Now let me turn to the important issue of privatization.

Though at an extremely low pace, the Government of Haiti has completed the privatization of the country's flour mill, and the privatization of the cement mill will be completed as soon as the new Prime Minister is approved by the Senate. Three other high-priority privatization projects are said to be on track to begin the bidding process later this year—the airport, the seaport, and the telephone company.

Resources have been made available by the international community to ensure that the bidding process is open and transparent and fair to prospective purchasers. During my recent visit,

both U.S. and Haitian officials acknowledged the difficulty that can be expected in privatizing these three projects. The main reason that they will have difficulty, of course, is that these state-owned enterprises, particularly the seaport, are a source of revenue for the Government of Haiti. Furthermore, former Government cronies are allegedly involved in the telephone company. The U.S. Government needs to continue pressuring the Haitians to privatize these facilities.

But budget balancing and privatization are just the beginning. Private investment is absolutely crucial if Haiti is going to create new jobs and end the cycle of poverty. To attract new investments, I propose the following specific steps:

One, the United States should extend trade preferences to the CBI beneficiary nations under the Caribbean Basin Trade Enhancement Act. This would tell investors the United States is prepared to help Haiti and other island nations diversify their economies through special tariff breaks.

Two, the Clinton administration should develop a new loan guarantee initiative for Haiti through the Overseas Private Investment Corporation. These loan guarantees would help make small to medium-sized loans available, $10,000 to $100,000, to businesses that are prepared to move to Haiti and start new enterprises. Each job in the assembly sector supports at least another 7 to 10 Haitians and also creates secondary spinoff jobs.

Three, we must urge the Haitian government to move forward with the privatization of the remaining state owned enterprises;

Four, we must urge the Government of Haiti to begin immediate implementation of its long-delayed plan to reduce the size of the Haitian civil service. The necessary Haitian laws have been passed to begin this process. Unfortunately, however, the Civil Service Reform Act, which mandates the reduction in the civil service, has a sunset provision which expires this fall. The U.S. Government and the international community need to pressure the Haitian government to implement this important law. Further, $20 million in international assistance is available to underwrite this program. Implementation of this program would be a tangible signal to investors that the Haitian Government wants to work more efficiently.

Five, we must work with the FAA and Department of Transportation to improve airport facilities and ensure that the airport meets all international safety standards. The airport is a vital access point for tourists and promotes the free flow of Haitians to and from the country. These Haitians help the economy with their remittances, and provide a healthy dialogue with on-island Haitians about the benefits of democracy. The FAA has a number of current concerns about the airport, and is currently addressing them. We must ensure that the airport is operated efficiently and safely, because it is the principal entry and exit point for Haiti.

Sixth, work with the government to ensure the privatization of the sea port. Mr. President, the sea port is plagued with inefficiency and corruption. It is certainly the most expensive port in this hemisphere to ship into or out of. The port must be privatized and modernized for better efficiently and productivity. I also recommend that the Clinton Administration urge the Haitian government to privatize other ports in Haiti as well.

Seven, find ways to empower the Chamber of Commerce communities in Haiti, particularly in the secondary cities. The Chamber of Commerce in Cap Haitien, for example, is energized—and is working with the local mayor and government to further develop the city. Mr. President, compared to Port-au-Prince, Cap Haitien almost felt like a different country. It's the attitude that was different. For instance, the business community is eagerly seeking foreign investors, and in fact have already been able to secure some investment. Currently, there are two cruise lines which occasionally visit Cap Haitien. The Haitians on the street welcomed us. I remember one elderly woman who came up to our delegation and said: "God bless you. I am so happy you are here. You give us hope." They want tourists. They want people to come in. Findings ways to work with and encourage Haitians in areas such as Cap Haitien, where their willingness is more visible than in Port au Prince, is something we should pursue.

AGRICULTURE

Mr. President, let me now turn to one particular economic sector that is especially crucial to Haiti's future, and that is agriculture.

Amazingly, tragically Haiti imports two thirds of its food. Every day, thousands of Haitians leave rural areas where they are unable to provide for themselves and flood into the cities which are unable to sustain the population pressures. Right now, approximately 20 percent of Haiti's population lives in Port au Prince. The rest live in secondary cities and the countryside. If this trend continues unchecked, Haiti will not be able to alleviate poverty and starvation. In the long run, agricultural and rural development is critical to the goal of Haiti providing jobs, income and food for its population.

Agriculture production is extremely low for many reasons.

Topsoil has eroded because most of the trees are harvested for charcoal—the major source of Haitian fuel.

Technical skills are lacking—skills as basic as soil conservation techniques, tree planting, and caring for animals.

Basic technology is lacking—including soil and water conservation techniques, tree grafting for higher quality products, crop improvement and improving the genetic base of crops.

Rural infrastructure is deficient. Farmers do not have access to capital or credit, and little access to seeds, saplings and fertilizers.

Delivery mechanisms, including market access and techniques are inadequate and need to be developed.

During my visit, I was encouraged by the U.S. Agency for International Development's Productive Land Use System Program or PLUS Program. To increase output, PLUS works directly with farmers to improve techniques in the fields. These activities are undertaken in collaboration with Haitian farmers. The program deals with the environmental problem through the farmers' own self-interest. This kind of assistance is what works best. This partnership has been a success for local Haitian farmers and should be continued.

In addition, I believe Haiti's strategies for development should focus on the preservation and reclamation of the natural resource base. Linking production and income generation with resource conservation and management activities is being done by field teams that reach farmers through the grass roots. This is similar to our own very successful cooperative extension program in the U.S. We do it better than anybody else. We are now trying to export it and are exporting it to Haiti. This is a good example of something that should be expanded throughout Haiti.

To further develop the rural and agricultural sectors of Haiti, attention needs to be given to a decentralized development strategy. I believe that continued focus on nongovernmental organizations is appropriate. I believe that we should be promoting regional development and that associations linking private sector interests with local government need to be established. One way to do this is to link our own successful foundations and institutions of higher education such as Ohio State University together with local Haitian interested in pursuing this goal.

The Haitian farmers I met understood that the sound environmental practices and productive agricultural and marketing techniques led to an improved standard of living. If we can help them expand these techniques, they can make the staying in the rural areas more attractive and stem the current tide of urban migration.

AID has also been working to help establish marketing cooperatives. One such cooperative is Servi Coop. which has allowed some Haitian cocoa farmers to have a new market for their goods. Historically, Haitian farm prices have been keep down because farmers have only had one ultimate export

source to sell their products to. This AID program is attempting to change that and to create competition. When they have competition, they bid up the price and Haitian farmers have already begun to see in certain areas that type of improvement in their prices.

U.S. TROOPS

Let me talk about the 475 that we have currently stationed in Haiti. Their mission is twofold. First, to provide a visible presence for stabilization. Second, to receive real-life training for readiness—training that can prove extremely beneficial in wartime.

Through humanitarian and civil operations, our troops have built infrastructure and have medically treated thousands of Haitians. Their presence has had a positive impact in Haiti. Their presence, their mission, should continue.

While in Haiti last week, I had the opportunity to visit with our troops. As I said, there are currently 475 of them—down from approximately 2,000 troops in 1996. This year's troop levels will likely range between 475 and 600 on any given day, depending on the number of military personnel at any given time temporarily deployed to Haiti to perform the various humanitarian and civic operations.

Our troops engage in a variety of operations. Just in the last two years, U.S. troops have built or restored approximately 13 miles of roads, repaired or renovated 36 schools, dug 23 wells, and restored a University Hospital. They have treated over 50,000 Haitians and have trained over 200 Haitian health care providers.

The goals for our troop this year include: continued humanitarian and civic operations, such as medical and infrastructure building; and port call visits. One new project our military will undertake is building a maritime operation center in Jacmel to be used by the Haitian Coast Guard. Because of Jacmel's strategic location as a potential drug transit area, this facility will be very helpful for counter-narcotics operations. By the end of this fiscal year, U.S. troops will have renovated or built two other schools, distributed over a million dollars in medical supplies, and treated over 18,000 Haitians.

Our military presence there has had a profound and positive impact. Our troops repeatedly told me, as I talked to them, that they feel useful and generally feel safe. While significant violence is still taking place among Haitians, the U.S. troops that I talked to told me the Haitians understand their presence and, by and large, welcome them there.

Further, the military officers that I talked to, our men and women, told me they have generally found no substantiated evidence of targeting of U.S. forces in Haiti. The vigilantes—those who take justice into their own hands and engage in serious violence through gangs—have apparently not targeted U.S. forces.

Because the conditions in Haiti are so bad, our troops say that the humanitarian and civic work they do is having a tremendous impact, both on Haiti and on their own training. I was told a story by a U.S. military nurse in Haiti who recently treated a child who had conjunctivitis. The little girl was close to losing her eyesight. If it had remained untreated for 2 weeks, the doctors told me, she would have lost her eyesight. The nurse in this case, U.S. military nurse, treated this little girl with eyedrops which saved the girl's vision. The American nurse told us: "I feel useful every day. I feel like I'm doing something."

She is not alone. Thousands and thousands of U.S. citizens travel every year to Haiti to provide humanitarian assistance. When I arrived in Haiti 2 weeks ago, the morning I arrived our troops informed me that several of their key personnel were at that very moment involved in a medical emergency involving U.S. citizens. Three U.S. missionaries had just been in a very serious car accident. A U.S. civilian policeman overheard reports of the accident on his two-way radio and was able to get a helicopter to pick up the individuals and transport them to a medical facility at the American base.

As I arrived that morning at the base, I saw one of the individuals literally being carried into an ambulance to be taken to the operating table. An hour later, during lunch that day, a soldier from Ohio, with whom I was eating lunch, told me he had helped treat the Americans, these American missionaries. He gave me an update on their condition. It was abundantly clear that our troops had saved the lives of these missionaries. This limited U.S. military presence is having a profound positive effect. If we maintain this limited mission then, in my view, our troops' presence should continue for the time being.

The best news in Haiti, though—in addition to our troops who are there and the great work they are doing—the other good news in Haiti comes from the good works of thousands of individuals who are working to make a difference in the daily lives of Haitians. I met many innovative Haitians who were passionate about improving life in Haiti. They are not part of the Government, they are private citizens. And they have been joined by people from around the world who work in every aspect of society. They help the poor, the orphaned, the starving, the elderly, and the sick. It has been an inspiration to visit these people on my trips to Haiti and to visit their projects.

Let me just talk about a couple. In 1980, Dr. Guy Theodore, a retired U.S. Air Force colonel, founded a health clinic in Pignon to serve a poor rural Haitian community. Through Dr. Theodore's leadership, hard work, and his determination, the clinic has now one of Haiti's most successful comprehensive help and development programs. The hospital serves 150,000 people and provides health services, women's literacy programs, credit programs, an innovative water and sanitation program, and environmental and community development programs.

It was here when we were traveling out in the country that we happened to meet a group of doctors from Fargo, ND. The eight men and women who traveled there traveled at their own expense. They raised $20,000—enough money to send them and their equipment to Haiti for a week of surgery and medical work. They were giving their time to make a difference to many suffering people.

In Cap Haitien, we met three nurses from Georgia who were working through Emory University. They told me about the work they were doing, training local people about basic health and sanitation, and they encouraged me to urge other American universities to consider cooperative ventures to train more Haitians in these important works. One nurse whom I talked to had been coming to Haiti and working in Haiti for 17 years.

On a previous trip, in the town of Lescayes, we met Father William Konicki, who gave us a tour of his home for the elderly. People who had nowhere to sleep, nothing to eat, people who were sick and disabled, they all found a place to live and be safe with Father Konicki. Without Father Konicki's tremendous efforts to make something out of nothing, these elderly people would have starved to death.

Some of the most difficult stories have to do with Haiti's orphans. Because of extreme poverty, high premature death rates among adults, parents, and AIDS, thousands of Haiti's children have been orphaned or abandoned. Many end up in places that provide no more than shelter. The children come malnourished and diseased. Often the only food these children eat comes from the U.S. Public Law 480 title II feeding program. Last year, the administration announced a plan to phase out the part of this program that served orphans, the elderly, and individuals with AIDS.

Through legislation, I worked closely with appropriators in Congress to secure funding for fiscal year 1998 at the same level as fiscal year 1997. I will continue to fight for this money for these children. It is the only food many of them have. If this money is not approved, we will literally be taking away the only food these children have to eat.

These are pictures of the food ration that our Public Law 480 actually provides. This may not look too appetizing to us in the United States, but this is a meal that provides these children—

they get one meal a day—it provides them with a well balanced, nourishing meal. It allows them to be healthier, frankly, than most children are in Haiti. That is what that Public Law 480 funds provide. There are tens of thousands of children like this in Haiti.

There are many caring adults who run the orphanages I have referred to. Mr. President, 67-year-old Sister Veronique, a Haitian-born nun whom I have gotten to know and my wife has gotten to know over the last few years, picks up abandoned babies from the hospital every time that she has an open bed. These are children who are about ready to die. Many times they are not true orphans, they are brought into the hospital when people are so poor they bring the children in—they try to keep them at home, but then when they know they are about ready to die or think they cannot keep them any longer or they will die, they bring them into the hospital. What Sister Veronique does is, she goes to the hospital every time she has an open bed, she picks up another baby, and takes that baby back to her orphanage and tries to keep that baby alive. There are many, many success stories. Many of these children do, in fact, make it because of what Sister Veronique does.

Another nun, Sister McGonagle, from San Diego, spends 6 months of every year raising moneys for the Kenscoff Orphanage, where she works the rest of the year. Father Stra, from Italy, a Salesian priest, provides shelter for homeless boys and training programs for street children. We also met an American couple who bring Haitian orphans into their own home in Port au Prince, hoping to find permanent homes for these children later in the United States.

I am pleased that our United States Agency for International Development mission in Haiti is working to develop a local association of people to advocate for children and serve as a network for orphanages, so as to be able to share ideas and resources. This is an important idea and one that we should encourage and continue.

Let me say that after five visits to Haiti, I can assure my colleagues in the Congress that we have, working for the U.S. Government, a number of very dedicated people in AID, a number of very dedicated and talented people at our Embassy as well.

In conclusion, we should be clear. Haiti's democracy is not stable; it is in its infancy. As Americans, we find it hard to imagine a country that is not even able to hold elections. But the electoral fraud over Haiti's national and municipal elections last April, that cloud over those elections in which only 5 percent of the population even bothered to cast ballots, has brought government there to a halt.

There has been a political impasse since last June, when President Rosny Smarth resigned. In fact, it seems that all the key players, the Haitian Government and the other parties, have decided not to resolve this crisis.

That is why this weekend's visit by Secretary of State Madeleine Albright is so critical. I understand she intends to meet with the two Lavalas parties, which I think is necessary. However, I am surprised to hear that she has no plans to meet with the other opposition parties. I think that is a mistake. It is critical that she meet with the other parties as well. This will encourage their participation in the next elections, and keep them involved in the national political dialogue and will send a signal to the current Government of Haiti of what true political pluralism really means.

Until this political impasse has been resolved, we should not be pledging any kind of financial support for future elections. Indeed, our Haiti policy must be something more than a blank check. Without specific measurable goals, monetary aid to Haiti is an unguided assistance program in search of a policy. It seems to me that we must export our ideas along with our aid. It will take more than just money to bring stability to Haiti; it will require a comprehensive plan and Haitian political will. Without these key elements, all the money in the world will not do any good in Haiti.

I think it is clear that the United States needs to work with the international community, develop a coherent and well-planned strategy, and together pressure the Haitian Government to first resolve the current political crisis. Furthermore, before Haiti can prosper—both democratically and economically—the government must address—and make a commitment to—three key factors: (1) hold free and transparent elections; (2) combat the increasing threat of drugs; and (3) reform the "broken" judiciary.

I have suggested that in these three key areas—which do not currently receive significant funding from the United States; it is a relatively small amount of money that we put in Haiti—that increased funding should be considered if certain benchmarks are met as I have outlined. Current budget request figures for these three areas do not exceed $10 million, a relatively small part of the total Haitian commitment. These priority areas though are essential and our administration should pay close attention. We must pay close attention to whether the Haitians are willing to address these three specific problems: hold free and transparent elections; combat the increasing threat of drugs; and reform the broken judiciary. Unless they are addressed, it is very hard to see how any real democratic progress and economic development can possibly ever take hold in Haiti.

In two of these priority areas—politial and judicial reform—we must find ways to work with the government. We have no choice. Simply, it will take political will by the Haitian Government to achieve any progress in these areas. Let me make it clear: The United States cannot and should not make an investment in these areas without a clear commitment from the Haitian Government.

As I mentioned before, we can't do for the Haitians what they cannot and will not do for themselves. The political will must exist.

However, Mr. President, there are areas where we can't stand by and wait for the Haitian Government to act. There are ways that the United States can work around the government to provide a semblance of hope for the Haitian people and some stability to that country. These areas include agriculture reform, feeding programs, and other areas of humanitarian support. With respect to drugs, here, too, we cannot wait—we must take action now to reduce the flow of drugs through Haiti. It is in our national self-interest. If we do not do that, we risk the entire nation turning into a narcostate with tragic consequences not only for Haiti but for the United States. No doubt, long-term drug control will require greater cooperation with the Haitian Government, but our Government should devote its resources now to respond to the current threat.

I look forward to working with my colleagues both in the Congress and in the administration to address these priorities, and help create a strategic long-term vision for our policy toward Haiti.

Mr. President, before I yield the floor, I thank you personally for your forbearance this morning and this afternoon. I appreciate it very, very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I may proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET SERVICE PROVIDERS AND UNIVERSAL SERVICE

Mr. ROCKEFELLER. Mr. President, I want to talk today about a subject called universal service, and the threat it faces because of the Federal Communication Commission's—the FCC's—policy regarding Internet service providers. When we passed the Telecommunications Act of 1996, a number

of us—a bipartisan group called the Farm Team—fought hard to include Section 254, the section that ensures our nation's continued commitment to universal service. This section is the heart and soul of this new law, because without this fundamental commitment, telecommunications service in rural areas would not be affordable. Without it, we will watch a new world of haves and have-nots when it comes to telecommunications and access to the Information Age.

When I deal with this issue, I am painfully reminded of another example of deregulation: the airlines. West Virginia and other rural states got the short end of the stick on airline deregulation, and we continue to pay the price for it. That's what made me and others so determined not to let this happen under the Telecommunications Act. We knew we had to make sure that the idea of universal service was not simply expressed as a goal or listed in some weak section—we made sure it was a statutory obligation explicitly stated in the Act.

Maintaining universal service involves a number of issues. Senator STEVENS took on most of these by demanding a major report from the FCC on their progress regarding universal service, in a provision in last year's appropriations bill that funded the FCC. That report is due April 10, and many of us are looking for serious answers from the FCC to the many questions we have about the direction they are heading with regard to universal service funding.

Two big concerns are, (1) the FCC's ill-advised decision to provide only 25 percent of the costs of universal service, leaving the remaining 75 percent to the states; and (2) their decision to only fund the FCC's portion of the high-cost fund from interstate revenues. I do not believe that rural states can live with either of these proposals, because what we'll get are higher rates and dwindling investment in our local telecommunications networks. This simply does not square with the Act's promise of delivering comparable services at comparable rates. Section 254 was designed to ensure a national standard of affordability for telecommunications services, and that is a standard we simply must live up to.

In the 1996 law, we recognized that the maintenance of the nation's telecommunications network is a shared responsibility—and one that provides shared benefits. It is in our national interest that everyone be able to affordably make calls from anywhere and to anywhere in the United States.

This isn't a radical concept. As a nation we share responsibility in many areas. My colleague Senator DORGAN points out that land-locked states like West Virginia, North Dakota and Montana all help pay for the Coast Guard, even though our citizens use those services far less than others. I certainly wouldn't advocate that we stop supporting the Coast Guard, and the same principle applies here. Shared Responsibility.

I will have more to say on these subjects as the FCC moves forward on implementing universal service. Today I want to focus on the subject of internet telephony, and how the FCC's current regulatory policy threatens the promise of universal service.

The problem is that the FCC's current policy is basically a policy of letting so-called information service providers avoid paying for their fair share of universal service, even though these companies are delivering services that are clearly telecommunications services and which burden the local network. Senator STEVENS has been the most vocal leader on this issue, and I want to praise him. We both come from high-cost states, and we both know the importance of changing the FCC policy so that their mission to maintain universal service can be fulfilled.

Where this problem is most clear is in the current offerings of long distance telephone service over the Internet. It's a very real trend and a rapidly rising trend. In fact, I will submit two articles for the RECORD that tell this part of the story, one from Businessweek and one from the New York Times. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times]

THE NEWEST PHONE WAR

(By Noelle Knox)

Consumers looking for the cheapest long-distance telephone rates need only log onto the Internet, the newest arena of intense competition, where companies are offering special prices from 5 to 10 cents a minute.

This week, the AT&T Corporation is expected to start offering its Internet customers long-distance calls at just 9 cents a minute, matching new rates introduced recently by MCI Communications.

Both giants are scrambling to respond to the initiative of a little player that had a big idea: Tel-Save Holdings, a long-distance provider in New Hope, PA., that caters primarily to small and medium-sized businesses. Since Dec. 18, it has contracted with America Online to offer the 9-cent-a-minute rate to the on-line service's 11 million subscribers. With promotions on its main screen and in full-page newspaper ads, America Online has signed up almost 400,000 customers so far, and expects to have a million by the end of June.

Many industry experts call such programs the start of a revolution that will lower all long-distance rates, a result of making a connection in consumers' minds between the Internet and phone service. Eventually, the experts say, the Internet will become a major transmission vehicle for the calls themselves and the line will blur between telephone and Internet.

"It's going to change the industry," said Jeffrey Kagan, a telecommunications consultant and author of "Winning Communications Strategies" (Aegis Publishing Group). The new rates are just the beginning, he said, adding, "The question is: How low can they go?"

A long-distance company can offer a lower rate to Internet customers because the company saves money. The customers enter their own billing data when they sign up, and in most cases must pay with a credit card, receiving their bill through their computers. For the companies, that means no paper bills and no postage costs, while the reliance on credit cards also reduces the companies' exposure to bad debt.

Not all the long-distance carriers are joining the Internet price war. The Sprint Corporation, which offered the first 10-cent-a-minute plan, does not offer internet customers a better rate. "We think it's restrictive to say one kind of customer can get one kind or rate and another customer can get another kind of rate," said Robin Pence, a spokeswoman for Sprint.

She also criticized the Internet-based marketing plans because they usually provide customer service only on line.

Still, many telecommunications executives and analysts say that this is only the beginning of a shift toward new kinds of communication via the Internet. The current Internet plans offer new rates for long-distance calls carried by traditional phone lines, but AT&T plans to start a cheaper service in May that will carry long-distance calls over an Internet-style network.

That service, called AT&T World Net Voice, will start in three cities, still to be announced, and expand to 16 by the end of the year. AT&T will charge 7.5 to 9 cents a minute for calls using Internet protocol.

Internet protocol, or Internet telephony, as it is also known, uses a regular phone. But a separate transmission switch digitizes and compresses the caller's voice into packets of data that are moved through the Internet and reassembled at the phone on the other end.

"From AT&T's point of view, Internet protocol is critical to our future success and growth," said Daniel H. Schulman, a vice president at AT&T's World Net Service. "In fact, we think the Internet protocol is to the communications industry what the personal computer was to the computing industry; it's that fundamental a change."

The technology, though, which is just two years old, is still slow and cumbersome. Many people who use Internet protocol for long-distance calls report frustrating time lags between the speaker and the listener. AT&T says it has reduced the delays, but callers must still dial a local access number, wait for a prompt, enter an authorization code and then dial the number they want.

But with improvements in quality in the next five years, the Internet telephony business is expected to grow from less than $1 billion a year today to $24 billion—about 17 percent of the projected United States long-distance market, according to the International Data Corporation.

About 25 million American homes are connected to the Internet. And their occupants tend to be more affluent and make more long-distance calls. In a survey last year, International Data found that in homes with a personal computer connected to the Internet, the average respondent was 41 years old, had a household income of $70,400 a year and spent an average of $58 a month on long-distance calls. Among households without a computer, the average respondent was 47 years old, had a household income of $38,700 and spent an average of $30.50 a month on long-distance calls.

While it may make good business sense for long-distance carriers to focus on the most profitable market segment, some consumer advocates are not impressed.

"What we've constantly seen here is benefits for volume users at the high end of the market, while rates have actually risen for consumers at the low end of the market, unless government has intervened to put a lid on rates, or forced them down," said Gene Kimmelman, co-director for Consumers Union.

But Mr. Kagan, the telecommunications consultant, predicted that as Internet telephony improved, it would push down all long-distance rates. "Within a year's time, we're going to see traditional long distance down to the 5-cent mark," he said.

As the long-distance industry changes, the line separating telephone and Internet services may start to break down. Customers might buy telephones with a screen, for example, and dial into the Internet to place a call. Long-distance companies may start focusing on other, more profitable businesses, like cellular phone service, pagers, call forwarding and electronic mail.

"Long-distance companies will still make plenty of money, but they will make it from these higher-margin services," Mr. Kagan said.

LONG-DISTANCE SAVINGS A CLICK AWAY

Long-distance phone deals are proliferating on line. Most programs provide billing and customer service over the Internet: payments must be made by credit card.

Rate	Restrictions
TEL-SAVE—WWW.AOL.COM	
9 cents a minute	Available only through America Online. Service will be offered through Compuserve in 2 to 4 months.
MCI ONE NET SAVINGS—WWW.MCI.COM	
Mon.-Sat.: 9 cents a minute; Sun.: 5 cents a minute.	State-to-state calls. Also offers telephone subscribers a monthly $5 discount on Internet access.
AT&T—WWW.ATT.COM	
AT&T World Net: 9 cents a minute.	State-to-state calls. Rate is only for customers who pay $19.95 a month for Internet access through AT&T's World Net service.
AT&T One Rate Online: 10 cents a minute.	State-to-state calls. $1 monthly fee. This plan saves $3.95 a month off AT&T's non-Internet plans.
AT&T World Net Voice: 7.5 to 9 cents a minute.	State-to-state calls carried over the Internet. Must pre-pay a set amount with a credit card. Not available until May.
SPRINT SENSE ANYTIME—WWW.SPRINT.COM	
10 cents a minute	$4.95 monthly fee, which is waived for bills of more than $30 a month. This produce is offered to all customers, not just Internet users.

Source: The companies.

[From Business Week, Dec. 29, 1997]

AT 7½ CENTS A MINUTE, WHO CARES IF YOU CAN'T HEAR A PIN DROP?

WHY LONG-DISTANCE INTERNET CALLING IS ABOUT TO TAKE OFF

(By Steven V. Brull in Los Angeles, with Peter Elstrom in New York)

How can Qwest Communications Corp. get away with charging just 7½ cents a minute any time for long-distance calling—the ultra-aggressive pricing it announced on Dec. 15? For one thing, according to President and Chief Executive Officer Joseph P. Nacchio, "Long distance is still the most profitable business in America, next to importing illegal cocaine." As head of long-distance marketing for AT&T until last year, he should know.

Actually, Qwest can make its audacious offer—and still match AT&T's 17% to 20% net margins—because it sends its traffic over a private fiber-optic network using Internet technology. That method, says Nacchio, is far more efficient than that of the conventional carriers. Indeed, if Qwest makes its mark in long distance, it won't be for undercutting AT&T's best all-day rate by 50%—it will be for proving that Internet-based calling can steal significant amounts of traffic from ordinary long-distance circuits.

Easy to use. Qwest's offer heralds the coming of age of Internet telephony. Just a couple of years ago, making phone calls over the Internet was a challenge reserved for computer whizzes. Consumers still will have to dial a few extra digits to make cheap calls. But now, improved PC-based software and routers make it possible for Internet service providers to accept standard telephone and fax calls and send them over the Internet or private data networks and then back to the conventional phone network.

As a mass market develops, companies such as AT&T could lose millions of customers and billions in revenue to Internet calling. "In the next 24 months, we'll see a rapid migration," predicts Nacchio. Between 1998 and 2001, as much as $8 billion could be lost to Internet telephony, says Sim Hall, vice-president of research at Action Information Services of Falls Church, VA. "Internet telephony is going from novelty to mainstream next year," agrees Jeffrey Kagan of consultants Kagan Telecom Associates.

Besides being more efficient than standard voice networks, which consume bandwidth even when there is silence during a call, the new networks also bypass conventional long-distance carriers, who must pay local-access charges and taxes. Such fees make up 40% of the typical long-distance charge, Hall notes.

Unlike the pioneers of Internet telephony, bigger companies like Qwest mostly route traffic over their own networks. That lets them manage capacity to avoid the scratchy sound and half-second delays of some Internet phone setups.

Qwest isn't the only company with big ambitions in Net calling. WorldCom Inc.'s Internet division, UUNet, is taking aim at the $92 billion fax market. Early next year, it will offer nationwide faxing for 10¢ a minute, compared with the typical business rate of 15¢ a minute. International faxes to Britain will cost 19¢ a minute, half the average rate now.

Denver-based Qwest, which is building a $2 billion nationwide fiber-optic network, will offer its 7.5¢ rate on calls anywhere in the continental U.S. starting in late January in nine western cities. The network will expand to 125 markets in early 1999, when Qwest's national network is scheduled to be completed. Qwest also plans fax, video-conferencing, and other services.

Established long-distance providers are making their own forays with the new technology. In August, AT&T began offering domestic and long-distance calls from Japan at 40% off normal rates. Japan's Kokusai Denshin Denwa Co. created a subsidiary offering similar services worldwide on Dec. 16. MCI Communications Corp. and Deutsche Telekom are running trials.

While the data networks will help cut domestic long-distance rates, the big impact will be on international calls. The average long-distance call in the U.S. costs about 13¢ a minute, but the average international price is 89¢, Hall says. The gap has little to do with the extra cost of an international call, which is marginal. Rather, it reflects the pricing power of a small group of suppliers.

Hall predicts that phone company revenues per minute on international calls will fall more than 20% annually through 2001 and continue to decline. "The wheel has been set into motion," says Hall. Nobody knows how far it will spin, but at this point, it looks as if consumers will be the winners.

Mr. ROCKEFFELLER. These new long distance calls are offered at rates far below that of "traditional" long distance calls, with some at 7 cents per minute. While cheaper service is a good thing, the problem is that FCC policy has created a giant loophole that threatens universal service. Because of this policy, service can be offered over the Internet more cheaply because Internet-based providers can avoid paying access charges and universal service contributions. This is all because they offer their service using packet-switched technology through an Internet Service Provider, which allows them to escape the FCC's current definition of telecommunications carrier. The problem is that access charges and universal service contributions are what help maintain the local network, which is the most expensive part of the phone system. Without adequate support—and by allowing these companies to duck paying their fair share—we will let the local network wither on the vine.

It is important to remember that, aside from their regulatory treatment, the nature of both types of long distance calls are exactly the same. They are both spoken voice calls that occur over regular phones. There is no quality distinction between them for the consumer. It is also important to remember that both calls burden the local phone network in essentially the same manner. The only difference is that the FCC has chosen to define one as a telecommunications service and the other as an information service—even though any review of these calls in the real world would conclude that they are the same.

Further, we are already seeing evidence that this regulatory loophole is a multi-billion dollar incentive for all long distance carriers to move their traffic from the traditional circuit switched network to the Internet. The March 8, New York Times article that I mentioned earlier points out that the Internet will increasingly become a major transmission vehicle for phone service, and that in the near future "the line will blur between telephone and Internet."

It also points out plans by a number of companies to move more and more traffic to the Internet, including AT&T, and that in the next five years Internet telephony alone will grow from less than $1 billion a year today to $24 billion annually. John Sidgemore, the CEO of UUNet, goes further, and recently predicted that by 2008 traditional voice transmissions will represent less than one percent of total communications traffic—and

under the current policy that one percent will be left to support universal service.

Senator BURNS chaired a hearing in the Commerce Committee a week ago that shed a lot of light on this important issue. We heard from Wall Street analysts who were giving us their opinions about the implementation of the Telecommunications Act. I asked them what they thought about this issue and the FCC's current policy regarding these so-called information service providers. The verdict was unanimous. The entire panel agreed that the FCC's current policy is flawed.

Tod Jacobs of Bernstein Research said, "it is certainly our opinion that the ISPs have been getting a free ride, and that there is no question that access charges, particularly once they get down to more cost-based rates, should be applied to those calls."

Scott Cleland, managing director of the Precurser Group of Legg Mason Wood Walker, said that "people should know that the Internet and data right now is by far the most subsidized entity in the business, even more so than the local monopoly." He added that, "Congress should realize that right now whether the Internet or whether data pays access charges or pay into universal service is the most massively distorting issue facing Congress in telecommunications; that we are at a fulcrum point."

But the key point made by Mr. Cleland was when he discussed the perverse effect the FCC's current policy will certainly have—that the FCC's policy actively encourages companies to game the system so that they do not have to pay access charges or contribute to universal service. This is the real bottom line, and Mr. Cleland got it exactly right when he said: "we are all just going to morph ourselves into a new definition and leave universal service to anybody who is not smart enough to take advantage of the new definitions."

Let me repeat that. The industry will "leave universal service to anybody who is not smart enough to take advantage of the new definitions."

That is a clear warning to all of us that care about keeping telecommunications service affordable in rural areas. And it should be a clear signal to the FCC. Many of us are looking to the April 10th report from the FCC for serious answers on this issue. I urge Chairman Kennard in the strongest possible terms not to try to defend the regulatory status quo with regard to Internet Service Providers. The Telecommunications Act includes specific language stressing that "universal service is an evolving level of telecommunications services. . . ." I believe the FCC's policy needs to evolve with it, particularly since all forms of telecommunications will increasingly rely on packet-switching and other types of advanced technology. I am not going to keep quiet about this issue. We fought too long and hard for the universal service provisions of the act, and universal service itself is far too important to the country for us to ignore this very serious problem.

Let me also be clear that I am not advocating any kind of extensive regulation of the Internet in connection with this issue. I think the growth of the Internet would not have occurred as rapidly as it has if it were subject to extensive regulation. But those who argue against regulation ought to be equally in favor of eliminating the unfair advantage the industry receives today as it avoids its universal service obligations at the expense of rural America.

Universal service is a fundamental principle. It is a statutory promise that Congress and the President made to Americans. It is worth fighting to preserve and protect. And I urge everyone in this body to take it very, very seriously.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPOSED TOBACCO LEGISLATION

Mr. ENZI. Mr. President, as we are heading out on the Easter recess, I want to wish all my colleagues godspeed and also make a small request of them while they are in their home States. That request is for them to thank the people that smoke for their contribution of $368.5 billion, or perhaps $510 billion. I think a lot of people out there think we are finally going to get to the big bad tobacco companies and get them to pay some money up front here and kick in for all the damage that has been done. But, really, the smokers are going to wind up paying this. I don't know whether it will be for increased tobacco costs, or whether it will be for an increased tobacco tax. At any rate, it is going to range from 50 cents to $1.10 or $1.50, or whatever they think will make a difference.

Having said that, I ought to mention that I had not accepted any money from the tobacco companies during my campaign. It could have been very critical, as I had a highly underfunded campaign. I was offered money from the tobacco companies, but I would not accept it. I could see this sort of debate and discussion coming up later. I didn't want to be seen as favoring the tobacco companies and will not be favoring the tobacco companies.

I have a lot of concerns, as we have gotten into this tobacco debate. In fact, the concerns have gotten to be so many that I am kind of depressed about whether or not there is any capability to do anything about the problem. When I was growing up, my folks smoked. Both my mom and my dad smoked, and they smoked a lot. In fact, I had the feeling that I didn't smoke because I could walk anywhere in the house, inhale, and get plenty of smoke. About the time I was a junior in high school, though, my dad saw a program on television. As part of this program, some kids visited a lab and they had a beaker about 6 inches in diameter and about a foot tall, half filled with some liquid. That was the amount of tar that the average smoker would have collected in their lungs. One of the kids reached into this beaker and pulled his fingers back up out of there and had strands of sticky tar hanging from it. At that point, my dad quit smoking.

He and Mom had talked about smoking for as long as I could remember and about all of the money they would save if they quit smoking. But they had not quit—well, they quit several times, but they had taken it back up again. My mom had always said that if my dad would quit smoking, she would quit. My dad saw the picture of the stringy tar coming out of the beaker, thought about his lungs, and quit. It wasn't easy, but he quit. After a couple of weeks of my dad having quit, my mom decided that she had to quit, too; that was part of the deal.

About a year later, I went for my annual athletic physical, and the doctor asked me to sit in his office for a minute because he wanted to talk to me, and I did; you always do what the doctor says. When he came in, he said, "I am really glad to see that you quit smoking." I said, "I have never smoked." He said, "Oh, yes, you have, take a look at these x-rays." He put up the x-ray of a year before and showed me how clogged my lungs were the year before. So for years I have known about secondary smoke. We didn't even know to call it "secondary smoke" problems at that time. But they were there. It was evident on the x-rays. I also had a problem as I was growing up with hay fever. It wasn't seasonal, but I thought it had to do with molds, grass, and that sort of thing. Another benefit I had of my folks quitting smoking was that I got over hay fever. Secondary smoke again.

About a year and a half ago, my mom had a heart attack. We found out at that time that she might still be smoking. It is a powerful addiction. So I do have some interest in smoking. I went

to the George Washington University here in Washington, DC, when I went to college, and there used to be a medical museum on the mall right by the Smithsonian. It has been replaced by the Air and Space displays there. I think it still exists somewhere in the District. But one of the displays they had in there was parts of the human body cut up in thin slices, encased in plastic, and you could kind of page your way through a liver or a heart or lungs. They had lungs of smokers and nonsmokers. So there is a problem there, and it has been recognized for a long time. I do not think there is anybody now who argues that cigarettes will not kill you if you use enough of them long enough. It will have an effect on your health. I am very disturbed that there are still young people who are starting to smoke. They know what the damage is, they know what the outcome is going to be, and they still smoke.

On behalf of all of these folks, we are going to look at a settlement. We are going to try to figure out whether we have the right to settle on behalf of the whole country and, if we do, in what categories we have that right to settle and what kind of a precedent we will be setting in all kinds of other fields where people may be damaged by things that at one point in time we did not know might damage them but now might clearly know that, because this will be precedent setting.

The biggest thing I wish to talk about today is the smokers themselves, because I know as I travel around Wyoming—and I am in Wyoming almost every weekend; it is a big State with a lot of small towns, so it takes a lot of travel, and we get around regularly and talk to folks. But I know from talking to the smokers, it has not hit home yet that the smokers will pay the bill. Whether it is an increased tax or increased prices of cigarettes, the companies will collect it, the companies will forward it to us, but the smokers will pay the tab.

Something that is happening back here that is disturbing me a little bit is, we have run into this $368.5 billion; that is a number that has been quoted for a long time. I noticed the tobacco settlement that came out of the Commerce Committee calls for about $510 billion. It doesn't matter which of those figures you want to use; they are both huge numbers. They are both probably too small a number to solve what we are talking about solving. But we are not necessarily talking about using that money to solve the problems of smoking, we are talking about it as a new addiction. That is what I call the political addiction —if there is some money and it is not earmarked, it is an addiction.

I saw a cartoon. The cartoon essentially said: Don't give alcohol to an alcoholic; don't give drugs to a drug addict; and don't give money to a politician.

This is more money than we have looked at in quite some time. There have always been constraints on the money we have had before. But this is pretty wide open. Oh, sure, we have said there are some things we would do with it. In fact, it was the States that brought up this issue originally. The States started some lawsuits against the tobacco companies, and they won. So now they have some money coming, and the tobacco companies can see that this could catch on, and it has. It has been to a number of States now. So the tobacco companies have said, let's get together and talk about a settlement; let's see how we can rein in a little bit of this and do some damage control. Of course, they are looking at damage control primarily for their companies, so they have reached some agreements with folks. It is a varied group of folks.

Again, I do not know if they have the right to do the kinds of negotiations they say they are doing, but any way that you look at it, it is the States that started, the States that got agreements partly through the courts, now partly through negotiations and a settlement, and it seems to me that those States expect that they are going to get some money to reimburse themselves for the Medicaid they have spent to take care of smokers.

That is what the lawsuit was about. That is the basis on which they won. So probably we ought to think about a little bit of that money getting back to the States to do what we said would be done based on the lawsuits and the settlement that came out of them.

Now, 57 percent of Medicaid is the Federal part of the cost. So do we just have the States collect their share? How much of the $368 billion or $510 billion ought to be ours? Well, that is something we ought to legitimately address. But I am concerned that there is not money in that settlement that deals with the cost of Medicare. Smokers are going to have bigger problems when they get into Medicare than nonsmokers. It works that way with insurance; it works that way with Medicare. There isn't any money talked about in the settlement.

We have talked about taking the Federal portion of the money from tobacco and putting that into Medicare. Good idea. Part of it comes, though, from reimbursing Medicaid, the Federal portion, the 57 percent. So we ought to take some money and put it into Medicaid probably. But we are talking about taking it—and this is for ease of talking about how we are going to handle it. The Medicare system is in trouble partly because of smoking. We are going to take a portion, that portion that turns out to be the Federal portion, and put it into Medicare. Good idea. Good plan.

Medicare ought to have an additional contribution based on how much of it is caused by smoking—something that has been known by the companies for a long time that they have been causing, something they didn't own up to completely, something they are now talking about. So we need to be sure there is some Medicare money in there.

Now, one of the fascinating phases I have talked about in dealing with the Medicare thing is a comment by some of the tobacco companies that it really should not be a very big part of their expense, because most smokers do not live long enough to be a part of the Medicare problem. I do not know if that is justification or not. It does not seem to me that it would be.

We are also talking about using some of the money to compensate the people who are growing the tobacco, and there probably is some obligation on our part—not necessarily out of the $368.5 billion—to compensate the growers. The growers probably have seen the damage that smoking has been causing over the years and have had some options on other things they could have done with their land, and so a total compensation for losses probably is not in order.

There are vending machine owners, and they are small businessmen, and I think in the settlement we are talking about compensating them, compensating them even for future loss of revenues. I am an advocate of the small businessman. I have been a small businessman. I know what some of those problems are. But I cannot go along with compensating them both for the loss of the vending machine and the loss of their future revenues. That is the normal course of doing business—figuring out what the future is going to be, what changes there are going to be in the marketplace and how you will adjust. These changes are not coming on that suddenly that they have to be compensated for future loss of revenues.

I am even interested, as the only accountant in the Senate, in how they are coming up with the cost of the vending machines. It seems to me it ought to be the cost of the vending machines less what they have been allowed to depreciate under the tax system.

I suggest there ought to be another part to this, and that other part I call smokers' compensation. Since the smokers of this country are going to be paying the bill, at least a portion of the money that we are going to collect, whichever method we use, ought to go for some kind of a fund that is going to solve the future health problems of these folks who are paying the bill. They ought to have some individual responsibility. It is a decision they made on their own to smoke, it is something they have known about for a long time as causing their own problems, but we are about to have one of the biggest court gluts that we have ever seen. The

tobacco settlement bill as it came out of the Commerce Committee, as I understand it, has some form of immunity in it. That is a cap for the tobacco companies, guaranteeing them they will not be sued for more than $6.5 billion a year.

That's liability protection. That means it still goes through the normal system of lawsuits. Somebody has to sue the tobacco companies to get compensation. They still have to win in court. But the companies will not lose more than $6.5 billion in any way.

What we are going to have is thousands of lawsuits piled up in the courts, lawsuits of people trying to get to be first to the money so their money will come within the $6.5 billion cap. It sounds like a lot of money. It is a lot of money. It is not enough money to take care of all of the problems caused by smoking out there. In fact, I am pretty sure that if we took the entire assets of every tobacco company in the United States, put them out of business and sold the assets, that that would not be enough money to take care of the problems that have been caused by smoking.

Unfortunately, the courts have become one of the biggest lotteries that we have in the country. It is a legal lottery, but you have to have a lawyer to scratch your card for you. That has become one of the biggest attorney retirement funds there is. The attorneys typically get about 40 percent of what they win for you. They don't have any pain. They don't have any suffering. They don't have the problems with the smoking. They just provide their legal expertise—and you need that to go to court. In exchange for their legal expertise and the money that you receive, they will get about 40 percent plus expenses. It has been anticipated that probably less than half of whatever money goes into this legal fund will ever get to a smoker.

So we have the problem of how much is going to get to the smoker. We have the courts jammed up now with everybody trying to be first in line to get his or her money. And I suspect, because we now know how bad the tobacco companies have been, that the first awards by the juries are going to be good ones. This is going to be truly the lottery. This is going to be a lot of money, and it will use up the $6.5 billion each and every year and leave some people without any compensation, or sharing in the lesser pool, or whatever.

I am trying to figure out how this could be handled and how we could save some of that money so the smokers who are paying the bill could get some of their compensation back, could get some of their health problems taken care of. I am suggesting that we set up a smokers' compensation fund. A lot of people are familiar with Workers Compensation. That goes to the workers on the job. If a worker gets hurt, there is a set procedure already that he can get his medical bills paid and get some compensation for his loss of time and not have to go to court. That is to give him quicker treatment, which is essential, and make sure the doctors understand that they will be paid. It's a system that has developed over more than half a century to try to help the worker. It does preserve some money there.

I am suggesting that same sort of system could be put in place so smokers, when they have a problem, can be assured of immediate treatment and immediate compensation, and the funds that they and the tobacco companies are paying in would be what provides this fund. So it not only provides for the smokers but it also provides that the nonsmokers are not funding the problem also. That is what we are doing now with Medicare. Medicare dollars from everybody go into the Medicare funds and then Medicare funds go to take care of the extra costs that come with the smoking.

I know that is not possible. It is too complicated. I cannot even do an adequate job, in a limited amount of time, of explaining how smokers' compensation would work and how it would save the courts problems, and how it would assure that everybody would have an equal shot at the money and how there would be enough money, provided we force the companies and the smokers to put that money into the fund. What I am suggesting is that we do put the money from the settlement for tobacco into Medicare and at the same time we begin to collect the statistics from the Medicare fund that show how many of the illnesses that are going into that fund, that are drawing money out of the fund, are smoking related.

I looked at targeting them, decided that we can keep track of what is smoking related and what is not smoking related, so we will even have enough statistics that we would be able to establish a smokers' compensation fund where the smoking money goes to take care of the smoking problems and so there is money for the people who are there.

This is going to be a long process. I don't think we will reach a settlement this year. When I was flying back on the plane last weekend, I started making a list of the complications that are going to keep a tobacco settlement from happening. It only takes 51 votes out of the 100 here to stop anything. It is much harder to pass anything in a legislative body than it is to stop it, because when you pass something, it has to go through a whole series of processes starting with the committees, and at any one time in that process, if there is less than a majority vote, it is dead.

It will have to go through that process here, too. If 51 people don't like the deal that's put together, it is not going to happen. When I was listing those things, I got up to three pages, single spaced, of outline only, of the problems that look to me to be rather insurmountable in dealing with the tobacco settlement. So I don't think anybody will get really excited about what is going to happen and whether it will happen. But one thing they can be assured is we are going to raise prices on tobacco one way or another. So we ought to be both thanking the smokers and asking how we can reduce smoking and how we can take care of the people who are going to be paying the bill on this, which is the smokers.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCEAN SHIPPING REFORM ACT OF 1998

Mr. LOTT. Mr. President, I am pleased that today the Senate is considering the Ocean Shipping Reform Act. This legislation provides a major step forward in reforming America's public policy on maritime issues.

When the Senate adopts this legislation, it will make America's maritime container shipping industry more competitive in the global marketplace.

The bill is a fair and responsible balance for all the parties affected by this policy change.

This bill will increase competition in the ocean liner shipping industry and it will help American exporters, from every state in the nation. Every American exporter and the American maritime industry will have a better chance to compete in the world market.

Just last night I was working with Senator HARKIN to address his concern with the bill—Iowa farmers who export produce wanted to make sure we got the bill right. This is just another illustration that all states have a stake in making sure this maritime reform is completed.

Maritime policy affects all Americans. If an American company exports, it is likely that its goods are sent overseas by container ships. That is why it is especially important that the United States have a shipping system that allows American carriers to compete on a level playing field.

S. 414 provides America that system.

This evolving legislative effort started back in the 104th Congress. While it has taken the Senate and all the stakeholders' time to develop an equitable solution, we have ultimately reached an historic balance between the needs of shippers, carriers, ports, and labor.

My colleagues, who helped get to this point, will all tell you the ocean liner shipping world includes many different and difficult competing segments. But, every one of them genuinely wanted legislative reform.

In the end it meant all sides had to accept compromise. And, they did.

These stakeholders' rolled-up their sleeves and worked to reach a consensus.

I am proud of their efforts to look beyond their own self-interests. I am also proud of the leadership and support provided by my colleagues in the Senate for working in a bipartisan way to reach a consensus on this important initiative.

Again, I think it is important to recognize that affected stakeholders are solidly behind the changes in maritime policy called for by this Act.

The list of stakeholders included the National Industrial Transportation League, Sea-Land Service, APL Limited, Crowley Maritime, the Council of European and Japanese National Shipowners' Association, the Association of American Port Authorities, the International Longshoreman's Association, the International Longshoreman's and Warehouseman's Union, the Transportation Trades Department of the AFL-CIO, among others.

This is a divergent group that normally does not hang out together. Their interests often pit these groups at each other in adversarial relationships. But, they came to the table in the search of a much needed legislative solution. This is a signal of just how important Ocean Shipping Reform Act is to correcting America's maritime policy.

Not only did the group find a solution; they strongly support this legislative conclusion. It demonstrates that when they work together, the maritime industry can accomplish meaningful reform. Reform that is good for America.

I hope we can build on this effort and achieve additional reform.

Before I go further, I want to pause and salute my friend and colleague Senator GORTON for his participation in this reform effort. Mr. GORTON is the author of the 1984 Act which this legislation is amending. He fully recognizes that maritime reform is an incremental process because of the complexity of the interacting segments. His guidance was essential.

Senator GORTON has an amendment that affects the balance and the compromise achieved by the bill and its manager's amendment. I am opposed to this amendment. I feel it is in our best interest to proceed with Senator HUTCHISON's bill

Senator HUTCHISON has done an excellent job of advancing this needed maritime reform. She is a sponsor of the Ocean Shipping Reform Act, and its amendments. She will provide a response to why Senator GORTON's proposal should not be adopted.

I want to end by congratulating all of my Senate colleagues, on both sides of the aisle, for their efforts to advance this real maritime reform. Their staff's also worked hard on the Ocean Shipping Reform Act of 1998, and they too are a part of this successful effort.

I want to specifically point out Mr. James Sartucci of the Senate's Commerce Committee for his professional diligence and honest brokerage respected by all sides of the debate. He has kept faith with all the groups over the past three years. He was instrumental in making sure the policy changes were coherent and fair to everyone. He worked in a truly bipartisan manner which is a hallmark of why the Commerce Committee consistently produces successful legislative solutions.

Mr. President, I now call upon the House of Representatives to complete the legislative process on maritime reform this year so the nation's consumers, businesses, and shipping industry can reap the benefits of a reformed ocean liner system.

Mr. President, I ask unanimous consent that the vote in relation to the Gorton amendment No. 2287 occur at 10 a.m. on Tuesday, April 21, with 20 minutes under the previous consent agreement commencing at 9:40 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CANCER

Mr. HOLLINGS. Mr. President, elected upon a promise to eliminate "waste, fraud and abuse," President Ronald Reagan appointed the Grace Commission to root through the government, eliminating obsolete programs and those whose costs exceeded their benefits. At the conclusion of its crusade the Grace Commission published a thick book entitled "War on Waste." Ironically at that very moment the biggest waste of all was being created—a soaring debt and wasteful interest costs. Everyone with a credit card realizes there is no free lunch. The amount you borrow must be paid back—plus interest costs on the amount borrowed. Government is no different. As the national debt increases, interest costs compound and must be paid annually. Historically, interest costs have not been a serious burden. From the beginning of the Republic until 1981, borrowing of the United States for all government including the cost of all the wars from the Revolution through World War II, Korea and Vietnam was less than one trillion dollars. And interest cost was less than $100 billion. But in the past 17 years without the cost of a war (Desert Storm paid for by the Kuwaitis and Saudis), the national debt has quintupled to $5.6 trillion; and interest costs on the debt have increased to $365 billion a year. Spending of a billion a day for interest is added to the debt, increasing the debt and increasing the spending for interest. With a gas tax, we obtain highways; with this interest "tax," we get nothing. Waste!

Tragically, this waste goes unnoticed. This is intended. The scam is known as the "unified budget." The "unified budget" is not the actual income and spending of government. Rather it is the spending by government beyond its income while reporting a smaller deficit by borrowing from the special purposes funds. Of course, this doesn't reduce the deficit; it just moves the deficit out of sight from general government into these trust funds. For example, the actual deficit for FY 1998 as reported by the Congressional Budget Office is $153 billion. But the President and Congress report a "unified" deficit of $7.7 billion by borrowing $161 billion from various trust funds. Accordingly, we have created deficits in the following trust funds: Social Security—$732 billion; Medicare—$146 billion; Military Retirement—$133 billion; Civilian Retirement—$460 billion; Unemployment Compensation—$72 billion; Highways—$23 billion; Airports—$10 billion; Railroad Retirement—$20 billion; All Others—$55 billion.

It should be emphasized that for Social Security this is against the law. In 1983, the Greenspan Commission called for a high payroll tax with the intent of not just balancing the Social Security budget but to build a surplus to pay for the retirement of the baby boomers in the next century. Section 21 of the Greenspan Commission report called for the Social Security Trust to be removed from the "unified budget" so that the fund could remain solvent to the year 2056. Accordingly, President Bush signed Section 13301 of the Budget Act prohibiting the President or Congress from reporting a budget using Social Security trust funds. But the President and the Congress continue to ignore the law. They do so with the sanction of the Chairman of the Federal Reserve Alan Greenspan and the financial world. Corporate America would rather government incur these horrendous deficits than come into the bond market with its sharp elbows, crowding out corporate finance and raising interest rates.

There's a difference between the corporate economy and the country's economy. The corporate economy has as its goal higher profits. The country's economy has as its goal the good

of society. For example, the corporate economy reaps higher profits by moving its manufacture offshore to a low wage country. But the country's economy suffers from a loss of manufacturing jobs.

A nation's strength rests as if upon a three-legged stool. The one leg of values is unquestioned: the United States readily sacrifices to feed the hungry in Somalia and bring democracy to Haiti and Bosnia. The second leg of military strength is unquestioned. The third leg of economic strength has become fractured. For 50 years we sacrificed our economy in order to keep the alliance together in the Cold War. We willingly gave up markets and manufacture. While today's industry is competitive, valuable high-paying manufacturing jobs have become depleted. In the past 10 years, the United States has gone from 26% of its work force in manufacture to 13%. At a forum of Third World countries, the former head of Sony, Akio Morita stated that the emerging countries must develop a strong manufacturing sector in order to become a nation state. And then Morita admonished, "That world power which loses its manufacturing capacity will cease to be a world power." Perhaps Morita had in mind the materials of basic production or defense. But more importantly manufacture is the job of the middle class. As you lose your middle class, you lose the strength of democracy. Sure, employment is at an all-time high. But service and part-time jobs are replacing the high-paid manufacturing jobs. The corporate economy wins, the country economy loses.

The North American Free Trade Agreement with Mexico was an instrument of the corporate economy. Europe had long since abandoned the free trade approach for that of the common market. For a common market, there first must be developed entities of a free market such as property rights, labor rights, rights of appeal, a respected judiciary, etc. The Europeans taxed themselves some $5 billion over four years, building up these institutions of a free market in Greece and Portugal before joining in a trade treaty. Mexico has not developed these institutions. Ignoring experience, the corporate economy bulled its way for NAFTA approval and the results are well known. Promised an increase of 200,000 jobs, the United States has lost 400,000. Promised an increase in our balance of trade, the $5 billion plus balance has been replaced by a $17 billion negative balance. Promised an improvement in the drug problem, the drug problem has worsened. Promised a diminution in immigration from Mexico, it has increased. Even the Mexican worker has suffered a 20% loss in take-home pay. The $12 billion that the United States has paid out in bail-out—the monies that could have installed the institutions of a free market—have gone back to Wall Street. The corporate economy has benefitted with cheaper production in Mexico. But the country's economy is weakened. South Carolina, with all of its new industry, has suffered a net loss of 14,000 manufacturing jobs since NAFTA.

The "unified budget" that projects surpluses is a loser. When the country borrows from its trust funds, it really doesn't borrow; it just moves the deficit out of sight. Corporate America could care less. They don't have to pay the bills. They don't have to worry about the future of America. But we in public office do. A day of reckoning is at hand. Already the biggest spending item in our budget is interest costs on the national debt. Bigger than defense. Bigger than Social Security. All waste. Should interest costs return to their normal rate of 10 years ago, then by 2003, we will have to spend in excess of $500 billion on interest charges—an annual waste of $500 billion. At that time, we will owe Social Security and the pension funds over $2 trillion. Forced to raise money for these obligations, Congress will be scrambling to find enough money for entitlements and a limited defense much less obligations. There will be little money left for general government. At present, foreigners have been willing to buy the bonds, and lend the money to finance our deficits. In fact, they use their substantial holdings to leverage prevalence in trade negotiations by threatening from time to time to sell. Fearful that this will increase rates, our negotiators give in. Now with the Pacific Rim economy in shambles, it shouldn't surprise anyone if they don't show up at the next bond sales. Immediately, we would have higher interest rates. Today we have a foreign debt of $1.2 trillion. Already we have gone from the world's largest creditor nation to the world's largest debtor.

According to the CBO, the FY 1998 budget is in deficit $184.1 billion. Instead of surpluses, CBO projects deficits for the next five years for the sum total of $905 billion. But all across the land one hears shouts of "Balanced Budgets" and "Surpluses as far as the eye can see." We are wasting with fiscal cancer, But the American people don't know. The media have put them to sleep with the "unified budget."

THE FIFTIETH BIRTHDAY OF VICE PRESIDENT AL GORE

Mr. LIEBERMAN. Mr. President, I rise today to note the passing of another milestone by our esteemed Vice President and my good friend, AL GORE. On March 31, the Vice President celebrated his fiftieth birthday—in excellent humor and high spirits, I might add. Welcome to the "Over 50" club, Mr. Vice President.

The passage of half a century of life is not a milestone everyone likes to celebrate. I know, having passed my fiftieth six years ago. But then again, I understand my colleague Senator THURMOND sent the Vice President a birthday greeting in which Senator THURMOND pointed out that he was running for president when AL GORE was born. Senator THURMOND will celebrate his 98th birthday in December.

AL GORE has always been a man of exceptional accomplishment and character. His sense of wonder and enthusiasm for life is just as palpable today as it was years ago when we first met. There's no doubt he has been one of the most effective Vice Presidents in the history of our nation and I have no doubt he will be equally as effective in whatever future endeavors he chooses to pursue. I look forward to the 21st century knowing the Vice President will be leading us there.

Trudie Feldman of the Free Press has penned a worthy tribute to the Vice President. I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Free Press]

AT 50, AL GORE LOOKS FORWARD TO YEAR 2000

(By Trude B. Feldman)

Albert Gore Jr.'s 1965 yearbook at St. Albans Episcopal School for Boys in Washington, D.C., notes: "It probably won't be long before the popular and well-respected Al Gore reaches the top . . . When he does, his classmates will remark, 'I knew that guy was going somewhere.'"

Now, 33 years later, Mr. Gore is the 45th Vice President of the United States, and in the year 2000, he expects to seek the presidency.

On Tuesday, Mr. Gore will be 50 years old, and in a birthday interview, he told me, "I feel no sense of dread about turning 50—at least, not yet. Each decade of my life has been better than the previous one. As time goes on, I enjoy life more. I'm amazed at how much I learn each day."

What motivates the vice president?

"The job itself motivates me, and there is much satisfaction in it," he reflects. "What the president and I do now has tremendous potential to help bring about a better world for our children and grandchildren."

Sitting in his White House office for the 45-minute exclusive interview, Mr. Gore, whose youthful zest for life belies his chronological age, is hearty and fit.

His voice grows softer and he looks back on his 50 years.

"I have the same enthusiasm for life that I had 25 years ago," he says. "Meaningful, hard work has always been an important part of my life. I try to maximize the use of every minute, and I'm frustrated by inefficiencies that waste time."

Because of his ever-demanding schedule, he admits to irritation when there isn't sufficient time or preparation for the day's agenda. The key to his energy and strength of purpose, he says, is that he takes good care of himself, nurtures his family and maintains a healthful perspective and positive outlook.

How has the vice presidency matured Mr. Gore?

"Maturity results from attending to the level of difficulty demanded by the decisions

that must be made in the White House—by the president, and often by me and others," he responds. "That level exceeds by several orders of magnitude the decisions that need to be made in nearly any other setting.

FAR-REACHING DECISIONS

"For instance, life and death may sometimes hang in the balance in the decisions we make in the White House—and possibly on a grand scale, profoundly affecting the future of the United States as well as the world. On any given day, there may be several far-reaching and complex decisions to be made. The burden falls primarily on the president, but when he asks me for advice and analyses, I share that burden. These conflicting and sensitive issues test a persons' mental and physical stamina."

What most surprises Mr. Gore is the multiplicity of issues which he and the president must tackle simultaneously.

"Before working at the White House, I imagined that one would have the luxury of resolving a world-class problem before going on to the next one," he says. "But the reality is that the problems come in twos, threes, fours and fives. It is an arduous, but invaluable, maturing experience."

Mr. Gore and the president eat lunch in the Oval Office once a week when only the two discuss the vast array of matters.

"We have a unique relationship," Mr. Gore says. "Each day we talk frequently, and on particular problems, I give him my candid judgment. The president's stamina, extraordinary capacity for work, and insightfulness inspire me. I see, up close, his dedication to the job, and I marvel at his ability to articulate—with practical policies—his understanding of our citizenry."

As for the impact the campaign finance hearings are having on Mr. Gore, he says, "Going through this sometimes trying period has matured me as a leader. It has called upon my ability to focus on the people's business, even while being subjected to sharp, often unwarranted attacks. As a result, I have developed a thicker skin."

Given the relentless attempts at character assassination, why does Mr. Gore want to remain in public life?

"Public service is the path I've chosen, and I am committed to it," he says, "Accepting the downside is as necessary as accepting the enormous satisfactions in helping to move American in the right direction.

"As for handling personal attacks, I draw from experience in journalism, and I try to avoid taking the criticism personally. Reporters and editors have jobs to do. Some do them well, some less well. After three national campaigns, 16 years in Congress and five years in the White House, I recognize the ebb and flow of criticism and know how to keep it all in perspective. What endures is who you really are, what you really believe in, and what and how you apply your efforts. As the president and I move toward our goals, we expect to make a dent in the prevalent cynicism regarding its leaders.

The vice president is convinced that the international community is hungry for both civility and spiritual revival.

Asked whether he is concerned about the present decline in the civility, he responds, "Yes, I think there is an increase in factionalism and a new intensity of acrimony in many of the critiques aimed at the president and me. Perhaps, from their perspective, Republicans feel the same. In previous periods of American history, there might have been times when partisan bitterness was even greater. For the modern era, the current level of vitriol seems unprecedented."

DANGERS OF FACTIONALISM

He adds: "Our founders, particularly James Madison, warned against the dangers of factionalism. In some ways, the impact of television and the Internet on the news media may make our system more vulnerable to this poison. Political leaders need to tone down the level of antipathy that has been creeping into our national debates. In fact, I'm now working on how to address this problem."

If the vice president could relive his 50 years, he says he would not change anything in his personal life, except for the year 1989. While many people consider reaching 50 the turning point in their lives, for Al Gore, that turning point was in April 1989, when his then 7-year-old son, Albert III, was struck by a car while leaving a Baltimore Orioles baseball game. (He sustained a broken leg, broken ribs and damage to his internal organs.)

Mr. Gore recalls "The accident, which almost claimed my son's life, brought home to me in a sudden, overwhelming way the sense of temporality one associates with life's turning points.

Now 15, Albert is fully recovered, and one of his fathers greatest joys is attending athletic events in which his son participates.

Mr. Gore, whose controlled demeanor is often interpreted as aloofness, is actually friendly and compassionate. He even admits to a sentimental streak, and he was recently moved by the movie *Titanic* and its reminder of the uncertainties and brevity of life.

Mr. Gore runs or jogs some 20 to 25 miles a week, when he is not training for longer races. In addition to running laps around his residence, he often jobs when he travels. Walking, jogging, hiking, bicycling and swimming, he says, have replaced more risky exercise such as full-court basketball, which led to a torn Achilles tendon three years ago.

"My long recuperation on crutches," he adds, "taught me to leave the slam dunks to younger people."

Nevertheless, in the recent Marine Corps Marathon—in a steady rain—he ran the entire 26 miles with two of his daughters, Karenna, 24, and Kristin, 20.

"It was a first-time marathon for the three of us," he notes. "We'll never forget that rich experience, and I consider it a personal milestone. As exhausted as I was at the finish—over four hours later—I had a tremendous sense of accomplishment. And as a father, it was a delight to have my daughters each slow down, to run alongside me, encouraging me to finish. I might have missed the marathon but for their insistence that I train for, and enter it."

Perhaps the only American vice president to run in and complete a marathon, Mr. Gore points to the connection between good physical and mental health.

"Jogging helps me to cope with the pressures of my job," he says. "If I'm able to run for some two hours, I use the time to think through whatever is on my mind."

Citing one example, Mr. Gore says that when he addressed congregants at Ebenezer Baptist Church in Atlanta on Dr. Martin Luther King's birthday in January, he was able, while jogging earlier, to clarify his message. And during his remarks that day, he proposed—as part of the President's Initiative on Race—the largest single increase in the enforcement of civil rights laws in 20 years.

Al Gore was born in Washington, D.C.'s Columbia Hospital for Women, and he grew up in the nation's capital, where he cut his political teeth. He can remember sitting on then-Vice President Richard Nixon's lap during a Senate session he attended with his father, then a U.S. Senator from Tennessee.

Mr. Gore also spent some of his formative years on the family farm in Carthage, Tenn., where his chores included grooming cattle and feeding chickens. (That farm is where he will join his parents for a birthday get-together Tuesday morning. Later, he will return to Washington for a festive celebration with other family members and friends.)

Mr. Gore began a career in journalism in the U.S. Army when he was stationed near Saigon, South Vietnam, and wrote for *The Brigade*. Back home, he was a general assignment writer for *The Tennessean* in Nashville. During some six years there, he covered the police beat; wrote obituaries, features and editorials; and was an investigator reporter.

The unusual actions of politicians, who were the subject of his investigations, stimulated his curiosity, and soon the dynamics of how politicians make decisions became of interest to him.

"In journalism, I learned how to gather information and communicate it," he says. "I soon became confident that I could better serve the country in the political arena. Rather than reporting on the need for change, I wanted to help bring it about. So in 1976, after intense but brief consideration, I ran for Congress from Tennessee's Fourth District."

Elected at age 28, Rep. Gore soon emerged as a forceful proponent of consumer rights. He was also involved in groundbreaking investigative hearings. But he was most proud of his work in bringing about legislation requiring that infant formula sold in the United States meet certain nutritional and safety standards.

When Tennessee's Sen. Howard Baker retired in 1984, Rep. Gore won Sen. Baker's seat and became active in science, technology and defense issues. He led a six-year effort to link school and research centers with America's most powerful computers on a high-speed "Information Superhighway" and is credited with coining that phrase.

While Mr. Gore has had few regrets over the past 50 years, he allows that there have been some harsh words he'd like to retract.

"When I think if the unkind words that have passed my lips, with few exceptions, I wish I could take them back," he says. "On the other hand, I feel I've had more than my share of blessings. I'm blessed with a wonderful wife who has been a salvation for me in many ways. Tipper and I have known each other since we were teen-agers. We have grown, learned and changed as we matured together, and she has taught me more about life than anyone else.

"If people think I'm stiff now, they should have seen me *before* she worked me over—evidently, not enough yet."

(Mrs. Gore recently led the U.S. presidential delegation to the Winter Olympics in Japan, accompanied by Albert III and Karenna. Daughter Sarah 19, was unable to miss her classes at Harvard.)

JOY OF FAMILY

Mr. Gore went on to describe their four children as a source of joy for Tipper and him. "Each child is a blessing beyond measure," he says. "I'm also blessed with caring parents who provided me with a generous set of opportunities and the encouragement and confidence . . . that I could achieve on my own."

He credits his mother, Pauline, a former attorney; and his father Albert Sr., with instilling in him a respect for principles and values that still motivates him.

"My parents were wise and firm in raising me and my older sister, Nancy," he remembers. "They endowed us with spiritual

strength and the kind of security that comes with steady parental affection and guidance. The way they treated us and each other had a profound influence on me."

Mr. Gore also recalls that his parents taught, by deed as well as by word, that discrimination and prejudice are sins that should not be condoned.

He vividly recalls that, as an 8-year-old, he lived in a small house, halfway up a hill, near a mansion. On the day that property changed hands, the neighbors were invited to an "open house."

"In the mansion's basement, my father pointed to the dark, dank stone walls, and the cold metal rings in a row, and explained that they had been used as slave rings," Mr. Gore remembers.

HORROR OF SLAVERY

"To this day, I have an image of the horror those rings represented," he says. "That experience helped shape my sensitivities to the extremes of racism.

"Now, we must work harder to banish racist behavior. It diminishes those who practice it as well as those who suffer from it."

Spirituality is an integral part of Mr. Gore's makeup. After graduating from Harvard university, he was "open to the call" of becoming a minister, and he enrolled in Vanderbilt University's School of Divinity.

"I was eager," he recalls, "to study in a structured, disciplined way the questions—'What is the purpose of life? What are our duties to God? What is the nature of humankind?'

"I didn't find all the answers I sought, but I continued to study. While my own Christian tradition has been the bedrock of answers for me, I studied other traditions and felt enriched by them as well."

Asked to describe the difference he made in the past five years, Mr. Gore puts it this way:

"The closeness of my partnership with the president serves the people in many ways. Because I retain his confidence, I am able to advise him on virtually every policy matter, and at his request, to take the lead in some of the initiatives."

For example, Mr. Gore is involved in improving the management of the Internal Revenue Service, and he says the new IRS commissioner, Charles O. Rossotti, selected for his management and systems analysis skills, will make the IRS more people-oriented and bring the computers up to date.

According to Sheldon S. Cohen, IRS commissioner in the Johnson administration, Mr. Gore is working for a more "user-friendly" government and supports Commissioner Rossotti's two priorities: to modernize the computer system and to enhance the taxpayers' rights.

Mr. Rossotti says that in the five years Mr. Gore has been at the helm of reinventing government, he steered a course that will help renew the people's faith in government to provide quality services.

"The vice president's visions and goals are woven throughout our new report on the IRS," Mr. Rossotti adds. "He wants every taxpayer treated with fairness, and to ensure that the IRS provides services that are consistently as good as those in the private sector."

WOMEN'S WELL-BEING

Turning to the needs of women and their well-being, Mr. Gore says that they are major consumers of health care and decision-makers for their families.

"Yet," he adds, "there is evidence of unequal treatment of women in our health care system. Women are less likely to be referred to specialists, and three times as likely to be told their medical condition is 'all in their head.'

"I have started to address these issues through the 'Patient's Bill of Rights' and with the American Medical Association."

He says that now that the AMA has a woman as president, she will undoubtedly help raise awareness of health issues of particular concern to women.

(Dr. Nancy Dickey is the first female president of the AMA in its 151-year history.)

Al Gore often demonstrates that he places more value in the power of knowledge than in the knowledge of power. This, he maintains, is the cornerstone of his leadership philosophy.

"I follow this approach whether the issue is nuclear disarmament, organ transplants, global warming or telecommunications," he adds. "I study a subject until I thoroughly master it. Only then do I begin to formulate appropriate policy initiatives."

Mr. Gore's diligence was attested to by President Clinton when he recently disclosed to a Florida audience that he and the vice president do not always agree, but that their disagreements are among the most thought-provoking of his presidency.

"And when I disagree with him," the president remarked, "I make sure I have my facts straight."

How will Mr. Gore's 50-year milestone affect the way he lives the remainder of his life?

"I don't imagine it will have any significant impact in and of itself," he said. "But any time you pause and take stock of your life, you are able to clarify the vision you have for the future."

That vision is apparent in what Al Gore wishes for this milestone.

"As I reach my 50th year, I am content," the vice president said. "So my birthday wish is that every person be blessed with a renewed spirit of goodwill and that we all work together for freedom and peace in a world where kindness and justice prevail."

Asked how he wants to be remembered, Mr. Gore told me, "I'd like to be remembered as someone who made a very positive difference for our country and as one who helped create a brighter future for humanity."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 1931. A bill to suspend temporarily the duty on 2-Naphthalenecarboxamide, N,N'-(2-chloro-1,4-phenylene)bis={4{(2,5-dichlorophenyl)azo}-3-hydroxy; to the Committee on Finance.

S. 1932. A bill to suspend temporarily the duty on Benzamide, 3,3'-{(2-chloro-5-methyl-1,4-phenylene)bis{imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-{2-(4-chlorophenoxy)-5-(trifluoromethyl)phenyl}; to the Committee on Finance.

S. 1933. A bill to suspend temporarily the duty on 2,4,6(1H,3H,5H)-Pyrimidinetrione, 5-{2,3-dihydro-6-methyl-2-oxo-1H-benzimidazol-5-yl)azo}; to the Committee on Finance.

S. 1934. A bill to suspend temporarily the duty on Benzamide, 3,3'-{(2,5- dimethyl-1,4-phenylene)bis {imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-(5-chloro-2-methylphenyl); to the Committee on Finance.

S. 1935. A bill to suspend temporarily the duty on Benzamide, 3,3'((2- chloro-5-methyl-1,4-phenylene)bis(imino=(1-acety-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-(3-chloro-2-methyphenyl); to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1936. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1937. A bill to suspend temporarily the duty on certain chemicals used in the formulation of aniti-cancer drugs; to the Committee on Finance.

S. 1938. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1939. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1940. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1941. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1942. A bill to suspend temporarily the duty on certain chemicals used in the formulation of HIV protease inhibitor; to the Committee on Finance.

S. 1943. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV protease inhibitor; to the Committee on Finance.

S. 1944. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1945. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1946. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1947. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

S. 1948. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

S. 1949. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1950. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1951. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1952. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1953. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1954. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1955. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1956. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. LEAHY, Mr. KERREY, Mr. D'AMATO, Mr. MURKOWSKI, Mr. ROBERTS, and Mr. HELMS):

S. 1957. A bill to provide regulatory assistance to small business concerns, and for other purposes; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST:

S. Con. Res. 89. A concurrent resolution expressing the sense of the Congress that the Nation must place greater emphasis on helping young Americans to develop habits of good character that are essential to their own well-being and to that of our communities; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1931. A bill to suspend temporarily the duty on 2-Naphthalenecarboxamide, N,N′-(2-chloro-1,4-phenylene)bis={4{(2,5-dichlorophenyl)azo}-3-hydroxy; to the Committee on Finance.

S. 1932. A bill to suspend temporarily the duty on Benzamide, 3,3′-{(2-chloro-5-methyl-1,4-phenylene)bis{imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-{2-(4-chlorophenoxy)-5-(trifluoromethyl)phenyl}; to the Committee on Finance.

S. 1933. A bill to suspend temporarily the duty on 2,4,6(1H,3H,5H)-Pyrimidinetrione, 5-{2,3-dihydro-6-methyl-2-oxo-1H-benzimidazol-5-yl)azo}; to the Committee on Finance.

S. 1934. A bill to suspend temporarily the duty on Benzamide, 3,3′-{(2,5-dimethyl-1,4-phenylene)bis {imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-(5-chloro-2-methylphenyl); to the Committee on Finance.

S. 1935. A bill to suspend temporarily the duty on Benzamide, 3,3′((2-chloro-5-methyl-1,4-phenylene)bis(imino=(1-acety-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-(3-chloro-2-methyphenyl); to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. ROTH. Mr. President, I rise today to introduce five bills to suspend temporarily the imposition of duties on certain products.

I am pleased to introduce these bills to suspend temporarily the imposition of duties on imports of pigments. These high quality coloring materials are imported for sale in the United States by Ciba Specialty Chemicals Corporation (Pigments Division), a company located in Newport, Delaware. By temporarily suspending the imposition of duties, these bills will reduce significantly the cost of coloring materials that are used in a wide variety of finished products, including automotive parts, vinyl flooring, carpet fibers and utensils.

I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1931

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

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.11	2-Naphthalenecarboxamide, N,N′-(2-chloro-1,4-phenylene)bis=[4-[(2,5-dichlorophenyl)azo]-3-hydroxy (CAS No. 5280-78-4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1932

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

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Benzamide, 3,3′-{(2-chloro-5-methyl-1,4-phenylene)bis{imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-{2-(4-chlorophenoxy)-5-(trifluoromethyl)phenyl} (CAS No. 79953-85-8) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

1933

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

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.09	2,4,6(1H,3H,5H)-Pyrimidinetrione, 5-[(2,3-dihydro-6-methyl-2-oxo-1H-benzimidazol-5-yl)azo] (CAS No. 72102-84-2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1934

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

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.08	Benzamide, 3,3′-{(2,5-dimethyl-1,4-phenylene)bis {imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-(5-chloro-2-methylphenyl) (CAS No. 5280-80-8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1935

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

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.07	Benzamide, 3,3'[(2-chloro-5-methyl-1,4-phenylene)bis[imino=(1-acety-2-oxo-2,1-ethanediyl)azo}]bis{4-chloro-N-(3-chloro-2-methyphenyl) (CAS No. 5580-57-4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1936. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1937. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1938. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1939. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1940. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1941. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1942. A bill to suspend temporarily the duty on certain chemicals used in the formulation of HIV protease inhibitor; to the Committee on Finance.

S. 1943. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV protease inhibitor; to the Committee on Finance.

S. 1944. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1945. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1946. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mrs. FEINSTEIN. Mr. President, together with my California colleague, Senator BARBARA BOXER, I rise today to introduce legislation to eliminate tariffs for twenty-one chemical compounds. These compounds are components of certain AIDS and cancer drugs. For the benefit of my colleagues who may be called upon to consider the legislation, I want to describe our concerns and urge their support.

The AIDS and cancer drug chemical compounds will be entitled to receive a zero tariff when a revised international agreement eliminating tariffs for pharmaceutical products goes into effect in January 2000.

Until then, however, the compounds could face a tariff of between six and twelve percent, raising costs for patients and their families and discouraging the manufacturing of the pharmaceutical products in this country. The legislation we introduce today would eliminate the tariff, providing the same zero tariff provided by the WTO agreement.

The list of specific pharmaceutical products which are entitled to receive the zero tariff is only updated every three years through the WTO negotiations. Drugs which are not approved by an agency of a federal government, like the FDA in the United States, cannot be included in the negotiations. Without formal federal approval by one of the governments, the drug cannot be included in the negotiations until the next round of negotiations, perhaps as much as three years later. This is unfair for those pharmaceutical products experiencing delays in the FDA approval process or whose approval does not match up with the negotiating timeline.

The international community, through the World Trade Organization, committed to eliminate tariffs for pharmaceutical products. This agreement will help ensure that individuals around the world get the medicine they need, reducing drug costs by eliminating the tariff. Otherwise, the pharmaceutical products would be subject to a 6–12% tariff before they could be brought into the United States.

In 1996, the administration agreed to treat certain chemical compounds as if they were an approved pharmaceutical product, in order to provide the zero tariff for an AIDS drug produced by a San Diego pharmaceutical company which was awaiting FDA "fast track" approval. This drug later received its formal FDA approval, becoming the first AIDS drug approved for children's use. However, as a result of changes to the manufacturing process, a different set of chemical compounds are now used, which are not eligible for the zero tariff. This tariff legislation would extend the zero tariff for these replacement chemical compounds as well.

Last year, the administration completed negotiations for the update round, revising the list of drugs eligible to claim the zero tariff. The administration agreed to incorporate twenty-one chemical compounds, which are constituents of an AIDS or cancer drugs, into agreement. As a result, these chemical compounds will receive a zero tariff when the WTO agreement goes into effect in January 2000. Until then, however, the AIDS and cancer chemicals remain subject to US tariffs.

The legislation we introduce would suspend the tariff until the international agreement goes into effect in 2000. These chemical compounds have been added to the zero tariff international agreement, but we should take off the tariff now to speed up the development of the AIDS and cancer drugs.

These chemicals are not available in the United States from domestic manufacturers and are not used for other products. Consequently, the zero tariff does not undermine domestic chemical manufacturers. In fact, these chemicals eligibility for the zero tariff has been reviewed and approved by the chemical industry advisory committee, which advises the administration on trade policy.

This legislation only reduces the tariff for these chemical compounds that will receive a zero tariff under the international agreement. The zero tariff for these chemical compounds has, literally, been approved by both the United States and the international negotiators.

In 1996, the administration completed negotiations to confer eligibility for the zero tariff to adopt a zero tariff for pharmaceutical products. At the time, the administration agreed to add certain chemicals, used to prepare an AIDS drug which was awaiting approval by the Food and Drug Administration. The administration's decision treats the chemicals as if they were a fully approved product.

We must do everything we can to find a cure for HIV/AIDS and cancer. However, until we have a cure for this urgent health priority, we need to find effective treatments and put them in the hands of people with needs. By eliminating the tariff, we eliminate one more hurdle in getting the product to the patients and their families. These provisions will help accelerate the manufacturing and final testing for new drugs and deserves the full support of Congress.

Under the 1994 GATT agreement, most pharmaceutical products are entitled to enter the country without a tariff. However, the zero tariff does not apply to many new pharmaceutical products or their chemical ingredients. As a result, the chemicals would be ineligible for the pharmaceutical zero tariff.

The administration indicates the chemicals present no risk for law enforcement or anti-narcotics enforcement. The chemical industry advisory committee, an industry group which advises the US Trade Representative on trade issues, has also reviewed and supported the zero tariff.

Ambassador Barshefsky and the Administration deserve tremendous credit for extending the zero tariff for these chemical components through international negotiations. As a matter of public policy, we should do everything in our power to develop effective AIDS and cancer drugs and treatments and ensure that drugs are made available as swiftly and at as low a cost as possible. We simply cannot delay or waste time in providing drugs, treatments or materials needed to fight these diseases. This tariff legislation represents a modest, but important, step.

The Senate Finance Committee is currently developing miscellaneous tariff legislation, a bill which will include a variety of non-controversial tariff measures introduced by Finance Committee members. I would like to have this legislation incorporated by the Finance Committee, which would permit the acceleration of drug production, providing more timely relief for the public. The legislation is expected to have only a de minimis impact on tariff revenue. However, for AIDS and cancer patients, their families and those at risk, the impact may be profound. Congress should take this opportunity to reduce tariffs for these chemical compounds.

Without this legislation to remove the tariff, we will be tolerating needless hurdles and delay, rather than expediting relief. Patients and their families do not have time to wait for the next round of drugs to be approved and added to the zero-tariff list. By importing the chemical compounds without a tariff, we can accelerate the drug development process.

I ask unanimous consent that the legislation introduced today be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, AS FOLLOWS:

S. 1936

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.16	(S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid diethyl ester (CAS No. 177575-19-8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1937

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.17	4-Chloropyridine hydrochloride (CAS No. 7379-35-3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1938

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.15	4-Phenoxypyridine (CAS No. 4783-86-2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1939

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.19	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915-43-5) (provided for in subheading 2934.90.90)	Free	No Change	No Change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1940

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.20	2-amino-5-bromo-6-methyl-4(1H)-Quinazolinone (CAS No. 147149-89-1) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1941

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.21	2-amino-6-methyl-5-(4-pyridinylthio) 4(1H)-Quinazolinone (CAS No. 147149-76-6) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/1999 ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1942

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.22	3-(acetyloxy)-2-methyl-Benzoic acid (CAS No. 168899-58-9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/1999 ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1943

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.24	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947-62-2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/1999 ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1944

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.25	(S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575-17-6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/1999 ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1945

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.26	2-amino-6-methyl-5-(4-pyridinylthio)-4(1H)-Quinazolinone, dihydrochloride (CAS No. 152946-68-4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/1999 ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1946

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

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.33.01	9-[2-[[Bis [(pivaloyloxy) methoxy] phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340-99-6) (provided for in subheading 2933.59.59)	Free	No change	No change	On or before 12/31/1999 ".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. BURNS (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. LEAHY, Mr. KERREY, Mr. D'AMATO, Mr. MURKOWSKI, Mr. ROBERTS, and Mr. HELMS):

S. 1957. A bill to provide regulatory assistance to small business concerns,

and for other purposes; to the Committee on Small Business.

SMALL BUSINESS REGULATORY ASSISTANCE ACT

Mr. BURNS. Mr. President, today I introduce the Small Business Regulatory Assistance Act. Joining me as co-sponsors of this legislation are Senators DORGAN, CHAFEE, LEAHY, KERREY, D'AMATO, MURKOWSKI, ROBERTS, and HELMS.

Complying with complex and overlapping federal regulations is time-consuming and costly for any business, but small businesses bear a disproportionate burden. Given their limited resources, small businesses need all the help they can get when it comes to complying with environmental, tax, and workplace safety regulations. Yet small businesses rarely turn to the regulatory agencies for assistance, either out of fear of punishment or because help isn't available.

This legislation would use the existing network of Small Business Development Centers (SBDCs)—over 950 nationwide and serving 600,000 businesses annually—to provide small businesses with non-punitive, confidential regulatory information and assistance. The SBDC network currently offers business expertise to growing firms, yet information and assistance needed to comply with EPA, OSHA, and IRS rules is often unavailable to these small firms.

The legislation authorizes SBDCs to develop compliance guidelines in conjunction with these federal agencies and then use that information to educate small businesses on regulatory compliance. With this information, businesses will be able to follow important environmental, safety, and tax laws, and the government will spend fewer resources on costly enforcement measures.

This bill is pro-small business and pro-compliance. It will help small firms develop practical business solutions to regulatory compliance problems.

ADDITIONAL COSPONSORS

S. 40

At the request of Mr. FAIRCLOTH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 40, a bill to provide Federal sanctions for practitioners who administer, dispense, or recommend the use of marihuana, and for other purposes.

S. 1031

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1031, a bill to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1326, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1334

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1427

At the request of Mr. FORD, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Mr. BREAUX), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1481

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1481, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide for continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare seconary payer requirements.

S. 1687

At the request of Mr. THOMPSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1687, a bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes.

S. 1749

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1749, a bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fist recovery implementation programs for the Upper Colorado and San Juan River Basins.

S. 1873

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. BROWNBACK), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1873, A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1874

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1874, a bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes.

S. 1879

At the request of Mr. BURNS, the names of the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1879, a bill to provide for the permanent extension of income averaging for farmers.

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Concurrent Resolution 13, a concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama.

SENATE CONCURRENT RESOLUTION 89—EXPRESSING THE SENSE OF CONGRESS THAT THE NATION MUST PLACE GREATER EMPHASIS ON HELPING YOUNG AMERICANS TO DEVELOP HABITS OF GOOD CHARACTER

Mr. FRIST submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 89

Whereas the future of our Nation and world will be determined by the young people of today;

Whereas record levels of youth crime, violence, teenage pregnancy, and substance abuse indicate a growing moral crisis in our society;

Whereas a recent poll of teachers found that 45 percent of all students cheat on tests;

Whereas character development is the long-term process of helping young people to know, care about, and act upon such basic values as trustworthiness, respect for self and others, responsibility, fairness, compassion, and citizenship;

Whereas these values are universal, reaching across cultural and religious differences;

Whereas a recent poll found that 90 percent of Americans support the teaching of core moral and civic values;

Whereas parents will always be children's primary character educators;

Whereas good moral character is developed best in the context of the family;

Whereas parents, community leaders, and school officials are establishing successful partnerships across the Nation to implement character education programs;

Whereas character education programs also ask parents, faculty, and staff to serve as role models of core values, to provide opportunities for young people to apply these values, and to establish high academic standards that challenge students to set high goals, work to achieve them, and persevere in spite of difficulty;

Whereas the development of virtue and moral character, those habits of mind, heart, and spirit that help young people to know, desire, and do what is right, has historically been a primary mission of colleges and universities;

Whereas in recent years the emphasis on developing the moral character of students has steadily declined in our colleges and universities as students are increasingly viewed as consumers in the marketplace rather than citizens participating in a democracy;

Whereas print resources that recognize colleges and universities according to emphasis of character development as an essential component of higher education are available to students, parents, and high school counselors;

Whereas many of these resources are available in public libraries and in public and private high schools across the Nation; and

Whereas the Congress encourages parents, faculty, and staff across the Nation to emphasize character development in the home, in the community, in our schools, and in our colleges and universities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress supports and encourages character building initiatives in schools across America and urges colleges and universities to affirm that the development of character is one of the primary goals of higher education.

Mr. FRIST. Mr. President, I believe it is important that we put character back into our vocabulary. The American people are crying out for virtue and values—character is critical and we must focus our efforts in extending this message.

I have been a faithful co-sponsor of the Character Counts movement, which seeks to teach the core elements of good character to our nation's young people.

I am pleased to submit a resolution in the Senate to expand this message to our nation's institutions of higher education. Specifically, I am submitting a concurrent resolution expressing that it is the sense of the Congress that the Nation must place greater emphasis on helping young Americans to develop habits of good character that are essential to their own well-being and to that of our communities.

I believe that we should encourage parents, faculty, and staff across the Nation to emphasize character development in our homes, in our communities, in our schools, and in our colleges and universities. Congress should support and encourage character building initiatives in schools across American and urge colleges and universities to affirm that the development of character is one of the primary goals of higher education.

This concurrent resolution has already been submitted in the House of Representatives by a member of the Tennessee congressional delegation, Congressman BOB CLEMENT. I am proud to note that it has received bipartisan support. It is a privilege for me to submit this concurrent resolution in the Senate.

AMENDMENTS SUBMITTED

THE OCEAN SHIPPING REFORM ACT OF 1998

GORTON AMENDMENT NO. 2287

Mr. GORTON proposed an amendment to amendment No. 1689 proposed by Mrs. HUTCHISON to the bill, S. 414, to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes; as follows:

On page 5, line 10, strike "ocean".
On page 5, line 15, strike "ocean".
On page 11, line 16, strike "ocean".
On page 12, line 8, strike "ocean".

ADDITIONAL STATEMENTS

TRIBUTE TO JOSEPH P. KENNEDY II UPON HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

• Mr. DODD. Mr. President, several days ago, our colleague in the other body, Representative JOSEPH P. KENNEDY II, announced his retirement after 12 years of service. Representative KENNEDY has been a tremendous advocate on behalf of the nation's working families, and I want to take this opportunity to say a few words about my friend from Massachusetts.

JOE KENNEDY has brought an uncommon enthusiasm and an intensity to his work here in the Congress. As a member of the Committee on Banking and Financial Services, he mastered the arcane details of banking, insurance, securities, and housing law to achieve great success in reforming our nation's financial institutions to be more responsive to the needs of working families.

In 1989, he authored amendments to the Home Mortgage Disclosure Act and the Community Reinvestment Act. These amendments have been responsible for leveraging hundreds of millions of dollars in credit to help people of modest means purchase a home.

As the Chairman of the former Subcommittee on Consumer Credit and Insurance, he worked on legislation to reform the Fair Credit Reporting Act, so that consumers will be better protected from unwarranted uses of their most private financial information and will have a greater ability to safeguard the confidentiality and accuracy of that information.

More recently, as Ranking Member of the Subcommittee on Housing and Community Opportunity, he has continued to champion affordable housing for the elderly and others on fixed incomes. Thanks to his efforts, many more Americans own a home and have a decent, affordable place to live.

Congressman KENNEDY has distinguished himself in other ways, as well. He has been a consistent and articulate voice for peace and justice in places like Northern Ireland, Haiti, and the Mexican state of Chiapas. He has been a staunch supporter of civil rights for women, the disabled, and minorities. He has also worked hard to balance our nation's budget without compromising our commitment to protect our most vulnerable citizens.

Prior to his election to the House, Congressman KENNEDY built a successful company that provides low-cost heating oil and other services to low and moderate income Americans. It is to that company that he will soon return.

I have no doubt that although he is leaving public office, JOE KENNEDY will continue to serve the public interest. I know I speak for many of my colleagues in wishing him and his family well in this new endeavor, and in saying that, we in the Congress will miss his vitality and vision of a more just and prosperous America.•

TRIBUTE TO VICE ADMIRAL GEORGE R. STERNER

• Ms. SNOWE. Mr. President, I rise today to honor Vice Admiral George R. Sterner, United States Navy, who will retire on May 1st upon completing 36 years of faithful service to our nation.

During his distinguished career, Vice Admiral Sterner played a significant role in reshaping the way the Navy develops, acquires, modernizes, and maintains its ships and systems so that our Sailors and Marines have the best equipment in the world at an affordable price.

Vice Admiral Sterner's career began in 1962 upon his commissioning as an Ensign in the United States Navy. During the years that followed, he served aboard four submarines and commanded two others. His shore assignments included duty on the staff of the Commander in Chief, United States Atlantic Fleet; Branch Head for submarine tactical weapons on the staff of the Chief of Naval Operations; Program Manager for the Mark 48 Advanced Capability Torpedo; and Program Executive Officer for Submarine Combat and Weapons Systems.

After serving in two senior Naval Sea Systems Command positions, Vice Admiral Sterner took charge of this organization on April 25, 1994. As Commander of the largest of the five Navy Systems Commands, Vice Admiral Sterner re-energized an agency in turmoil as a result of the largest restructuring since World War II. Managing a budget of approximately $14 billion annually and managing more than 180 acquisition programs, he has been a responsible steward of taxpayer dollars while insuring that we have a technically-superb, world-class naval fleet.

As a testament to his dynamic leadership, the National Performance Review chose to honor him and his command with 27 Hammer Awards for contributions to create a government that works better and costs less.

Closer to home, Vice Admiral Sterner has been a friend to the dedicated men and women who work at the Portsmouth Naval Shipyard. Thanks in part to his vision, the Shipyard retains its important military-industrial capabilities and continues to provide critical jobs for the region.

Vice Admiral George Sterner's innovation has positioned the Naval Sea Systems Command for the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I am proud, Mr. President, to thank him for his honorable service in the United States Navy, and to wish him "fair winds and following seas" as he closes his distinguished military career.•

NATIONAL POW RECOGNITION DAY

• Mr. WELLSTONE. Mr. President, April 9 is National POW Recognition Day, and I rise today to pay tribute to all those U.S. service persons who guarded their country in past wars, who have been listed as POWs or MIA, and to their families. I especially want to pay tribute to Col. Richard A. Walsh III, an Air force pilot from Minnesota listed as missing-in-action in Laos. We must never forget Richard and the other MIAs for their courageous service and sacrifices. In addition, we must never forget the sacrifices made by their families.

That is why I also want to recognize Richard's wife and a constituent of mine, Ms. Sharon Walsh. As the executive director of the Minnesota League of POW/MIA Families, Sharon has worked hard over the years on behalf of our POW/MIAs and their families, and I commend her. I can't imagine how difficult and painful it has been for Sharon and her family not knowing exacting what happened to Richard in Southeast Asia.

Ms. Walsh asked me to enter into the CONGRESSIONAL RECORD a document outlining some of her concerns and questions regarding the issue of satellite imagery and American POW/MIAs during the war in Southeast Asia. She, along with a small group of my constituents, are frustrated with certain federal agencies, including the Department of Defense. These agencies are responsible for maintaining and publicly disclosing information about reported U.S. satellite imagery of possible pilot distress symbols, associated with American service personnel who are unaccounted for in Southeast Asia. The statement contains serious allegations about U.S. government mishandling of these matters. My constituents claim that since the war has ended U.S. satellite imagery has detected pilot distress symbols on the ground in Southeast Asia, and the U.S. government has willfully ignored key evidence in this matter. The Department of Defense POW/MIA office has repeatedly indicated to me, and in the media, that they have fully and carefully investigated these claims and found them baseless, attributing the reported symbols to unrelated, largely natural causes, and to mistakes in photographic interpretation of satellite imagery.

Mr. President, I ask that the material from Ms. Walsh be printed in the RECORD. I know this issue has been addressed by Pentagon officials for years, and was carefully studied by the now-defunct Senate Select Committee on POW/MIA Affairs. Nonetheless, I promised my constituents to share this information with my colleagues, for the record, at an appropriate time. I believe POW Recognition Day is an appropriate occasion for us to consider these issues, and I hope it will contribute to any further discussion of these matters in the Senate.

The material follows:

MINNESOTA LEAGUE OF POW/MIA FAMILIES.

I am Sharon Walsh, Minneapolis, Minnesota, the wife of Richard A. Walsh III Colonel, USAF, a pilot who is or was missing in action in Laos. I represent the League of Minnesota Families of Missing and Prisoners in Southeast Asia.

This letter and the enclosed referenced documents document the betrayal of branches of the U.S. government toward America's missing personnel in the war in Southeast Asia. In my lifetime, I cannot recall such disregard and callous behavior toward young men who thought they represented an honorable government. Actually it is criminal felonious purposeful malfeasance in government that many of us find shocking.

In 1992, U.S. satellites recorded symbols on the ground in Southeast Asia exactly matched rescue codes assigned to pilots missing in the Vietnam War. Other symbols exactly matched names of POW/MIA pilots.

The official U.S. government explanation is these symbols were created by vegetation and shadows and it is a coincidence they match names and classified codes of MIAs. It does not take a mathematical probability expert to realize the absurdity of the government story.

Government officials have committed both unethical and illegal acts to misinform the nation about the satellite imagery. However, the existence of enough of these rescue symbols are verified in government documents to show the U.S. is now an accomplice to slavery and torture of human beings. The documents Senator Wellstone is introducing into the Congressional Record show exactly how the government has lied and mislead the public, the press, and the Congress.

I urge every member of Congress who believes in the principles of liberty and justice to carefully examine these documents. The precedents of the POW/MIA issue—rewarding the corrupt and punishing the truthful, must be reversed if we are to survive as a free and democratic society. In the name of justice, please act swiftly to remove and prosecute those government officials who have betrayed both the missing men and our nation.

Thank You,

SHARON WALSH,
Executive Director.

CHRONOLOGICAL TABLE ILLUSTRATING FRAUDULENT U.S. GOVERNMENT IMAGERY STORIES

Below is a table showing various government stories about pilot distress symbols found in satellite imagery. GX2527, SEREX, and 72TA88 were symbols recorded by U.S. satellites taking pictures of the field next to Dong Vai Prison, Vietnam on June 5, 1992. Dong Vai Prison is the site of seventeen live sighting reports of American POWs.

POW/MIA officials lie to the press and Congress in order to prevent further investigation. These corrupt officials may eventually admit the truth to a few individuals, but only after millions have read the fraudulent story in the press or after serious Congressional inquiry has been stopped cold. They have a record of making up any story to hide the truth. No U.S. government POW/MIA official has been prosecuted for perjury or even reprimanded for putting out false information.

"SEREX" is the last name of MIA Henry Serex, lost in south Vietnam in 1972. "GX2527" contains the E and E codes and personal authenticator codes assigned to MIA Peter Marthes, lost in Laos in November 1969. The letters "TA" were, with other symbols, letters found just below the 1992 "SEREX" letters and also possibly in 1973 photography. The "USA" letters were photographed over Laos in late 1988 and early 1989.

Examples in the table below include perjury before the Senate Select POW/MIA Committee (SSC), lies intended to prevent an investigation by the House Intelligence Committee, and lies to the press. Quotes are represented by Italics. The POW/MIA office is the source of correspondence unless otherwise noted.

SEREX

October 8, 1992 Deposition of Air Force JSSA Deputy Chief Robert Dussault before the SSC: . . . very clearly to me there was the name S–E–R–E–X.

August 29, 1994, to the chairman House Intelligence: the individual who identified the symbol he thought was made by Major Serex never identified the letters "SEREX." He identified what he thought was "SER." Only after examining an alphabetically arranged listing of missing Americans did he match "SER" to "SEREX."

December 6, 1994 to Star Tribune: No member of the Defense Department has ever observed the word "SEREX" on any satellite imagery or photography maintained by the US government.

October 10, 1996 to Wellstone: Mr. Dussault testified before Congress that he had observed the letters "SEREX" on satellite imagery. Mr. Dussault is not a professional imagery analyst; he was testifying as a Department of Defense employee.

TA

October 15, 1992 Andrews sworn testimony to Senate: The first symbol of interest is a 1973 TH. This symbol was imaged on May 20, 1973 and again on July 10, 1973 on the Plain of Jars in Laos . . . It has been interpreted as either a 1573 or 1973 and either TA or TH. None of the four possible combination of these symbols correlate to a classic distress symbol or to the escape and evasion symbols that our crews were trained to use.

December 6, 1994 to Star Tribune: To our knowledge, the letters "TA" were never used as an official evasion and escape symbol during the war in Southeast Asia.

January 6, 1995 letter from Air Force JSSA: According to PACOM documents covering the Vietnam war period, GX and TA were issued as classified E&E coded letter pair distress symbols.

May 1, 1996 to Wellstone: No one questions the fact that T and A, along with many letters of the alphabet were used during the Vietnam War as evader symbols.

October 10, 1996 to Wellstone: Available records from the period indicate the combination of "T" as the primary evasion and escape (E&E) letter and "A" as the backup E&E letter were used from October 1972 to 10 April 1973.

GX2527

December 6, 1994 to Star Tribune: The combination of letters and numbers in the so-called "GX2527" symbol is not a valid evader symbol.

January 6, 1995 letter from Air Force JSSA: According to PACOM documents covering the Vietnam war period, GX and TA were issued as classified E&E coded letter pair distress symbols.

August 1995 POW/MIA office report provided to Wellstone: The letters "GX" have no known correlation to any American missing in Southeast Asia." and "Additionally, the combination GX2527" is not a valid evader symbol.

May 1, 1996 to Wellstone: Whether the alleged symbol "GX2527" is a valid E&E symbol is not relevant . . .

October 10, 1996 to Wellstone: Accordingly to the JSSA, available records from the period indicate the combination of "G" as the primary E&E letter and "X" as the backup E&E letter were employed during September 1971. The loss incident of the individual linked to these letters had occurred almost two years before.

USA

December 6, 1988 CIA analysis: The letters form water filled depressions in the otherwise dry fields.

December 6, 1994 to Wellstone: The "USA" and "KO" symbols referred to in the Star Tribune article were created by two Lao youths who shaped the letters out of rice straw they set ablaze.

May 1, 1996 to Wellstone: When imagery analyst first reviewed the photography containing "USA, their initial analytic findings was that the letters were depressions that when filled with water would form the dark images observed on the imagery. They based their initial analytic finding on the basis that since the surrounding rice field was much lighter in color, the darkness of the letters was probably caused by water filled depressions. This initial photographic analysis was in error.

October 10, 1996 Same as May, 1996 statement.

EXAMINATION OF ABOVE STATEMENTS

These are only examples—the POW/MIA office commonly changes stories. True statements were obtained by confronting the POW/MIA office with declassified documents. Confrontation with irrefutable documents sometimes works. However, in the case of "GX2527" POW/MIA officials still try to discredit the validity of these symbols. This is not hard to understand, given that no one with any common sense can believe the official government story that vegetation and shadows created a classified six-character valid distress symbol. Despite years of challenges, and numerous promises from DPMO officials to provided documentation, not one document has been provided to support the DPMO position that "GX2527" is not a valid evader symbol.

Discussion of SEREX. In response to a story in the Star Tribune that stated that the Air Force JSSA deputy chief saw the letters SEREX, the head of the POW/MIA office (General Wold) wrote the Star Tribune claiming no Defense Department employee ever saw the letters "SEREX." In October 1996 the POW/MIA office confessed their statement was false. The only excuse for this offered is a vague statement open to many interpretations. DPMO has refused to elaborate.

The August 29, 1994 statement by the POW/MIA office to the head of the House Intelligence committee is a pure fabrication—with invented details to give it apparent credibility. This is an outrageous attempt to obstruct justice and prevent a potential investigation by the House Intelligence Committee. No excuse for this statement has been forthcoming by the POW/MIA office to date.

Discussion of TA. The POW/MIA office now confesses that the letters "TA" were used during the war as E&E codes. Their office previously claimed to the best of their knowledge they were not. It turns out the codes were not used just for one month, but from October 1972 to April 10, 1973!

Note the previous dates relate to May 1973 symbols discussed in the October 15, 1992 testimony of Assistant Secretary of Defense Duane Andrews. Andrews was sworn to tell the truth, the whole truth, and nothing but the truth, and did not do so. Had the Senate Select POW/MIA committee been told that TA were active escape and evasion symbols for those missing from October 1972 to April 10, 1973, they may have concluded that the symbols photographed in May 1973 were made by an American. Again, the government is entitled to take any position it desires. However, the law does not allow government officials to lie, mislead, or conceal information to support their position. Doing so under sworn oath is called "perjury."

Discussion of GX2527. The POW/MIA office has been confronted with the statement from the SSC final report: "This consultant had detected, with "100 percent confidence" a faint "GX2527" in a photograph of a prison facility in Vietnam taken in June, 1992. This number correlates to the primary and backup distress symbols and authenticator number of a pilot lost in Laos in 1969." Their office has also been confronted with expert testimony from the Air Force JSSA stating GX2527 is a valid pilot distress symbol. JSSA is the very agency that teaches pilots the rescue symbols. The POW/MIA office on one occasion said whether GX2527 is a valid distress symbol is not relevant. They still have not admitted GX2527 is a valid distress symbol, indeed, they often deny it.

On a second point, the POW/MIA office previously stated "The letters "GX" have no known correlation to any American missing Southeast Asia." They now say GX were valid for the months of September, 1971 and point out this is two years after MIA Peter Matthes was shot down. Clearly, they lied when they said GX correlated to no known missing American—there are multiple Americans missing in September 1971. The POW/MIA office has refused to respond to numerous inquiries asking what rescue letters they claim were valid for November 1969.

Discussion of USA. The POW/MIA office, the same office that has refused to follow recommendations of the SSC regarding imagery because they say they are so positive of their findings, now claims an imagery analyst made a mistake. It stretches the imagination to believe an imagery analyst could not tell land from water. The POW/MIA office claims new analysis showed the unnamed imagery analyst was mistaken. Yet in my FOIA request, which asked for all documents relating to the USA letters, I received not one document to support the POW/MIA office's latest story.

REFERENCES

December 6, 1988—CIA analysis of USA letters, provided by DPMO in FOIA request.

October 15, 1992—statement to SSC from Assistant Secretary Defense Duane Andrews.

August 29, 1994—POW/MIA office letter to House Intelligence Committee Chairman.

December 6, 1994—letter from General James Wold to Minneapolis Star Tribune.

August 1995—POW/MIA office report "Satellite imagery and Ground Distress Symbols."

May 1, 1996—letter from POW/MIA office to Senator Wellstone.

October 10, 1996—letter from POW/MIA office to Senator Wellstone.•

TRIBUTE TO ADMIRAL CHARLES R. LARSON, UNITED STATES NAVY

• Mr. McCAIN. Mr. President, I take this opportunity to recognize and say farewell to an outstanding naval officer and dear friend, Admiral Charles R. Larson. It is an honor and a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided the United States Navy and our great nation during a truly distinguished military career. Admiral Larson's achievements over his 40-year career are unparalleled in our modern Navy. In addition to being a superb naval officer and my well-respected classmate at the United States Naval Academy, Admiral Larson was the youngest officer in the history of our Navy to be promoted to Admiral. Upon

retirement in June, he will have served in 11 positions spanning more than 19 years as a flag officer.

Admiral Charles R. Larson assumed duties as the 55th Superintendent of the United States Naval Academy on 1 August 1994. Prior to his arrival, Admiral Lawson served from March 1991–July 1994 as Commander in Chief of the U.S. Pacific Command (CINCPAC) located in Honolulu, Hawaii. As the senior U.S. military commander in the Pacific and Indian Ocean areas, he led the largest of the unified commands and directed all Army, Navy, Marine Corps, and Air Force operations across 103 million square miles—more than 50 percent of the Earth's surface. In his position as Commander of CINCPAC, Admiral Larson had primary responsibility for 350,000 personnel and the readiness of all U.S. forces in the theater, and was accountable to the President and the Secretary of the Defense. He was also the U.S. Military representative for collective defense arrangements in the Pacific and worked with 44 countries in the Pacific Rim.

Admiral Larson was born in Sioux Falls, South Dakota. A graduate of North High School in Omaha, Nebraska, he graduated from the United States Naval Academy with distinction in 1958. After being commissioned in the U.S. Navy, he reported to flight training in Pensacola, Florida, and was designated a naval aviator in May 1960. He then reported to Attack Squadron 176, where he flew missions from the aircraft carrier USS *Shangri-La* (CVA 38).

In April 1963, he volunteered and was accepted for nuclear power training. Upon completion, he served in two fleet ballistic submarines, USS *Nathan Hale* and USS *Nathanael Greene*, before reporting as executive officer of the nuclear-powered attack submarine USS *Bergal*.

Admiral Larson was the first naval officer selected as a White House Fellow, serving in 1968 as Special Assistant to the Secretary of the Interior. From January 1969 to April 1971, he served as Naval Aide to the President of the United States. He reported back to sea duty as executive officer of the nuclear-powered submarine USS *Sculpin*. From August 1973 to July 1976, he served as commanding officer of the nuclear submarine USS *Halibut*. In August 1976, Admiral Larson assumed duties as Commander, Submarine Development Group ONE, in San Diego, California. In this assignment, he headed the Navy's worldwide deep submergence program with a variety of submarines, surface ships, deep submersibles, and diving systems under his command.

As a Flag Officer, Admiral Larson has served in nine assignments both ashore and afloat subsequent to his promotion to Rear Admiral in March 1979. These include: Director of the Strategic Submarine Division and Trident Coordinator on the staff of the Chief of Naval Operations; Director, Long Range Planning Group, an organization he established to assist the Chief of Naval Operations identify and prioritize long-range Naval objectives for planning the Navy of the early 21st century; Commander, Submarine Group EIGHT; Commander, Area Anti-Submarine Warfare Forces, SIXTH Fleet; and Commander, Submarines Mediterranean (NATO) in Naples, Italy.

From August 1983 to August 1986, he served as the 51st Superintendent of the United States Naval Academy. In August 1986, Admiral Larson was promoted to Vice Admiral prior to reporting as Commander, Striking Fleet Atlantic/Commander, SECOND FLEET. In August 1988, he reported as Deputy Chief of Naval Operations for Plans, Policy and Operations.

Admiral Larson was promoted to four-star rank in February 1990 upon being assigned as Commander in Chief, U.S. Pacific Fleet the Navy component commander in the Pacific theater. After one year in this position, Admiral Larson was nominated by the President and assumed duties as Commander in Chief, U.S. Pacific Command.

Admiral Laron's decorations include the Defense Distinguished Service Medal, six Navy Distinguished Service Medals, three Legions of Merit, Bronze Star Medal, Navy Commendation Medal, and Navy Achievement Medal.

For the past four years, Admiral Larson has served as the 55th Superintendent of the United States Naval Academy. Admiral Larson was asked to assume the duties as Superintendent to return honor, discipline, and a sense of commitment to the 4,000 midshipmen, in the wake of the most trying scandals that the Naval Academy has faced in its 152-year history. As background, on September 27, 1993, the Naval Academy Board of Visitors created the Honor Review Committee, known as the Armitage Committee, named after the Chairman, Ambassador Richard L. Armitage. The Armitage Committee was charged with reviewing the concept, process, and effectiveness of the Naval Academy Honor Concept, particularly in light of the December 1992 compromising of an Electric Engineering exam at the Academy. One significant recommendation of the Amitage Committee was to increase the Superintendent's Academy tour length to four years and make the Superintendent a more senior flag officer than the two-star admirals who had previously served in that position. Admiral Larson was the top choice among several stellar candidates given his maturity, four-star rank, experience, academic background, outstanding character and integrity, and his known ability to reach out and unify all Academy efforts aimed at improving character development: administration, academic departments, athletic department (including varsity athletics), extra-curricular activities, the Office of Chaplains, and the Brigade Honor Committee.

As a member of the Naval Academy's Board of Visitors, I can report that we recently conducted a comprehensive investigation of every aspect of the Naval Academy. We concluded that the Naval Academy is fundamentally sound and on the right track for the 21st century. For that positive endorsement, we have Admiral Larson to thank. I would like to cite a few of the significant changes that Admiral Larson has instituted at the Naval Academy, which I believe will have positive effects for the future of our service academies:

Established a New Leadership Curriculum. The leadership curriculum has been completely revamped, emphasizing a continuum of leadership both in the classroom and in the fleet.

Established a New Ethics Course. A three-credit course, "Moral Reasoning for Naval Leaders," provides a weekly lecture by a faculty philosopher and seminars taught by senior officers with extensive fleet experience.

Instituted Integrity Development Seminars. During these monthly sessions, midshipmen work to define and clarify their basic moral values, and to determine the importance of those values and their significance to a career as a military officer.

Established Distinguished Chair of Ethics. A world-renowned ethicist has been appointed, who adds considerable expertise to all of the Naval Academy's character development efforts.

Established a Distinguished Professor of Leadership. The current Professor of Leadership is focusing efforts on improving how leadership is taught and practiced, both in the Division of Professional Development and in Bancroft Hall.

Reaffirmed Honor Concept and Education. Midshipmen ownership of the Naval Academy's Honor Concept has been reaffirmed, and efforts to educate all midshipmen about the history, significance, and value of the Naval Academy Honor Concept have been strengthened.

Returned to a Traditional Plebe Summer. With an emphasis on leadership by example, Admiral Larson returned the Naval Academy to a more traditional summer training period for new midshipmen, challenging them to reach new heights in physical, intellectual, and moral performance, and emphasizing the importance of respect for the dignity of others.

Established a Masters Program for Company Officers. This program allows exceptional junior officers from the fleet to spend their first year in an intense academic environment where they will earn a master's degree in

leadership. After being awarded an academic degree, the officers would then use this knowledge, combined with their fleet experience, to become more effective leaders and models for the midshipmen.

Instituted Company Chief Petty Officers. Each Company has been assigned a senior chief petty officer or a Marine Corps gunnery sergeant who provides considerable first-hand fleet experience to the young officers-in-training.

Renewed Accreditation of Academic Program. Under Admiral Larson's leadership, the Naval Academy received renewed academic accreditation in 1986 and 1996. His direction of the academic program for the long term engendered laudatory comments by the inspection teams.

Key Brigade Accomplishments in Academic Year 1996–1997:

74 Midshipmen from the Class of '97 were selected or nominated for graduate education programs, 10 of whom were women—a record number of female participants.

Midshipmen participated in over 16,000 hours of community service, a new record. This effort represents the exponential growth of community service in the Brigade.

Fifteen varsity athletes were named All-Americans for '96–'97. Two of 15 were also GTE Academic All-Americans.

Mr. President, my good friend Chuck Larson, his wife Sally, and daughters Sigrid, Erica, and Kirsten have made many sacrifices during his 40-year naval career, and have contributed significantly to the outstanding naval forces upon which our country relies so heavily. Admiral Larson is a great credit to both the Navy and the country he so proudly serves. As this truly history-making officer now departs for another career, I call upon my colleagues from both sides of the aisle to wish him fair winds and following seas. He will be greatly missed. '58 is great! •

THE ALARM INDUSTRY

• Mr. HARKIN. Mr. President, just over two years ago I stood on this floor as the Senate voted overwhelmingly in support of a historic rewrite of the 1934 telecommunications act. We were told at that time that the act would bring the benefits of competition in local telephone exchange service—better service and lower prices for the American consumer.

One part of that legislation in which I had a personal interest were the provisions concerning the burglar and fire alarm industry—a highly competitive industry still dominated by small businesses. Many of us, both in the House and the Senate, feared that allowing the Regional Bells to enter the market prior to real competition in the local telephone exchanges would result in the Bells using their business monopolies and vast financial resources to drive small alarm dealers out of business.

That is why Congress adopted a five year transitional waiting period before the Bells could enter the alarm monitoring business. The bill made an exception for Ameritech.

The Ameritech exception was included because Ameritech had already purchased two large alarm companies—before the bill was passed. However, these acquisitions were quite controversial because they were made during a time when all of the Bells had agreed not to enter this line of business until the legislative rules had been established. Only Ameritech broke that understanding. Nonetheless, the Congress felt it was better to grandfather those acquisitions rather than to force a divestiture.

However, in order to insure that we were not granting a five year competitive advantage to Ameritech over the other Bells, who had kept their pledge not to enter the business, we specifically prohibited further growth by acquisition during the five year transition period. We, in effect, told Ameritech that it could stay in the alarm monitoring business, but that its growth would be restricted to direct marketing to customers.

And, to make our intentions crystal clear, several Senators, including then Majority Leader Bob Dole, engaged in a floor colloquy on the subject when the bill was being considered. At one point I said:

> There is one issue which deserves some additional clarification. The bill and the report language clearly prohibit any Bell company already in the industry from purchasing another alarm company for 5 years from date of enactment. However, it is not entirely clear whether such a Bell could circumvent the prohibition by purchasing the underlying customer accounts and assets of an alarm company, but not the company itself. It was my understanding that the conferees intended to prohibit for 5 years the acquisition of other alarm companies in any form, including the purchases of customer accounts and assets.

The two managers of the bill, Commerce Committee Chairman PRESSLER and Ranking member HOLLINGS, both agreed on the record that my understanding was correct.

Despite that clarification in the formal proceedings, Ameritech disregarded Congressional intent. Soon after passage of the bill, Ameritech went out and purchased the customer accounts and assets of Circuit City's alarm monitoring division.

When the alarm industry challenged Ameritech's action, a divided FCC Committee supported Ameritech. For reasons I don't understand, all the commissioners—except for Susan Ness in a vehement dissent—said that purchasing the customer accounts and assets was permissible so long as Ameritech did not purchase any of the stock.

This opened the flood gate. During the next 16 months, Ameritech purchased over 550,000 customers by acquiring the assets and customer accounts of: Republic Industries alarm division, the 7th largest company in the alarm industry; Rollins, the 10th largest company in the industry; Masada, the 20th largest company in the industry; Central Control and Alarm, the 40th largest company in the industry; and Norman, the 46th largest company in the industry.

This acquisition binge was exactly what Congress wanted to avoid when it created the five year transitional waiting period. The industry's fears of market domination by those companies which control the local telephone exchanges—the alarm industry's lifeline—have proven to be justified.

In the late 1980's and early 1990's, just before Congress embarked on its effort to transform the telecommunications industry, there were approximately 13,000 alarm companies in this country employing over 120,000 workers. By 1997, that number had dropped dramatically to 10,750 companies and 90,000 workers—according to an industry source, Freeman & Associates.

At the same time, there was significant consolidation among the top 100 alarm companies. Most industry experts agree that several top 100 companies have concluded that they would have to consolidate to compete with the rapidly expanding Ameritech. This hastened the demise of many small alarm companies, driven out of business by having to compete with the new giants in the industry, especially Ameritech.

At the same time that small companies were being driven out of business, there have been dramatic layoffs in the companies Ameritech acquired. Just last year, Ameritech's SecurityLink alarm division announced layoffs of over 1,500 workers out of a workforce of 8,000.

One example of this can be found in Lancaster, Pennsylvania. About 20 years ago, my friend Patrick Egan started his own small alarm company, Commonwealth Security Systems, Inc. He built his company into a significant regional player with 11 offices and a central monitoring station in Lancaster. He employed over 200 people in Lancaster alone.

In January of 1997, believing that he had won the battle against Ameritech purchasing alarm monitoring companies, Patrick sold his business to Republic Industries. He sold with the understanding that all of his employees would be retained, monitoring would continue in Lancaster, and he would remain on as President of Republic Industries' Mid-Atlantic operations. During the short period Republic owned Commonwealth Security Systems, they significantly expanded operations and doubled the size of its workforce from 200 to 400.

However, thirty four weeks later, Ameritech's SecurityLink came in and purchased all the customer accounts and assets of Republic's alarm division. That day, Ameritech chose to let Patrick go. Then, it proceeded to layoff nearly 100 of the Lancaster-based employees. More layoffs are expected as SecurityLink eliminates its Lancaster monitoring station as well as 22 others across North America. Not only are jobs lost, but also the industry is convinced that safety is compromised.

Last December 30, however, the United States Court of Appeals for the District of Columbia Circuit stepped in and vacated the FCC's ruling that precipitated the buying binge in the first place.

In its ruling, the Court said, "When the purported (by the Commission) 'plain meaning' of a statute's word or phrase happens to render the statue senseless, we encountering ambiguity rather than clarity. . . So [it is] here." The Court continued: "The Commission's interpretation means that although Section 275 (a) (2) precluded Ameritech from acquiring even one share of Circuit City's stock, Ameritech was free to acquire the company's entire alarm monitoring services division—lock, stock, and barrel. We asked the Commission counsel at oral argument what possible rationale Congress could have had in mind if this is what it intended." The FCC's counsel has not provided a cogent answer to the court's question.

I share the court's confusion. I know what we meant when we adopted Section 275 and Ameritech certainly knew what we meant. But that did not stop Ameritech's management. It has been their intention all along to push as far and as hard as they could while they had their unique advantage over the other Bells. They would hope that either the FCC or the courts would sustain their position. They have deep financial pockets which they have relied upon in the hope that they could drive the alarm industry into submission.

But that's not going to happen. The Court has signaled that an interpretation of Section 275 which circumvents the prohibition on purchases by specifying the method of purchase does not adhere with what Congress intended. The Court has directed the FCC to issue an interpretation of Section 275 which makes sense. It is my hope that the Commission in its next ruling will send a clear and unambiguous message to Ameritech that it must cease and desist from flaunting the law and should be ordered to divest itself of any customer accounts or assets it acquired after the passage of the Telecommunications Act of 1996.

Congress clearly intended to prohibit Ameritech from acquiring all or any part of an alarm monitoring company in any form. It's time for Ameritech to realize that. The only way they will, though, is if the FCC forces them to follow the law.•

TRIBUTE TO FIRST LADY OF VIRGINIA ROXANNE GILMORE

• Mr. WARNER. Mr. President, I rise today to pay tribute to the First Lady of the Commonwealth of Virginia, Mrs. Roxanne Gilmore. I had the distinct pleasure of joining Mrs. Gilmore for a luncheon honoring her prior to the Governor's Inauguration. Mrs. Gilmore is a remarkable woman of uncommon character and an accomplished education professional. She is setting a wonderful example for all Virginians and bringing tremendous talent, energy, and leadership to the position of First Lady.

Mr. President, I ask that First Lady Gilmore's remarks be printed in the RECORD.

The remarks follow:

REMARKS OF MRS. ROXANNE GILMORE

I want to thank each of you for being here today, especially with the weather having taken a turn for the worse. It means a lot to Jim and me that you all would choose to be a part of our inaugural festivities—we wanted to share this experience with as many Virginians as possible. That's why we have traveled to so many wonderful places in the Commonwealth this week—to revisit the beautiful places that we saw during the campaign, and most importantly, to see so many of our friends who sustained us over the last several months.

It's with many differing emotions that I address you this afternoon. I am deeply honored that a man of the stature of Senator John Warner would host this event today. He is truly one of Virginia's finest sons, and his service and commitment to the people of Virginia overshadows what small service I hope to give the people over the next four years.

I am thankful that so many of our close friends and family are here and that they were able to weather the roads to make it to Richmond today. You all have understood when we had to say No, we can't come this time, and you sustained us during the rough times. I particularly want to thank Bessie Scott of the VFRW for their tireless efforts on our part during this campaign. There was not a time when they refused to help, and I am proud that I can claim a long-standing membership in such a worthwhile group. I also want to thank the Mills E. Godwin High School Chorus for providing special music for our enjoyment. Our son, Jay, has enjoyed being a "Godwin Eagle" this year, and I appreciate the warmth that the Godwin student body has extended to us all.

Then, indeed, I am somewhat terrified of giving this speech since I see some of my UVA professors and my RMC colleagues in the audience. I hope they left their grade books at home, and focus instead on how much I appreciate their support here today.

I have often thought it appropriate that as Jim and I embarked on this course in the political world, that a large part of my teaching at RMC included epic poetry—the Odyssey of Homer, and the Aeneid of Virgil. For our course has surely been an Odyssey. On my journey I have seen rosy fingered Dawn on early morning campaign trips—I have seen the wine-dark sea of the Chesapeake Bay—and even some of the political meetings were reminiscent of the great quarrel between Achilles and Agamemnon.

But just as the journey of Odysseus didn't really end when he reached Ithaca, nor the journey of Aeneas end with his arrival in Italy, our journey is not over, but just beginning. The work of accomplishment will start this Saturday. And while Jim has the legacy of Virginia's great Governors to follow and well-defined Constitutional responsibility to uphold, there are no guidebooks or defined rules to mark the path of a First Lady. Today I want to share with you some of my plans for the next four years.

Much news has been made of the fact that I will continue to work part-time as a professor of classics. The attention has quite frankly surprised me. During our 20 years of marriage, I have worked full-time, sometimes not at all, and part-time. I now work part-time and will continue to teach while Jim is Governor.

I never viewed the fact that I would teach as a decision. To both Jim and me, my continuing to teach was never a question. He realizes that teaching is not really a job to me, it is my passion. It is an important part of my life, and Jim's understanding this and supporting it have meant much to me over these past years.

We of course will continue to be partners in our responsibilities of parenthood. On many occasions Jim has been the one who got up early and prepared Jay and Ashton for school as I traveled or left for school early. We support each other in our goals. And in doing this we are just a typical Virginia family, and we will continue on this path. We will approach life in the Governor's mansion in the same manner we have approached life throughout our marriage. We will draw strength from each other and put a priority on time to spend with Jay and Ashton.

But I also approach this new period in my life as an opportunity. A First Lady has a public platform that can put the spotlight on ideas and efforts deserving greater awareness. Many Virginians are engaged in innovative approaches to problems and their successes go unnoticed. As First Lady I can help bring attention to these innovations and share these ideas with the rest of Virginia.

But my role will not be that of making policy. Jim has that burden on his shoulders. My time and energy outside of being a wife, mother, part-time teacher will be focused on education, history, and tourism.

As a teacher it will not surprise anyone that I have many ideas about ways to enhance education in Virginia. For example, I would like to encourage schools to utilize the incredible knowledge and experience that our experienced professionals can share with our young people. We have many Virginians who travel the nation and the world sharing their life experiences with various audiences. These same Virginians would gladly spend time in Virginia classrooms where their practical, real-world knowledge would give an added dimension to the educational experience of our youth. I hope to inspire our schools of higher education and our Virginia professional workforce to join in partnership with our secondary schools for the benefit of young people across the state. Programs of cooperation similar to that I witnessed at Randolph-Macon where students from Hanover schools who perhaps had no experience with a college or higher education, were invited to RMC to visit classrooms and laboratories and the cafeteria to see first hand activities that some of us take for granted. As we enter the 21st century, inspiring our youth to reach their full potential should be our first goal.

Though my degrees are in ancient history, I have always had a fascination and love of Virginia's rich history, and both Jim and I believe that the unmatched historic offerings of Virginia should be the cornerstone of promoting tourism in Virginia. While many states try to compete with Virginia's incredible beaches, golf courses, mountains and parks, no other state can rival the historic jewels that the Commonwealth offers. Studies show that parents try to plan vacations that are both educational and fun—what better place to visit than Virginia where both abound. We should also encourage more Virginians to vacation in Virginia, and then, as they travel outside of the Commonwealth, they can be ambassadors for our own unique treasures.

These are just a few of the plans that I have considered for our ongoing Odyssey. But I know also from my studies that life brings unexpected adventures and opportunities, and I hope that I can use these unexpected opportunities to serve all Virginians.

Jim and I will work hard for the families of Virginia and will continue to recognize the honor that it is to serve the people of Virginia. We have the same hopes and dreams that you have for your children. It is our dream that this Odyssey will bring them a Virginia even better than it is today.

Thank you.•

TRIBUTE TO BELLA ABZUG

• Mr. DODD. Mr. President, I rise today to sadly acknowledge the passing of a friend, former colleague, and one of the most passionate, committed, and colorful individuals that the Congress and this country has ever known: Bella Abzug.

Many people view 1920 as one of the most important years in the history of women in America, not only because it was the year that women finally gained the right to vote, but also because it's the year that Bella Abzug was born.

When we think of the struggle for women's equality in this country, one of the first images that comes to mind is that of Bella Abzug's wide-brimmed hat bobbing up and down at some march or rally. Through her flamboyant personality, she truly became an icon and a giant in the American and worldwide political landscape.

Bella Abzug was a trailblazer. She graduated from law school at a time when only 2 percent of all lawyers were women. She was the first Jewish woman ever elected to Congress and one of only 12 women in the House when she was elected.

She helped pave the way for other women in Congress and in all walks of life. In fact, just the other day, my good friend and colleague from Connecticut, BARBARA KENNELLY, spoke on the House floor about how Bella Abzug inspired her to run for Congress. One can only imagine how many other women took a chance and sought to achieve great things because they were inspired by Bella Abzug.

An important thing to note about Bella is that her work was by no means limited to the cause of women's equality. Her titles ranged from civil rights lawyer to anti-war activist, just to name a few. Just three years out of law school, she went to Mississippi and weathered threats from white-supremacist groups to defend a black man in a highly contentious trial. In the 1950s, she shouted down former Senator Joseph McCarthy's anti-communist witch hunts. On her first day as a Congresswoman, she introduced a resolution to withdraw all U.S. troops from Southeast Asia. In 1975, she introduced legislation in Congress to prohibit discrimination against homosexuals. Bella Abzug was committed to eradicating all forms of injustice in this country and around the world. Hers was not solely the cause of women; hers was the cause she believed to be right and believed to be just.

I was fortunate to see a side of Bella Abzug that most people never saw. I served in the House with Bella during her last term, and I came to know her as a person of great kindness. Beneath the persona of a blustery and irascible New York City politician was a woman of great decency and warmth. While we only served together for one term, I have had numerous occasions over the years to visit with Bella, and I truly appreciated her kindness and her friendship. Bella Abzug was truly one of a kind, and she will be dearly missed by friends, family, and those whose causes she championed over the years.•

TRIBUTE TO EMORY L. MELTON

• Mr. BOND. Mr. President, on Sunday, April 19, 1998, a new math, science and business classroom building on the campus of Southwest Missouri State University-West Plains campus (SMSU), will be dedicated to former State Senator Emory L. Melton. Emory, a long time friend, has done much to help my home State of Missouri.

Elected to the State Senate in 1972, Emory had no opposition five of the six times he ran, which is a State record. Originally, he involved himself in politics because of a strong feeling that the State government was growing much too quickly. As a Senator, he was known for reading every bill that came to the Senate floor and could point out even the slightest of errors. Many of his colleagues felt him to be one of the truest fiscal conservatives ever to serve in the Senate. I had the pleasure of witnessing his great leadership while serving my two terms as Governor.

Before his service to the State Senate, Emory was the Barry County prosecuting attorney and a newspaper publisher in Cassville, Missouri. He served as Missouri Tourism Commission chair for many years. Emory received the St. Louis Globe-Democrat award for public service and was named one of the top ten legislators by Capitol press corps.

With so many impressive accomplishments, it is no wonder the new campus building is named in his honor. I am extremely pleased to see Emory recognized for his great service to the State of Missouri. Congratulations Senator Emory Melton on a tribute well deserved.•

DR. RICHARD KASTNER TURNS 75

• Mr. MOYNIHAN. Mr. President, a milestone will occur on Saturday, April 18, while the Senate is in recess, which I do not want to go unacknowledged: Dr. Richard Hermann Kastner of Clarksburg, Maryland, will celebrate his 75th birthday.

Ralph Waldo Emerson remarked, ". . . to leave the world a bit better whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded." I imagine it would be nearly impossible to count how many lives have "breathed easier" because of Richard Kastner. For nearly 45 years, he has helped individuals and families cope with drug and alcohol dependency, abuse, discord, illness and death, and seemingly inconsolable grief as a psychiatrist and therapist, and as a friend. He has devoted his life to helping others find meaning in their lives.

Richard Kastner is a native New Yorker. He received a bachelor's degree in psychology and biology from New York University, a master's degree in psychology from the City College of New York, his M.D. from Jefferson Medical College, and his doctorate in psychology from New York University. He then went to the University of Minnesota for post-graduate medical training and for his psychiatric residency, which he then continued at St. Elizabeth's Hospital here in Washington.

Richard Kastner achieved glittering academic success and then embarked on his career to achieve glittering professional success. He was a captain in the Medical Corps and served as a military psychiatrist at Andrews Air Force Base. He has been a senior psychiatric consultant for the National Security Agency, chief psychiatrist of the Employees Health Service at the National Institutes of Health, and a consulting senior psychiatrist and lecturer at the National Aeronautics and Space Administration. He also served as an instructor in the Department of Psychiatry at Harvard University's School of Medicine, and is a Fellow in the Royal Society of Medicine. He is a pilot, husband, and father of three children.

Even now, as he turns 75, he maintains a robust private practice, undeterred by age, ailment, or surgery. I suppose the animating force is an unquenchable desire to help others. I want to take this opportunity to congratulate him on his 75th birthday and wish him many more.•

TRIBUTE TO TRACE DIE CAST: 1997 BOWLING GREEN, KENTUCKY INDUSTRY OF THE YEAR

• Mr. MCCONNELL. Mr. President, I rise today to celebrate the recognition of Trace Die Cast of Bowling Green, Kentucky as the 1997 Industry of the Year by the Bowling Green Area Chamber of Commerce.

When Trace Die Cast started operations in 1987, it employed 24 Kentuckians. In the 12 years since, the company has undertaken two major plant expansions and now employs 170 individuals, with an annual payroll of $4.6 million. They continue to be well-positioned for future growth in Warren County.

In the last decade, Trace Die Cast has become a major supplier of parts for some of America's favorite automobiles, including the Ford Explorer.

Trace Die Cast's role as a community leader is also well-known, especially their enterprising approach to employee education. They have important partnerships with local vocational schools to train their employees. They also provide scholarships for their employees who want to continue their education. Throughout their existence in Bowling Green, Trace Die Cast has contributed both time and money unselfishly and generously to local charities and civic organizations.

Mr. President, local leaders in Bowling Green have described Trace Die Cast as a community's dream company. I could not agree more. They are a tribute to the American spirit, and I am proud to have such a company in my state. I congratulate them on this honor and ask all my colleagues to join me in celebrating their accomplishments.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO KATI SASSERVILLE

• Mr. DORGAN. Mr. President, I wanted to take this opportunity to highlight the many achievements of Kati Sasserville on her retirement this week. Kati is ending her eleven years of service at Otter Tail Power Company headquartered in Fergus Falls Minnesota, just across the border from my home state of North Dakota. Otter Tail also serves many customers in my state.

Kati is a trailblazer and a source of inspiration from many young women in the upper Midwest. Her years at Otter Power put her in the forefront of the debate on electric utility restructuring. A 1973 law school graduate of the University of Minnesota, Kati started her distinguished 23 year career as a trial attorney in the Office of General Counsel for the U.S. Navy. She served as a Minnesota Public Utilities Commissioner from 1975 to 1981.

Kati has a professional and civic membership roster second to none. She won Harper's Bazaar Diamond Superwoman Award back in 1980. The Fergus Falls Daily Journal named her one of the City's "Eight Most Influential" citizens in 1987. In addition, Kati managed to balance her active professional career with the needs of her family. She managed to raise six wonderful children and now enjoys the company of six grandchildren. She is an example of someone who persevered and made it on the merits.

Kati's a formidable advocate, and I will fondly remember debating the energy issues of the day. Her sense of fair play was always appreciated.

Kati is the only person I know who would wake up in the morning and thank God for the Global Warming phenomenon. Any possibility of temperatures warming up in Fergus Falls is something to hope for in the future.

I ask my colleagues to join with me in wishing Kati well in her retirement and in fulfilling her life-long dream of running a bed and breakfast in Fergus Falls.•

TRIBUTE TO ADOLPH KOEPPEL

• Mr. D'AMATO. Mr. President, on April 11, 1923, nearly seventy-five years ago, Adolph Koeppel was born in Brooklyn, New York.

He attended PS92 and New Utrecht High School. He went on to attend Brooklyn College for two years; but his studies were interrupted by the advent of World War II.

Mr. Koeppel served America with great distinction in the Navy from 1942 to 1945, where the ship on which he served, the USS Barton, came under attack at Okinawa and the Philippines.

Following his wartime military service, Mr. Koeppel attended New York University Law School, where he completed his LLB in 1948 and received an LLM in 1953. He has achieved great heights in the legal community, and to this day remains a true pioneer in the fields of condemnation and real estate tax appeals.

In addition, Mr. Koeppel is known for his achievements as a philatelist, having been awarded the Earl of Crawford Medal by the Royal Philatelic Society.

On April 11, he will celebrate his 75th birthday along with his wife of 54 years, Rhoda, his daughters Pamela and Leslie, and his granddaughters Melissa, Jennifer, and Tara.

Beyond all of his personal and professional achievements, Adolph Koeppel is a great humanitarian and community servant. I am proud to call him my friend, mentor, and counselor; and I am pleased to wish him a very happy 75th birthday. The people of New York are blessed to have him in our community.•

IN HONOR OF THE 47TH WEDDING ANNIVERSARY OF DR. LLOYD JOHN AND MARY JANE OGILVIE

• Mr. CLELAND. Mr. President, it is an honor today to celebrate the 47th Wedding Anniversary of Dr. Lloyd John and Mary Jane Ogilvie. It gives me great pleasure to congratulate them on their momentous and joyful day.

March 25, 1951, our Senate Chaplain and love of his life took their vows to become man and wife. This month marks 47 years of sharing their lives, dreams, work, struggles, laughs and tears, and commitment to each other. The Ogilvies were blessed with three children, Heather, Scott and Andrew, and are also the proud grandparents of four wonderful grandchildren, Erin, Airley, Bonnier and Scotter.

In an era where marriages are too often short lived, it is wonderful to see a couple who has endured the trials and tribulations that plague so many of today's marriage. The love and commitment they have demonstrated over the years should serve as an inspiration to us all.

Mr. President, I ask that you join me, our colleagues, and the entire Ogilvie family in recognizing the wonderful sense of achievement and happiness that marks the occasion of 47 years of marriage. I congratulate and offer best wishes on many more years of matrimonial bliss to my dear friends, the Ogilvies.•

UNIVERSITY OF IOWA WRESTLING TEAMS WINS NCAA CHAMPIONSHIP

• Mr. GRASSLEY. Mr. President, when many think of Iowa, they think of people with spirit, discipline, and a good old-fashioned work ethic. When sports enthusiasts think of Iowa, they think of superior college wrestling.

Two weekends ago in Cleveland, Ohio, for the fourth consecutive year, for the 7th time in the past 8 years, and for the 16th time in the last 21 years, the University of Iowa won the college wrestling national championship. Two weeks prior, for the 25th consecutive year, Iowa won the Big Ten Conference Championships. Individual titles were won by Mark Ironside, Jeff McGinness and Joe Williams and three other Iowans became All-Americans by placing second.

Imagine the attention a school would get if it won two, three or four consecutive NCAA basketball tournaments. Yet the University of Iowa's dominance in NCAA wrestling has become almost routine. Nevertheless, this year's victory was anything but routine. Because this year, Iowa won without its legendary coach, Dan Gable, who took the season off and is contemplating retirement.

As many know, Dan Gable is the world's most notable ambassador for the sport of wrestling. Gable grew up in

Iowa and compiled a 64–0 high school record. He attended Iowa State, where he was 118–1, and went on to win the Gold Medal at the Olympics in Munich in 1972. He won the Olympic tournament without allowing an opponent to score a single point against him.

Gable then went on to coach at the University of Iowa and win 15 national championships in his 21 years as coach. In doing so, he coached 9 consecutive national championships from 1978–1986 which is an NCAA record for all sports. Incidently, that streak was broken by Iowa State University who placed 6th this year in Cleveland.

Though he is largely unheralded outside of amateur athletics, his formula for success is as simple as it is difficult—hard work. Gable once said, "Like anything in life, it's not hard to be the best. It is as simple as outworking the opponent." His motto is "Hard work solves anything." But Gable didn't just say the words, he lived them. And he demanded his wrestlers live them as well.

Following Gable's 1971 Gold Medal victory in the World Championships in Bulgaria, he celebrated by taking a long run. For most, that was a time to relax, to enjoy your success. For Dan Gable it was an opportunity to get one practice ahead of any opponent he might face in the upcoming 1972 Olympic Games.

The notion of work and preparation is almost second nature in an agricultural state such as Iowa, where folks understand that you cannot harvest what you do not sow. That's why the other secret to the success of Iowa wrestling is that most of its wrestlers are Iowans. Seven out of the ten wrestlers that Iowa qualified for nationals are from the state of Iowa.

Furthermore the second-place team, Minnesota, a suburb of Iowa in wrestling terms, is coached by a former product of Iowa wrestling. And the coaches of Illinois, Wisconsin and Indiana are former Iowa wrestlers. Iowa's new coaches, Jim Zalesky, Lincoln McIlravy, Tom Brands and twin-brother Terry Brands collectively won 10 NCAA individual titles while wrestling for Dan Gable.

Gable once said the biggest benefit of sports is that "* * * it teaches an athlete to deal with adversity and adversity builds character." Perhaps, the greatest testament to Iowa's character is that they won a National Championship without Dan Gable. No one would have wanted that more than Gable himself.

Former NFL-great Frank Gifford commented, "Dan Gable is the most dedicated athlete I have ever known." The impact of his dedication prevails even in his absence, as the tradition of Iowa's wrestling dominance marches forward. Old-fashioned hard work still lives in Iowas and it still works for Iowa.

My congratulations to Iowa wrestling—the National Champions again!

FISCAL YEAR 1999 BUDGET RESOLUTION

• Mr. DODD. Mr. President, I rise today to express my views on the budget resolution. I commend the Budget Committee on the job it has done. Chairman DOMENICI and Senator LAUTENBERG should be praised for their efforts to bring a bill to the floor that balances the budget for the first time in 30 years. And yet, this resolution fails to adequately address some of our nation's most pressing priorities, including child care, education, and health care.

First, however, I would like to take a moment to discuss how we reached this historic moment when, for the first time since 1969, we present the American people with a budget that is in balance. The balanced budget we have today is a result of the hard work and progress we have made over the past few years to reduce the deficit. The effort dates back to 1990 when President Bush—despite strong opposition from his own party—boldly endorsed a plan that lowered the deficit by $500 billion and started us down the road to fiscal responsibility.

This effort was then continued by President Clinton in 1993 when he proposed a far-reaching economic plan, which is more appropriately called the Balanced Budget Plan of 1993. This balanced budget plan, which I supported, was enacted into law without a single Republican vote and has helped to reduce the deficit from $290 billion at the beginning of 1993 to an anticipated surplus this year. Despite the claims by my colleagues on the other side of the aisle that President Clinton's plan would doom our economy, this economic plan has put us on a road to solid recovery. It has reduced deficits by more than $1 trillion, led us to the lowest unemployment rate in 24 years, created 15 million new jobs, and resulted in the greatest number of Americans owning homes ever.

Most recently, Mr. President, we finished the job of balancing the budget when we enacted the Balanced Budget Act of 1997. The Balanced Budget Act of 1997, which I supported, not only reduced spending, but also cut taxes for the first time in 16 years, providing much-needed tax relief for working families. I was very pleased to support the Balanced Budget Act of 1997 because it protected our priorities such as fiscal discipline, child care, education, health care, and the environment.

Unfortunately, Mr. President, the resolution before us today fails to protect these priorities and turns its back on America's families and children. It fails to recognize many initiatives important to our children and families including quality child care, reducing class sizes, renovating and modernizing our children's schools, and promoting after-school learning.

The resolution provides no mandatory funding for either child care or early childhood education. Moreover, it explicitly excludes President Clinton's proposals to use any revenues from comprehensive tobacco legislation to pay for initiatives for children, including child care, anti-smoking education, children's health care, and improvements in education.

Clearly, the resolution before us shortchanges children, and that is why I offered an amendment to establish a deficit-neutral reserve fund which could be used to fund legislation designed to improve the affordability, availability and quality of child care, and to support families' choices in caring for their children. I was disappointed, obviously, when my amendment was defeated, but was pleased that the amendment had the support of fifty of my colleagues.

The resolution also reduces funding for the Administration's education priorities by $2 billion, and as a result, about 450,000 students could be denied safe after-school care in 1999, some 30,000 new children could be denied access to the Head Start program, and 6,500 middle schools would not have drug and violence prevention coordinators. And yet, while Republican budget increases funding above the President's request for Impact Aid, Special Education, and the title VI block grant, these increases come at the expense of many other priorities that also strengthen our commitment to children and education.

Mr. President, this budget as a whole ill-serves children and families, and that is why I was pleased to support the Democratic alternative budget offered by Senator LAUTENBERG. The Democratic alternative would strengthen our commitment to our priorities by providing funding for key initiatives such as hiring an additional 100,000 teachers, creating more after-school programs, and doubling the number of children who receive child care assistance. Further, the Democratic alternative moves us toward our goal of one million children in Head Start by 2002, doubles the number of children in early Head Start, and places up to 500,000 children in after school learning centers.

In addition, Mr. President, the Democratic alternative maintains our commitment to other Democratic priorities such as cleaning up the environment and investing in our transportation infrastructure. Moreover, it would expand Medicare coverage to Americans ages 55–65. And not least, Mr. President, the Democratic alternative strengthens Social Security by reserving the entire unified budget surplus, while maintaining strict fiscal

discipline by meeting the discretionary caps in all years.

I regret, Mr. President, that the Democratic alternative was defeated. And I regret that the resolution before us today is not one that I, in good conscience, can support. In my view, the Republican budget shortchanges America's working families. I am, however, hopeful that as we move forward in the budget process, we will craft legislation that focuses on priorities like child care, education, health care, and the environment. Finally, Mr. President, in our efforts to craft a budget that targets the needs of working families, it is imperative that we remain vigilant in our efforts to maintain fiscal responsibility.•

TRIBUTE TO RICHARD A. SEARFOSS, RICHARD M. LINNEHAN AND JAY CLARK BUCKEY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Commander Richard A. Searfoss, mission specialist Richard M. Linnehan and payload specialist Jay Clark Buckey for their participation in the April 16, 1998, Neurolab mission STS-90. These men are on the forefront of science, bravely pioneering the new frontier of space in an effort to investigate the effects of weightlessness on the brain, central nervous system, and sensory organs.

After graduating from Portsmouth Senior High School in New Hampshire, Rick Searfoss attended the United States Air Force Academy where he was awarded the Harmon, Fairchild, Price and Tober Awards as the top overall, academic, engineering and aeronautical engineering graduate in the Class of 1978. When Commander Searfoss was selected for the astronaut program, he was a flight instructor at the U.S. Naval Test Pilot School where he was named the Tactical Air Command F-111 Instructor Pilot of the Year in 1985. Having logged over 4200 hours flying time in 56 different types of aircraft, there can be no doubt about Commander Searfoss' courage or ability.

Richard M. Linnehan, a graduate of the University of New Hampshire, is a distinguished astronaut and veterinarian. After entering into private veterinary practice and further study of animal medicine and comparative pathology, Dr. Linnehan was commissioned as a Captain in the U.S. Army Veterinary Corps. He served as chief clinical veterinarian for the Navy's Marine Mammal Project at the Naval Ocean Systems Center in San Diego. Dr. Linnehan has been at the National Aeronautics and Space Administration (NASA) since 1992, where he has worked in the Shuttle Avionics Integration Laboratory and in the Astronaut Office Mission Development Branch. He was a member of the international crew of the STS-78 mission in 1996, the longest space shuttle flight to date.

Jay Clark Buckey, currently a NASA payload specialist and Associate Professor of Medicine at Dartmouth Medical School in Hanover, New Hampshire, has a distinguished record in aerospace medicine. Dr. Buckey has over twenty publications to his credit in the areas of space physiology, cardiovascular regulation and echocardiographic techniques. He is a former executive board member of the American Society for Gravitational and Space Biology, as well as a member of the Aerospace Medicine Association and American College of Physicians. His accomplishments at NASA include performing as co-investigator and project manager for the Spacelab Life Sciences-1 experiment "Cardiovascular Adaptation to Zero-Gravity," for which he received two NASA Certificates of Recognition for software developed.

WMUR-TV of Manchester and the Christa McAuliffe Planetarium of Concord are cooperating to offer a live interactive question-and-answer session with the New Hampshire astronauts on April 24, 1998, that will be shown in the Planetarium and relayed to students in the astronauts' hometowns of Portsmouth, Pelham and Hanover. Students will beam questions up to the astronauts and have the answers beamed back to them, giving the students a window into life aboard the space shuttle and an opportunity to speak with real live heroes.

Risking their own lives to determine the effects of space travel, these men exhibit bravery that should inspire us all. Mr. President, I want to congratulate Commander Richard A. Searfoss, mission specialist Richard M. Linnehan, and payload specialist Jay Clark Buckey for their outstanding work. I am proud to represent them in the U.S. Senate.•

THE CCC's REBUILDING OF AMERICA

• Mr. CLELAND. Mr. President, I rise today to honor President Franklin D. Roosevelt's Civilian Conservation Corps.

In March 1933, there were approximately 13,689,000 Americans unemployed. Millions were standing in bread lines, or desperately pleading with community volunteer organizations for help. Thousands were making homes out of abandoned farm buildings, or just roaming around the land with no home at all.

At this time, my home state of Georgia had already known "depression" for some time. An economic recession had begun in Georgia 10 years before the stock market crashed in 1929. Farmers had already faced a century of troubles including erosion problems, and a boll weevil epidemic that wiped out cotton crops across the state.

Who would have thought that Georgians' great hope would come in the form of a New Yorker, stricken by polio, who had sought out the healing Warm Springs of Georgia nearly ten years earlier. It was the frequent Georgia visitor President Franklin D. Roosevelt who looked out on America and said he saw "one third of a nation ill-clad, ill-housed and ill-nourished." In response, he offered the people of a suffering nation a sweeping bundle of proposals—a New Deal.

A cornerstone of FDR's initiative was the Civilian Conservation Corps (CCC), which was signed into law on April 5, 1933.

Conceived as an employment catalyst for young men, Roosevelt said his idea was "to create a civilian conservation corps, to be used in simple work, not interfering with normal employment, but confining itself to forestry, the prevention of soil erosion, flood control and similar projects."

By the summer of 1933, the CCC had more than 300,000 young men, ages 18 to 24, in camps across the country prepared to embark on what would be the largest public works and job creation project this country has ever known. In a radio address that summer, President Roosevelt called on the CCC to be the vanguard of the new spirit of the American future—a spirit of responsibility and opportunity.

My father was one of the young men who heard that call. A year later, in the summer of 1934, my father was a "CCC boy" based in a Clayton County camp as a truck driver, running supplies to camps in North Georgia, North Carolina and Tennessee. The CCC boys earned $30 per month running supplies like my father, planting trees, building roads and trails, making dams and walls and shelters.

Roosevelt's Corps was dedicated to several purposes. First, FDR created the CCC to relieve the massive unemployment problem our nation was facing. Second, FDR recognized the real work the CCC could do—rebuilding the country's depleted resources of forest and soil—would be at least as vital a purpose as job creation.

The third objective of the CCC, whose significance has perhaps become even more apparent as years have passed, was generally envisioned by FDR in his 1933 message to Congress:

> More important, however, than material gains, will be the moral and spiritual value of such work. We can take a vast army of the unemployed out into healthful surroundings. We can eliminate to some extent at least the threat that enforced idleness brings to spiritual and moral stability.

In other words, in a nearly inadvertent way, the CCC had the effect of not only rebuilding roads, trees and dams, but also of rebuilding men. While the challenges our country faces today

are vastly different than those of 1933, and the makeup of our corps of volunteers has become much more diverse than the young "CCC boys," the spirit of national service remains strong.

For example, the work of the more than 40,000 citizens now serving as part of the Corporation for National Service's AmeriCorps program is powerful proof that national service is as important now as it was for my father's generation.

A group of Georgians who recognize FDR's legacy of hope, opportunity and spirit of service are working to erect a statue honoring the Civilian Conservation Corps in Warm Springs, GA. How appropriate such a recognition would be. Roosevelt's CCC is an important piece of our nation's and our state's history, and something that should serve as an example for generations to come.•

TRIBUTE TO THE COMMUNITY BETTERMENT COMMITTEE OF MT. VERNON, MISSOURI

• Mr. BOND. Mr. President, I rise today to pay tribute to a tremendous accomplishment by the Community Betterment Committee of Mt. Vernon, Missouri, On April 23, 1998, a project that began almost 2½ years ago will be dedicated at a lighting ceremony. Lighting the Lawrence County Courthouse, once just a dream to many citizens, has now become a reality.

Through the perseverance of the Community Betterment Committee, private funds were raised to complete the project. The hard work put forth by the Mt. Vernon Community is impressive. Because of these efforts the Lawrence County Courthouse, for years to come, will be lit at night for people to enjoy.

I congratulate the Community Betterment Committee for their outstanding achievement. Additionally, I commend the Mt. Vernon community for their generosity, without which, none of this would have been possible. I wish them continued success in all future endeavors.•

THE TEXAS/MAINE/VERMONT COMPACT

• Mr. WELLSTONE. Mr. President, the Senate has just passed H.R. 629, legislation granting congressional consent to the Texas/Maine/Vermont Compact. I have often been asked why I—a senator from Minnesota—should have such a deep and abiding interest in this legislation, which appears to involve only those three states. Until this week, I had not agreed to a time limit for debate, and this held up consideration of the bill for more than year. I think I owe it to my colleagues to explain why I was insisting on a full and thorough debate, and why I think this discussion is so important.

What has troubled me from the very beginning is that this legislation would result in the dumping of low-level radioactive waste in a small, poor, majority-Latino community in rural West Texas—a town called Sierra Blanca. In this respect, the Texas/Maine/Vermont Compact is different from other Compacts the Senate has considered. We know beforehand where this waste will be dumped. The Texas legislation in 1991 identified the area where the dump will be located. The Texas Waste Authority designated the site near Sierra Blanca in 1992. A draft license was issued in 1996.

Whether we like it or not, this knowledge makes us responsible for what happens to Sierra Blanca. I'll be the first to acknowledge that this is a terrible responsibility. The fate of the people who live there ultimately rests in our hands. Their livelihoods, their community, their property, their health, their safety, and in many respects their lives, all depend on how we choose to proceed on this bill.

I believe very strongly that the Compact raises important and troubling issues of what has variously been described as "environmental justice," "environmental equity," "environmental discrimination," or "environmental racism." And a diverse array of civic organizations agree with me about this. The Texas NAACP, The Sierra Club, the League of United Latin American Citizens (or "LULAC"), Greenpeace, the Bishop and the Catholic Diocese of El Paso, the House Hispanic Caucus, Friends of the Earth, and Physicians for Social Responsibility, to name just a few.

As a very basic proposition, I think we can all agree that it's wrong for poor, politically powerless, minority communities to be singled out for the siting of unwanted hazardous waste dumps. It's wrong when that happens in Sierra Blanca, and it's wrong when it happens in hundreds of other poor minority communities all across this country. I want to do whatever I can to stop it, and I don't see why every one of us should not want to do the same. I don't understand why it should be considered unusual for a senator to care about these things. On the contrary, I think it should be unusual for a senator not to care about these things.

Let me tell you something about Sierra Blanca. It's a small town in one of the poorest parts of Texas, an area with one of the highest percentages of Latino residents. The average income of people who live there is less than $8,000. Thirty-nine percent live below the poverty line. Over 66 percent are Latino, and many of them speak only Spanish. It's a town that has already been saddled with one of the largest sewage sludge projects in the world. Every week Sierra Blanca receives 250 tons of partially treated sewage sludge from across country. And depending on what action Congress decides to take, this small town with minimal political clout may also become the national repository for low-level radioactive waste.

Supporters of the Compact would have us believe that the designation of Sierra Blanca had nothing to do with the income or ethnic characteristics of its residents. That it had nothing to do with the high percentage of Latinos in Sierra Blanca and the surrounding Hudspeth County—at least 2.6 times higher than the state average. That the percentage of people living in poverty—at least 2.1 times higher than the state average—was completely irrelevant. They would have us believe that Sierra Blanca was simply the unfortunate finalist in a rigorous and deliberate screening process that fairly considered potential sites from all over the state. That the outcome was based on science and objective criteria. I don't believe any of this is true.

Let me be clear. I'm not saying science played no role whatsoever in the process. It did. Indeed, based on the initial criteria coupled with the scientific findings, Sierra Blanca was disqualified as a potential dump site. It wasn't until politics entered the picture that Sierra Blanca was even considered.

I think its worth taking a moment to review how we get to where we are today. The selection criteria for the dump were established in 1981, and the Texas Waste Authority hired engineering consultants to screen the entire state for suitable sites. In March 1985, consultants Dames & Moore delivered their report to the Authority. Using "exclusionary" criteria established by the Authority, Dames & Moore ruled out Sierra Blanca and the surrounding area, due primarily to its complex geology.

Let me quote from that report. Features "applied as exclusionary as related to the Authority's Siting Criteria" included "the clearly exclusionary features of: complex geology; tectonic fault zones," et cetera. "The application of exclusionary geological criteria has had a substantial impact" in screening potential sites, the report observed. In its final composite, the report explained, "Complex geology and mountainous areas in West, West-Central, and the Panhandle of Texas were excluded," including the Sierra Blanca dump site. The report also found, "Many tectonic faults occur in West Texas within massive blocks of mountain ranges. This area includes El Paso [and] Hudspeth" counties "and has undergone several phases or episodes of tectonic disturbances." Finally, it went on to observe that, "Although not excluded, the remainder of Hudspeth County does not appear to offer good siting potential."

So much for the science. Repeatedly since the early 1980s, the Waste Authority has come back again and again to this politically powerless area. It has designated four potential sites in all, and—with one revealing exception—all of them were in Hudspeth County. There are only three communities in the entire County, all of them poor and heavily Latino, and all of them targeted by the Authority.

The one exception to the pattern was in 1985, after completion of the engineering consultants' report, Dames & Moore concluded that the "best" sites were in McMullen and Dimmit Counties, and the Waste Authority settled on a site in McMullen County. But this decision met with fierce opposition. Politically influential individuals demanded that the Authority move the dump to Hudspeth County.

At this point any pretense of objectivity was abandoned. The selection criteria were changed in 1985 so as to rule out the two "best" sites identified by Dames & Moore. The new criteria gave preference to sites located on state-owned land. This change had the effect of virtually guaranteeing selection of a site somewhere in Hudspeth County, large portions of which are owned by the state of Texas.

So the Waste Authority proceeded to designate, based on an informal and cursory process, five sites in Hudspeth County. Its clear choice, however, was Fort Hancock, one of the County's three poor Latino communities. Unfortunately for the Authority, the more politically powerful city of El Paso next door decided to fight back. Together with Hudspeth County, El Paso filed suit against the site selection. They argued that the Fort Hancock site was located in an area of complex geology—like Sierra Blanca, incidentally—and lay on a 100-year flood plain. The amazing thing is that they won. In 1991 U.S. District Court Judge Moody ruled in their favor and ordered that no dump could be built in Fort Hancock, Hudspeth County.

But the County's court victory was short-lived. The Waste Authority was clearly not about to give up. The Authority went back to the state legislature to get around Judge Moody's decision by once again changing the rules. A legislator from Houston, far to the East where the big utilities are based, proposed a bill that ignored all previous selection criteria and designated Fort Hancock once and for all. Interestingly enough, this maneuver aroused a great deal of public indignation, precisely because of the Authority's perceived discriminatory practice of dumping on Latino communities.

There was an impressive show of force against discrimination, but the outcome was not exactly what Hudspeth County had in mind. After Judge Moody's remarkable decision, lawyers for El Paso and the Waste Authority worked out a compromise. Fort Hancock would be saved, but a 400 square mile area further north in Hudspeth County would take its place. This oblong rectangle imposed on the map—an area that included Sierra Blanca—was subsequently dubbed "The Box." The Texas legislature passed the so-called "Box Law" by voice vote only days before the end of session in May 1991.

Once again, the previous site selection procedures were stripped away. The Box Law repealed the requirement that the dump had to be on public land, the very requirement that had pointed the Authority towards Hudspeth County in the first place. This was necessary because, at that time, the Sierra Blanca site was not public land at all. Most importantly, to prevent another troublesome lawsuit like the Fort Hancock debacle, the Box Law essentially stripped local citizens of the right to sue. It denied them all judicial relief other than an injunction by the Texas Supreme Court itself, and for this unlikely prospect citizens would be required to drive 500 miles to Austin.

This story is depressingly familiar. A similar scenario unfolds over and over again in different parts of the country, with different names and faces in every case. Sometimes there is no intention by anyone to discriminate. But pervasive inequalities of race, income, and access to the levers of political power exercise a controlling influence over the siting of undesirable waste dumps. The people who make these decisions sometimes are only following the path of least resistance, but in far too many instances the result is a targeting of poor, politically marginalized minority communities who lack the political muscle to do anything about it.

The remarkable thing about this story is that some people in Hudspeth County did fight back. Dell City fought back and won in the early 1980s. Fort Hancock fought back and won their court case in 1991. And make no mistake, the people of Sierra Blanca are fighting back, too. Many of them have been here on the Hill. Father Ralph Solis, the parish priest for Sierra Blanca and Hudspeth County, was here in February, and his delegation may have visited your office. These people know that the odds are stacked against them, but they are persevering just the same.

One of the amendments I included in this bill is intended to give them a fighting chance. It gives them their day in court—the right to challenge this site selection on grounds of environmental justice. It says that the Compact cannot be implemented in any way—and that would include the siting process, the licensing process, or the shipment of waste to the site—that discriminates against communities because of their race, national origin, or income level. If local residents can prove discrimination in court, then they can stop the Compact Commission from operating the dump. They don't have to prove intent, by the way, although that certainly would be sufficient. All they have to show is disparate treatment or disparate impact.

I know some of my colleagues don't believe issues of environmental justice are implicated here. Or they may think this is not a question for the Senate to decide. I believe this amendment meets the concerns of those colleagues. All my amendment does is give local residents the right to make their case in court. There is no guarantee they will win. After all, it is extremely difficult to prove environmental discrimination. But I'm glad this amendment has been accepted as part of H.R. 629, and I certainly will insist that it be included in any final legislation passed by this body. I do not see how anyone would want to deny these people a chance to make their case.

Short of defeating the bill outright, I believe passing this amendment is the only way for us to do right by the people of Sierra Blanca. Yet, as amazing as it sounds, Compact proponents also claim to have the best interests of Sierra Blanca at heart. They claim the Compact will protect local residents because it keeps out waste from states other than Maine and Vermont. They have used this argument again and again, in Sierra Blanca, in the Texas legislature, in the House of Representatives, and they're using it again in the United States Senate. But this argument makes no sense. The dump does not have to be built, it is indeed unlikely to be built without congressional consent to this Compact, and the Compact would not protect Sierra Blanca in any event.

The point that keeps getting lost here is there's no compelling reason why the Sierra Blanca dump must be built. Some of you might have seen the headline in the New York Times on December 7 of last year: "Warning of Excess Capacity in Nation's Nuclear Dumps—New Technology and Recycling Sharply Reduce the Volume of Nuclear Waste." The article discusses a study by Dr. Gregory Hayden, the Nebraska Commissioner for the Central Interstate Compact Commission. Dr. Hayden found that "there is currently an excess capacity for low-level radioactive waste disposal in the US without any change to current law or practice." He went on to explain, "These disposal sites have had low utilization due to falling volumes since 1980. Thus, a high capacity remains for the future, without any change to the current configuration of which states may ship to which disposal site." Let me repeat the essential point: there is no compelling need for any new low-level radioactive waste dumps in this country. And if no new dump is built, nobody can argue

that the compact is needed to protect Sierra Blanca.

The most popular argument for building another dump involves disposal of medical waste. I'm sure all of you have heard it. It's claimed that waste from medical facilities and research labs is getting backed up—that it has to go somewhere. But let me emphasize one central and indisputable fact: over the last few years, over 99 percent of the waste from Maine and Vermont has come from nuclear reactors. Less than one percent has been from hospitals and universities. And from all three states, 94 percent of the low-level waste between 1991 and 1994 came from reactors. This dump is being built—first and foremost—to dispose of radioactive waste from nuclear reactors, not from hospitals.

So why are the nuclear utilities hiding behind hospitals and universities? It's not very hard to figure out. In 1984 the Texas Waste Authority hired a public relations firm to increase the popularity of nuclear waste. The PR firm recommended, "A more positive view of safe disposal technologies should be engendered by the use of medical doctors and university faculty scientists as public spokesmen for the [Texas Waste] Authority." "Whenever possible," the report said, "the Authority should speak through these parties." Well, that advice has been followed to the letter. We all have sympathies for hospital work and university research. I know I do. But we cannot let those sympathies blind us to the existing excess capacity for disposal of low-level waste.

Not only has there been no convincing demonstration of need for this dump, but odds are no dump will be built if the Compact fails. Let me quote from an article from the Texas Observer of last March: "Texas generates nowhere near enough waste on its own to fill a three-million cubic feet dump, and by its own projections [the Texas Waste Authority] could not survive without Maine and Vermont's waste." Moreover, there are indications the Texas legislature will not appropriate funding to build the dump if Congress rejects this Compact. Texas lawmakers refused the Waste Authority's request for $37 million for construction money in FY 1998 and FY 1999. In fact, the Texas House initially zeroed out all funding for the Authority, but funding for licensing was later restored in conference committee. My understanding is that construction funding was made contingent on passage of the Compact, whereupon Maine and Vermont will each be required to pay Texas over $25 million.

Supporters of the Compact are trying to have it both ways. When challenged about the environmental justice of targeting Sierra Blanca, they respond that no site has been selected, and environmental justice can only be addressed if and when that ever happens. Then in the same breath they insist that the dump in Sierra Blanca is definitely going forward and the Compact is therefore necessary to protect local residents from outside waste. So which is it? Either the Sierra Blanca dump is a done deal or it's not. The truth is, the most likely scenario is that the dump will be built in Sierra Blanca if Congress approves this Compact, subject to any legal challenges, but the project will not go forward if the Compact is rejected.

Even if the dump is built, however, the Compact does not protect Sierra Blanca. The Compact Commission would be able to accept low-level radioactive waste from any person, state, regional body, or group of states. All it would take is a majority vote of the Commissioners, who are appointed by the Compact state governors. Why should the people of Sierra Blanca expect unelected commissioners to keep waste out of their community? Is there anything in their recent experience that would justify such faith?

The fact is, the state will have every economic incentive to bring in more waste. The November 1997 report by Dr. Hayden concluded that "the small volume of waste available for any new site would not allow the facility to take advantage of economies of scale. Thus, it would not even be able to operate at the low-cost portion of its own cost functions." The new dump will need high volume to stay profitable. The Texas Observer reports, "A 1994 analysis by the Houston Business Journal suggests that the Authority would open the facility to other states to keep it viable."

We have here the potential for establishing a new national repository for low-level nuclear waste. Not only will Texas have an incentive to bring in as much waste as possible, but the same will be true of nuclear utilities. The more waste goes to Sierra Blanca, the less they will be charged for disposal. Rick Jacobi, General Manager of the Texas Waste Authority, told the Houston Business Journal: "The site is designed for 100,000 cubic feet per year, which would be about $160 per cubic foot. But if only 60,000 cubic feet per year of waste arrives, the price would be $250 per cubic foot." That's a big difference. As Molly Ivins says, "That sure would drive up costs for Houston Lighting and Power and Texas Utilities." And the going rate at one existing dump is a whopping $450 per cubic foot. In the end, it will be in the economic interest of everyone—from the nuclear utilities to the Waste Authority—to ship as much waste to Sierra Blanca as they can.

My second amendment addresses this problem. Throughout the process of approving the Compact, supporters claimed the waste would be limited to three states. I want to hold them to that promise. My amendment puts that promise in writing. I doubt anyone would disagree that this understanding was shared by everyone who participated in the Compact debate. If Compact supporters truly plan to limit waste to three states, which has been everyone's understanding all along, they can have no objection to my amendment. It's nothing but a protection clause. A nearly identical amendment—called the Doggett Amendment—was attached to the bill passed by the House. I am pleased that the Senate has accepted my amendment, but I will insist that it be included in any final legislation passed by this Congress.

There are other issues I will not be able to address with amendments. I think there is a fundamental concern about whether this kind of disposal is safe at all. The League of Conservation Voters warns that, despite the hazards involved, waste will be buried in soil trenches destined to leak, as have nuclear dumps in Kentucky, Illinois, and Nevada. LCV did score the House vote on final passage, and has announced that it may score Senate votes as well.

There is also an obvious concern about the unsuitability of Sierra Blanca's geology—the exclusionary criterion from the 1985 Dames & Moore report. Sierra Blanca is situated right in the middle of the state's only earthquake zone. Its 1993 license application stated that this is "the most tectonically active area within the state of Texas." In April 1995 there was a 5.6 earthquake 100 miles away, in Alpine, Texas. And there have been two tremors in the area in the last four years.

The concern about the environmental impact of this dump extends well beyond the border. The Mexican equivalent of the EPA announced its opposition on March 5 on grounds that the Sierra Blanca dump poses an environmental risk to the border region. On February 11, the Mexican Congress, represented by its Permanent Commission, declared "that the project in Sierra Blanca in Texas, and all such dumping projects along the border with Mexico, constitute an aggression against national dignity." Moreover, the project apparently violates the 1983 La Paz Agreement between Mexico and the U.S., which commits both countries to prevent pollution affecting the border area.

My paramount concern, however, and the reason I have resisted a time agreement on this bill, was that I could not stand by and watch while a poor, politically powerless, Latino community was targeted to become the premier repository of low-level nuclear waste for the entire country. Much less give it my blessing. Not when I have the power to do something about it. At the very least, the amendments I included in this bill will keep Sierra Blanca

from becoming a national dump, and will give local residents their day in court to seek elusive relief from environmental discrimination.

I hope my amendments accomplish something more than that, as well. I hope they keep alive the spirit of community this controversy has ignited. The newspaper columnist Molly Ivins has written that "this is community action and local organizing at its very best." I couldn't agree more. We have to maintain grass-roots pressure on the House or the conference committee, as case may be, to keep these amendments in the bill. And I hope the residents of Sierra Blanca will continue this struggle in every forum possible. I do believe they have right on their side, and I am still naive enough to hope and believe that right can beat might, and that justice can prevail against the odds.•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 2, 1998, the federal debt stood at $5,540,086,164,177.98 (Five trillion, five hundred forty billion, eighty-six million, one hundred sixty-four thousand, one hundred seventy-seven dollars and ninety-eight cents).

One year ago, April 2, 1997, the federal debt stood at $5,376,710,000,000 (Five trillion, three hundred seventy-six billion, seven hundred ten million).

Five years ago, April 2, 1993, the federal debt stood at $4,233,931,000,000 (Four trillion, two hundred thirty-three billion, nine hundred thirty-one million).

Fifteen years ago, April 2, 1983, the federal debt stood at $1,246,551,000,000 (One trillion, two hundred forty-six billion, five hundred fifty-one million).

Twenty-five years ago, April 2, 1973, the federal debt stood at $457,874,000,000 (Four hundred fifty-seven billion, eight hundred seventy-four million) which reflects a debt increase of more than $5 trillion—$5,082,212,164,177.98 (Five trillion, eighty-two billion, two hundred twelve million, one hundred sixty-four thousand, one hundred seventy-seven dollars and ninety-eight cents) during the past 25 years.•

TRIBUTE TO WILLENE EVERETT

• Mr. DODD. Mr. President, I rise to pay tribute to a remarkable woman who was hailed as the "grand dame of community action" by her local paper upon her passing: Willene Everett of Meriden, Connecticut. Sadly, Mrs. Everett died this past summer at the age of 74.

For 31 years, Mrs. Everett worked at the Meriden Community Action Agency, where she headed the Elderly Nutrition Program for 15 years and the children's Summer Lunch Program for 10 years. She packed a lifetime worth of achievement into her tenure at the Agency, but her life was filled with many great experiences and accomplishments before she took this job.

Her job experience ranged from working as a beautician to a mortician. And perhaps the most noteworthy of these was her experience in the military, where she served in France, Germany and England during World War II as a Staff Sergeant in the U.S. Army.

But most of us in Connecticut will always associate Willene Everett with her work at the Community Action Center in Meriden. During her 31 year tenure, she made countless contributions. She helped to feed 1,500 people a day—both young and old. She also took the time to do the little things that brighten people's lives: sending birthday or get well cards to patrons of the Center, setting up a recipe exchange at work, traveling through snow storms to make sure that people at the Center had their breakfast and coffee.

Her work extended far beyond the Senior Center. She was President of "The Laurel Club," a social club known for its charitable work and efforts to provide scholarship funds for young African-Americans in the Meriden area. She was also active in the local NAACP and YWCA.

Her efforts did not go unrecognized. She was invited to and attended a White House Conference on Aging African-Americans during the Carter Administration. Among her awards, she received the YWCA's "Woman in Leadership Award," the "Woman of the Year" by the Girls' Club, and the "State of Connecticut General Assembly Award" in recognition of her civic and charitable work. In addition, the dining hall at the Seniors Center in Meriden has been named "Willene's Place" and a scholarship fund bearing her name is being established in her honor.

By renaming the dining hall and creating this scholarship fund, Willene Everett's name will carry on. But for those who knew her, there is no need for any form of tribute to ensure her remembrance. She was a caring and compassionate person, and she will never be forgotten by the people of Meriden, whose lives she touched and brightened.

Willene Everett is survived by her husband Edward and her children JoAnn and Steven. She was a loving wife and mother, and this year would have actually marked her 50th wedding anniversary. She is dearly missed, and I offer my heartfelt condolences to her family.•

UNANIMOUS-CONSENT AGREEMENT—H.R. 2709

Mr. LOTT. Mr. President, I ask unanimous consent that no earlier than May 20—however, no later than May 22—it be in order for the majority leader, after consultation with the minority leader, to turn to the consideration of Calendar No. 299, H.R. 2709. I ask unanimous consent that it be considered under the following limitations: The only amendments in order be the Levin amendment relating to the date of behavior subject to sanctions and a relevant second-degree amendment to be offered by Senator LOTT to the Levin amendment; that there be 1½ hours of debate on the bill divided in the usual form and 1½ hours on the amendments divided in the usual form. I further ask unanimous consent that following the expiration or yielding back of time and the disposition of any pending amendments, the bill be read a third time and the Senate proceed to vote on the passage of H.R. 2709 with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Just one brief note, Mr. President. This does have to do with the Iran sanctions. We are still very much concerned that Russian companies are providing technology to Iran that could be used in very dangerous ways. The administration has been working with Russia to try to address this problem, but sufficient progress has not been made. The Senate cannot in good conscience allow this resolution to pend indefinitely without it being useless, so we are trying to set a time certain so that we can see if progress is being made. If not, the Senate should act.

CONVEYANCE OF CERTAIN LANDS AND IMPROVEMENTS IN VIRGINIA

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3226 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3226) to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3226) was passed.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to the provisions of S. Res. 208 of the

105th Congress, appoints the Senator from Utah (Mr. BENNETT) as Chairman of the Special Committee on the Year 2000 Technology Problem.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105–78, appoints Dr. Robert C. Talley, of South Dakota, as a member of the National Health Museum Commission.

AUTHORITY FOR COMMITTEES TO FILE

Mr. LOTT. Mr. President, I ask unanimous consent that committees have between 11 a.m. and 3 p.m. on Tuesday, April 14, to file committee reported legislation and executive items.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 240, 559, 566, 568, 570, 571, 575, 576, and 577. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

STATE JUSTICE INSTITUTE

Sophia H. Hall, Illinois, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2000.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS

Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development for the remainder of the term expiring May 19, 2000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Rebecca T. Bingham, of Kentucky, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Martha B. Gould, of Nevada, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2002.

SECURITIES AND EXCHANGE COMMISSION

Arthur Levitt, Jr., of New York, to be a Member of the Securities and exchange Commission for the term expiring June 5, 2003.

THE JUDICIARY

Ivan L. R. Lemelle, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

DEPARTMENT OF JUSTICE

Richard H. Deane, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Stephen C. Robinson, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Daniel C. Byrne, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

JUDICIAL CONFIRMATION

Mr. LEAHY. Mr. President, I thank the Majority Leader for calling up the nomination of Ivan Lemelle to the District Court for the Eastern District of Louisiana.

Judge Lemelle's nomination has been pending over a year. When the Chief Judge of the Eastern District of Louisiana testified in May 1996 that the vacancies on that Court should not be filled, it put this nomination on hold. I only wish that when the Chief Justice of the United States says that we need more judges, when Chief Judges in the Second Circuit and other Circuits and Districts say that they need their vacancies filled without further delay, we would listen to them.

Judge Sear has recently written a letter to Senator BREAUX that reports that his Court now unanimously votes to fill the two vacancies in that District. I know that as a Magistrate Judge Ivan Lemelle has already contributed to the administration of justice in that District. It is high time to provide him the opportunity to contribute more fully to handling the District's caseload.

I congratulate and thank Senator BREAUX and Senator LANDRIEU for their effective advocacy in support of this nomination.

Before adjourning for a two-week recess, it is important for the Senate to clear its calendar of nominations to the maximum extent possible. We made some progress today. I have been urging the Majority Leader to move judicial nominations through the Senate and I thank him for moving Judge Lemelle.

As the Senate recesses, seven judicial nominations still remain on the calendar awaiting Senate action. With this additional confirmation, the Senate will still have confirmed only 20 judges for the year in which the Federal courts have experienced 100 vacancies. So, while I thank the Senate for its actions today, I must note that we have not ended the crisis of which the Chief Justice of the United States Supreme Court warned in his most recent year end report.

Most troubling to me are the continuing vacancies on the Second Circuit. I deeply regret the Senate's unwillingness to vote upon the nomination of Judge Sonia Sotomayor to the Second Circuit or to provide hearings for Judge Rosemary Pooler, Robert Sack and Chester Straub. I look forward to action on these and the other judicial nominees left pending before the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AVIATION MEDICAL ASSISTANCE ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2843 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2843) directing the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, the Commerce Committee has agreed to discharge H.R. 2843, the Aviation Medical Assistance Act of 1998. The companion Senate bill, S. 1584, was introduced by Senators FRIST and DORGAN and was also referred to the Commerce Committee.

Mr. FORD. I thank the Chairman. There is one point I want to make about the bill. The report accompanying the House version of H.R. 2843, House Report 105–456, notes that the Federal Aviation Administration (FAA) has the discretion not to require defibrillators on aircraft with a payload capacity of more than 7,500 pounds, or at small airports. The report goes on to indicate that the smaller aircraft, less than the size of major carrier jets, typically have "relatively narrow aisles and limited open floor space at the entry door and in the service areas." Is it the Senator's understanding that the FAA has the discretion not to require defibrillators on small aircraft typically used by the regional airlines?

Senator MCCAIN. That is my understanding.

Senator FORD. So for example, the FAA could require the use of defibrillators on board a Boeing 747, but has the discretion not to do so for classes of aircraft, like regional jets or turbo prop aircraft. Is that correct?

Senator FRIST. If I could indicate to the Chairman and other members, it is the intention of the authors of the bill to provide the FAA with the ability to

make just that sort of determination. The bill clearly gives the FAA the ability to use its judgement, to take into account many factors, in determining the size and type of aircraft, subject to any defibrillator requirement. For example, the report accompanying the House bill talks about the ability of smaller aircraft to land in the event of an emergency more quickly than larger aircraft because they need shorter runways. The report "urges the FAA to consider these factors in deciding where to draw the line".

Senator MCCAIN. I appreciate the comments of my colleagues to clarify the intent of the bill.

Senator FORD. I thank the Chairman and my colleagues.

Mr. LOTT. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2843) was passed.

ORDERS FOR MONDAY, APRIL 20, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 257, until 11 a.m. on Monday, April 20; and, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to 2 hours of morning business, with time to be divided as follows: 1 hour under the control of Senator HAGEL, 1 hour under the control of Senator DASCHLE.

I further ask that following the morning business period, the Senate proceed to consideration of the Coverdell education savings account bill under the consent agreement of March 27, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. When the Senate reconvenes from the Easter holidays, we then will resume consideration of the Coverdell education A+ bill. In addition, it is hoped the Senate will be able to consider the NATO enlargement treaty the first week after the Senate reconvenes. I want to emphasize again that that will be done only after careful consideration of the arguments of those who are for the treaty enlargement and also the arguments of those who are opposed. We want to make sure we have ample time for all the arguments to be heard on both sides. So we will work early in the week to make sure we get a time agreement that is satisfactory.

We also hope to take up the State Department Reauthorization Conference Report under a time agreement.

As earlier announced, there will be no rollcall votes on the Monday that we return, so the next votes then will occur on Tuesday, April 21, at 10 a.m. The Senate could consider further votes on Tuesday morning as a result of debate on the Coverdell education bill, because we do have 15 amendments that could be offered as well as second-degree amendments to those. Senators should expect votes throughout the day of Tuesday, April 21, and we will begin early in the morning and we will go potentially late into the night that day.

ADJOURNMENT UNTIL MONDAY, APRIL 20, 1998, AT 11 A.M.

Mr. LOTT. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of H. Con. Res. 257.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in adjournment until the hour of 11 a.m., Monday, April 20, 1998.

Thereupon, the Senate, at 2:18 p.m., adjourned until Monday, April 20, 1998, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 1998:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS

KATHERINE L. ARCHULETA, OF COLORADO, TO BE A MEMBER OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 2000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

REBECCA T. BINGHAM, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2001.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

MARTHA B. GOULD, OF NEVADA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002.

SECURITIES AND EXCHANGE COMMISSION

ARTHUR LEVITT, JR., OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2003.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000.

THE JUDICIARY

IVAN L. R. LEMELLE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

DEPARTMENT OF JUSTICE

RICHARD H. DEANE, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

STEPHEN C. ROBINSON, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

DANIEL C. BYRNE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.