

This agreement will lead to greater efficiency in providing ocean transportation services to U.S. importers and exporters, and will benefit American consumers. U.S. importers and exporters will now, under the reforms of S. 414, be able to enter into more comprehensive and productive contractual relationships with ocean carriers. At the same time, S. 414 provides important protections for ports and labor which will safeguard their interests in a more deregulated environment.

Mrs. HUTCHISON. Mr. President, I'd like to join my colleagues in commending the industry representatives for their efforts in crafting the modifications which have allowed them to join together in support of ocean shipping reform. The scope of industry support is impressive and includes U.S. and foreign flag carriers, the National Industrial Transportation League, the American Association of Port Authorities, and organized labor.

I would like to detail some of the modifications to the manager's amendment of S. 414. I believe these modifications show how much thought and work have gone into this agreement. Those modifications being made to the manager's amendment of S. 414 are as follows:

1. Amend section 8(c) of the 1984 Act to provide that all service contracts are treated in a uniform manner. Individual ocean carrier and agreement service contracts would be filed confidentially with the FMC, and an abbreviated set of essential terms would be made publicly available. A similar uniform method of contract regulation was unanimously adopted by the Senate Committee on Commerce, Science, and Transportation for S. 414 and was included in the bill as reported. This addresses the core concern and goal of shippers and various carriers who want to be able to enter into contracts with confidential rates and service terms. At the same time, it allows for some transparency, thereby addressing the concerns of ports, labor and some small shippers and carrier interests.

2. Revise section 8(c) of the 1984 Act to provide for a mechanism for labor organizations to obtain information on the movement of cargo in the dock or port area that would otherwise not be disclosed as a result of these amended service contract publication requirements. This will help these organizations to continue to enforce their collective bargaining agreements with ocean carriers.

3. Continue the existing requirement that NVOCCs offer their services to shippers pursuant to tariffs, instead of service contracts. NVOCCs, as shippers, are free to pursue the purchase of ocean carrier service through the amended service contract process.

4. Amend section 10(c)(4) of the 1984 Act to permit ocean carriers to jointly negotiate U.S. inland transportation rates and services with truck, rail or air carriers when such negotiations are subject to pro-competitive restrictions,

such as the antitrust laws. Today, ocean carriers cooperate with respect to the utilization of space on vessels. Enabling them to cooperate in connection with rail service, for example, will allow for greater efficiencies. Such cooperation could improve movement of containers in and out of the port area.

5. Revise section 13(f) of the 1984 Act to make clear that, while a common carrier may be penalized for charging shippers less than its tariff or service contract rates, a carrier should not be able to collect from the shipper the difference between the tariff or contract rate and the rate actually charged and agreed upon in writing. The collection of these so-called "undercharges" was a major problem for shippers when the trucking industry was deregulated. We want to avoid any recurrence of that problem in connection with ocean shipping reform.

Finally, we will clarify that members of an agreement will not be penalized under the revised 1984 Act because a member divulges confidential service contract information. The offending member will be liable for breach of contract damages, but the government should have no role in policing the confidential agreements of carriers and shippers. While no revision to S. 414 is needed to accomplish this objective, an appropriate statement of clarification will be made by the managers of the bill.

Mr. President, again let me express my appreciation to all those who have worked on and support these modifications and the passage of meaningful ocean shipping reform. I and my colleagues, as well as the maritime industry, look forward to enacting this bill this year.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:40 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1544. An act to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits.

H.R. 2181. An act to ensure the safety of witnesses and to promote notification of the

interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1544. An act to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits; to the Committee on the Judiciary.

H.R. 2181. An act to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on February 25, 1998, by the President pro tempore (Mr. THURMOND):

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on February 26, 1998 he had presented to the President of the United States, the following enrolled bills:

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1534. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 181. A resolution expressing the sense of the Senate that on March 2nd, every child in America should be in the company of someone who will read to him or her.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1244. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert C. Hinson, 6467

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Gary A. Winterberger, 7009

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Russell C. Axtell, 1784

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Garry R. Trexler, 6465

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Larry K. Arnold, 3721

Brig. Gen. James H. Bassham, 8202

Brig. Gen. George F. Scoggins, Jr., 5952

To be brigadier general

Col. James F. Barnette, 4440

Col. Ralph J. Clift, 6308

Col. Harold A. Cross, 6940

Col. Thomas G. Cutler, 0206

Col. Gilbert R. Dardis, 0949

Col. Thomas P. Maguire, Jr., 5939

Col. Barbara J. Nelson, 8708

Col. Avrum M. Rabin, 7297

Col. Gary L. Saylor, 7927

Col. Andrew J. Thompson, IV, 0451

Col. Harry A. Trosclair, 5962

Col. Stephen L. Vonderheide, 3217

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Fred E. Ellis, 9826

Brig. Gen. Edward R. Jayne, II, 0797

Brig. Gen. Carl A. Lorenzen, 9580

Brig. Gen. Richard A. Platt, 5817

Brig. Gen. John H. Smith, 7849

Brig. Gen. Irene Trowell-Harris, 0379

To be brigadier general

Col. William E. Bonnell, 6991

Col. Edward H. Greene, II, 8459

Col. Robert H. Harkins, III, 3718

Col. James W. Higgins, 5324

Col. Robert F. Howarth, Jr., 5285

Col. Thomas C. Hrubby, 4185

Col. Richard S. Kenney, 4868

Col. Phil P. Leventis, 5798

Col. Charles A. Morgan, III, 9002

Col. Jerry W. Ragsdale, 4281

Col. Lawrence D. Rusconi, 1916

Col. Richard H. Santoro, 9860

Col. Wayne L. Schultz, 7036

Col. Ralph S. Smith, Jr., 2016

Col. Ronald C. Szarlan, 0548

Col. James K. Wilson, 1397

Col. Ruth A. Wong, 1961

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William P. Tangney, 4937

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Keane, 9856

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John M. McDuffie, 7976

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William F. Kernan, 5841

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph W. Godwin, 9278

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C. section 12203:

To be brigadier general

Col. James E. Caldwell, III, 1384

Col. Robert C. Hughes, Jr., 4532

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Arnold L. Punaro, 8503

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John W. Bergman, 6022

Col. John J. McCarthy, Jr., 8507

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Martin R. Berndt, 8515

Brig. Gen. David F. Bice, 8140

Brig. Gen. Wallace C. Gregson, Jr., 5925

Brig. Gen. Michael W. Hagee, 5620

Brig. Gen. Michael A. Hough, 9437

Brig. Gen. Dennis T. Krupp, 6282

Brig. Gen. Robert Magnus, 6252

Brig. Gen. David M. Mize, 9683

Brig. Gen. Henry P. Osman, 9358

Brig. Gen. Garry L. Parks, 1088

Brig. Gen. Randall L. West, 8789

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (1h) Jay A. Campbell, 8580

Rear Adm. (1h) Robert C. Chaplin, 7451

Rear Adm. (1h) James C. Dawson, Jr., 7743

Rear Adm. (1h) Malcolm I. Fages, 4038

Rear Adm. (1h) Scott A. Fry, 5541

Rear Adm. (1h) Gregory G. Johnson, 3052

Rear Adm. (1h) Albert H. Konetzni, Jr., 2358

Rear Adm. (1h) Joseph J. Krol, Jr., 6388

Rear Adm. (1h) Richard W. Mayo, 4195

Rear Adm. (1h) Michael G. Mullen, 9509

Rear Adm. (1h) Larry D. Newsome, 7662

Rear Adm. (1h) William W. Pickavance, Jr., 9782

Rear Adm. (1h) William L. Putnam, 6795

Rear Adm. (1h) Paul S. Semko, 1736

Rear Adm. (1h) Robert G. Sprigg, 0549

Rear Adm. (1h) Donald A. Weiss, 7917

Rear Adm. (1h) Richard D. West, 7494

Rear Adm. (1h) Harry W. Whiton, 2916

Rear Adm. (1h) Thomas R. Wilson, 1606

Rear Adm. (1h) George R. Yount, 7416

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. (1h) Kathleen L. Martin, 3639

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 23 nomination lists in the Air Force, Army, Marine Corps, and the Navy which were printed in full in the Records of November 6, 1997, January 29, February 11 and 12, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of November 6, 1997, January 29, February 11 and 12, 1998, at the end of the Senate proceedings.)

In the Air Force nominations beginning Naomi A. Behler, and ending Bryce C. Shutt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 6, 1997.

In the Air Force nominations beginning John G. Bitwinski, and ending Gary A. Howell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Air Force nominations beginning Kurt W. Andreason, and ending Rawson L. Wood, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Air Force nominations beginning David W. Arnett, II, and ending Bruce E. Vanderven, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning James P. Neely, and ending John C. Warnke, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning Roland G. Alger, and ending Johnnie Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.