

Phonograms Treaty, and a "no reservations" provision, such as that contained in Article 22 of the Copyright Treaty, have the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) CONDITION FOR RATIFICATION.—The United States shall not deposit the instruments of ratification for these Treaties until such time as the President signs into law a bill that implements the Treaties, and that shall include clarifications to United States law regarding infringement liability for on-line service providers, such as contained in H.R. 2281.

(2) REPORT.—On October 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Treaties, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Treaties to ratify and implement them.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Treaties that implement commitments under the Treaties, and an assessment of the compatibility of the laws of each country with the requirements of the Treaties.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under the Treaties, and to advance its object and purpose, during the previous year. This shall include an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Treaties, including its efforts to:

(i) investigate and prosecute cases of piracy;

(ii) provide sufficient resources to enforce its obligations under the Treaties;

(iii) provide adequate and effective legal remedies against circumvention of effective technological measures that are used by copyright owners in connection with the exercise of their rights under the Treaties or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the copyright owners concerned or permitted by law.

(D) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Treaties, including work on any new treaties related to copyright or phonogram protection.

(E) EXPANDED MEMBERSHIP.—A description of U.S. efforts to encourage other non-signatory countries to sign, ratify, implement, and enforce the Treaties, including efforts to encourage the clarification of laws regarding Internet service provider liability.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited

by the Constitution of the United States as interpreted by the United States.

#### 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. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

By Mr. MACK:

S. 2630. A bill to amend the Internal Revenue Code of 1986 to provide a special rule regarding allocation of interest expense of qualified infrastructure indebtedness of taxpayers; to the Committee on Finance.

By Mr. JOHNSON:

S. 2631. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2632. A bill for the relief of Thomas J. Sansone, Jr; to the Committee on Labor and Human Resources.

By Mr. FRIST:

S. 2633. A bill to amend the Internal Revenue Code of 1986 to allow registered vendors to administer claims for refund of kerosene sold for home heating use; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2634. A bill to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GREGG (for himself and Mr. BREAUX):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 299. A resolution to authorize testimony and representation in BCCI Holdings (Luxembourg), S.A., et al. v. Abdul Raouf Hasan Kahlil, et al; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

##### REGIONAL JET INVESTMENT TAX CREDIT

• Mr. DORGAN. Mr. President, today I am introducing legislation to help

bring much-needed regional jet service to underserved communities. This legislation is designed to help restore air service to underserved communities and to stimulate airline competition by offering an investment tax credit to new entrant carriers to provide regional jet service to underserved markets. My bill also significantly reduces the current airline ticket tax on passengers flying in and out of rural America. Together, these tax incentives will encourage new entrants to enter thinner rural markets.

This legislation has two objectives: (A) incentivize the purchase and deployment of regional jets for underserved markets; and (B) stimulate competition in rural areas by providing financial incentives for new entrants to serve underserved markets with regional jets. Using tax credits is a fair and effective means to accomplish these goals.

Most small communities have not benefitted from airline deregulation. In fact, airline deregulation has been a steady decline for much of rural America. Since 1978, when the Congress deregulated the airline industry, more than 30 small communities have had jet service replaced with turbo prop service; out of the 320 small communities served by a major airline in 1978 declined from 213 to 33 by 1995; and the number of small communities receiving service to only one major hub airport nearly doubled, increasing from 79 in 1978 to 174 in 1995.

Countless studies from the General Accounting Office and the U.S. Department of Transportation have documented that as the airline industry grows more and more concentrated under deregulation, small rural communities are being left behind with less service and higher fares. Several GAO studies have pointed to the correlation between industry concentration and higher air fares and that small rural communities are being hit especially hard as a result of the chilling of competition in the industry. In 1990, the GAO identified several market barriers thwarting the emergence of competition. In 1996, the GAO found that not only do the same problems continue to exist, but have gotten worse.

In the present deregulated environment, small rural communities see very little to give them hope that air service will improve. The advent of regional jets holds some promise, but most RJs are presently being purchased by the major carriers who are using them to serve high density markets. Thus, if air service to rural America is going to be revitalized, we must find a way to incentivize the deployment of regional jets in underserved markets.

Last August, Northwest Airlines had a pilot strike and therefore a shutdown of their airline service. That might not have meant much to some. In some airports, Northwest was one of a number of carriers that was serving certain airports and serving passengers. But in