experts, including the Architectural Historian for the Architect, William Allen, historian Pellegrino Nazzaro, art historian Francis V. O'Connor, and conservators Bernard Rabin, Constance Silver, Christiana Cunningham-Adams and George W. Adams, to provide additional perspectives. The book includes information about other painters working with Brumidi, a chronology of Brumidi's life and work, and a list of known works by him. The Government Printing Office is to be commended for the special care it took in the design and printing.

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

● Mr. JOHNSON. Mr. President, the Surface Transportation Board (STB) was established in 1996 by act of Congress as a quasi-independent body within the Department of Transportation. The STB adjudicates disputes and regulates interstate surface transportation including the restructuring of railroad lines.

Although the authorization of the STB expired this year, a reauthorization bill has not been scheduled. It was my intention to offer an amendment to the reauthorization relating to railroad lines, or at least engage in a colloquy with the manager of the bill. However, because no amendments, or even colloquies, will be agreed to by the managers of the reauthorization of the STB, I offer these comments for the record.

It is my understanding that under section 10901 of title 49 of the U.S. Code, relating to the construction and operation of railroad lines, the STB is required to issue a certificate authorizing the construction or extension of a railroad line, unless it finds that such activity is ''inconsistent with the public convenience and necessity.''

Because the construction of railroad lines can cause significant adverse environmental impacts such as noise, safety and quality of life on local communities, my amendment would have sought to direct the STB to require applicants for the construction or extension of railroad lines to use all reasonable means to route them away from population centers in compliance with the above provision.

Although I am disappointed that I will not be able to offer my amendment, I have been assured by the Chairman of the Surface Transportation Board that ''regardless of whether or not language is inserted into our reauthorization bill, the Board must, and will, consider local interests in assessing the DM&E construction case.''

Mr. President, I appreciate Chairman Morgan's assurances, and I look forward to working with the STB on this and other issues in the next Congress.●

THE OCEANS ACT OF 1998

● Mr. McCAIN. Mr. President, I rise in support of the Oceans Act of 1998 and several other fisheries issues included in the legislation. In addition to the Oceans Act, this bill approves the Governing International Fishery Agreements between the government of the United States and the governments of the Republics of Lithuania and Estonia. These agreements will permit large processing vessels from these countries to enter the United States Exclusive Economic Zone and process fish caught by U.S. fishermen in fisheries where American processors have insufficient capacity. These privileges have been authorized this year for vessels of Poland and Latvia as well. I support these agreements because they provide needed markets for American fishermen to sell their catch. However, I believe we have inadvertently worked an injustice upon a large U.S. vessel, the *Atlantic Star*.

The *Atlantic Star* is a U.S.-owned, U.S. flag fishing vessel that was refitted last year for the herring and mackerel fisheries off the East Coast. The vessel had received all necessary permits to enter these fisheries. Because the Regional Fishery Management Councils had not then developed plans or plan amendments addressing the entry of large vessels into these fisheries, Congress enacted an appropriations rider which voided the permits for this specific vessels and imposed a one-year moratorium on the entry of the *Atlantic Star* into any U.S. fishery in order to give the Councils time to examine the issue. Meanwhile, the vessel has had to leave the United States in order to operate at all.

The Councils held hearings and carefully reviewed the issues. Recently, the Mid-Atlantic Council recommended size limitations on large harvesting vessels engaged in the mackerel fishery, but has not decided to extend similar limitations to processing vessels. This would allow U.S. flag vessels, such as the *Atlantic Star* to process fish caught by U.S. fishermen, just as the foreign flag vessels we are allowing in today will be able to do. By providing another market for U.S. fishermen it would also provide employment and economic benefits to the region. Moreover, unlike foreign vessels, U.S. flag processing vessels must pay U.S. income taxes, employ Americans and are subject to U.S. labor and environmental laws, requirements that benefit all Americans.

Unfortunately, during deliberations on the Commerce-Justice-State Appropriations Act of 1999, which will be included in the Omnibus Appropriations bill for 1999, the Senate accepted language creating a blanket exclusion of the *Atlantic Star*. We are now in the awkward position of authorizing the entry of foreign vessels to process U.S.-caught fish, while excluding our own U.S. processing vessels. Ironically, if the *Atlantic Star* were to give up her U.S. flag and operate under Lithuanian or Estonian flag, she could come into the United States and operate as a processing vessel in these U.S. fisheries, free from U.S. income tax, employing all foreign crew and exempt from other U.S. laws.

I support the development of our American fishing industry, while ensuring the long-term health and management of the resource. The principles of the Magnuson-Stevens Act—the primary fisheries law of the land—long ago established the priority to be afforded American vessels to harvest and process fish inside the U.S. Exclusive Economic Zone. Excluding U.S. processing vessels in the face of the Council's contrary judgment and while allowing foreign processing vessels into the same fishery does a disservice, not only to American catcher-vessel fishermen who seek markets for the fish and to the crew and owners of the *Atlantic Star*, but to all Americans. Frankly, it is a policy that simply makes no sense. I hope my colleagues will join me in revisiting this issue early in the new Congress.●

THE DAMAGE OF HURRICANE GEORGES IN PUERTO RICO

● Mr. CRAIG. Mr. President, as you know, hurricane Georges recently caused great damage to the island of Puerto Rico. I would like to take this opportunity to personally express my sympathies to those who suffered loss due to this natural disaster. I would also like to clear up some confusion regarding the Federal Emergency Management Agency (FEMA), the federal agency currently working to alleviate the pain and suffering caused by the hurricane.

I recently learned that erroneous reports regarding the funding of FEMA have been circulating in Puerto Rico. A few elected officials in the commonwealth have stated to the press that funding for the FEMA program is obtained from local taxes and user fees within Puerto Rico. These reports are simply not true.

On the contrary, the Appropriations Subcommittee on VA, HUD and Independent Agencies has sole jurisdiction over the funding of FEMA, and the funds appropriated by the committee come from the general fund. The general fund is composed of the collection of federal taxes and user fees from taxpaying citizens of the United States.

The United States Congress is committed to continuing our efforts to aid our fellow American citizens in Puerto Rico in their time of need. We will continue to seek additional emergency disaster relief funding for FEMA before Congress adjourns.●

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

● Mr. D'AMATO. Mr. President, I strongly supported Senate passage of the conference report on S. 1260, the Securities Litigation Uniform Standards Act of 1998. This bill extends the efforts which we undertook in 1995 to curb abusive securities class action

litigation when we passed the Private Securities Litigation Reform Act of 1995 (PSLRA).

This bill makes the standard we adopted in the Reform Act the national standard for securities fraud lawsuits. In particular, the Reform Act adopted a heightened pleading requirement. That heightened uniform pleading standard is the standard applied by the Second Circuit Court of Appeals. At the time we adopted the Reform Act, the Second Circuit pleading standard was the highest standard in the country. Neither the Managers of Reform Act nor the Managers of this bill (and I was a Manager of both) intended to raise the pleading standard above the Second Circuit standard, as some have suggested. The Statement of Managers for this bill makes this clear when it states: ''It was the intent of Congress, as was expressly stated during the legislative debate on the PSLRA, and particularly during the debate on overriding the President's veto, that the PSLRA establish a heightened uniform federal standard based upon the pleading standard applied by the Second Circuit Court of Appeals.'' This language is substantially identical to language contained in the Report on S. 1260 by the Senate Banking Committee, which I chair.

The references in the Statement of Managers to the ''legislative debate on the PSLRA, and particularly . . . the debate on overriding the President's veto,'' are statements clarifying Congress's intent to adopt the Second Circuit pleading standard. The President vetoed the Reform Act because he feared that the Reform Act adopted a pleading standard higher than the Second Circuit's. We overrode that veto because, as the post-veto legislative debate makes clear, the President was wrong. The Reform Act did not adopt a standard higher than the Second Circuit standard; it adopted the Second Circuit standard. And that is the standard that we have adopted for this bill as well.

The Statement of Managers also makes explicit that nothing in the Reform Act or this bill alters the liability standards in securities fraud lawsuits. Prior to adoption of the Reform Act, every Federal court of appeals in the Nation to have considered the issue—ten in number—concluded that the scienter requirement could be met by proof of recklessness. It is clear then that under the national standard we create by this bill, investors can continue to recover for losses created by reckless misconduct.●

THE COAST GUARD REAUTHORIZATION ACT

● Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Reauthorization Act. The House recently passed an amended version of the Senate Coast Guard bill. While I support the overall reauthorization of the Coast Guard, I want to comment on several provisions contained in the House passed bill.

There is currently an administrative process in place to convey excess Federal government property. I believe that legislation which mandates the transfer or disposal of Federal property under terms which circumvent the established administrative procedures is inappropriate. Consequently, the Senate bill used discretionary language to address certain conveyances requested by individual Senators. However, the House bill includes mandatory legislative conveyances. In this case only, I am accepting the mandatory language because I am satisfied that the Coast Guard is willing and prepared to make each of these particular conveyances.

Another important difference between the House and Senate passed bills relates to drug interdiction. I sponsored an amendment in the Senate bill which would have established criminal sanctions for the knowing failure to obey an order to land an airplane. As a former pilot, let me clearly state that this provision was not designed to put any pilot at risk of an arbitrary or random forced landing. Arbitrary or random forced landings are impermissible under the Senate provision. As with all aviation legislation in which I have been involved, safety is a top priority. Under current law, if a Federal law enforcement officer who is enforcing drug smuggling or money laundering laws witnesses a person loading tons of cocaine onto a plane in Mexico, sees the plane take off and enter the United States, he may issue an order to land, and if the pilot knowingly disobeys that order, there is currently no criminal penalty associated with such a failure to obey the order.

The criminal sanctions contained in the Senate bill would only be applied to a person who knowingly disobeyed an order to land issued by a Federal law enforcement agent who is enforcing drug smuggling or money laundering laws. The bill would also require the Federal Aviation Administration (FAA) to write regulations defining the means by and circumstances under which it would be appropriate to order an aircraft to land. One of the FAA's essential missions is aviation safety. Accordingly, the FAA would be required to ensure that any such order is clearly communicated in accordance with international standards. Moreover, the FAA would be further required to specify when an order to land may be issued based on observed conduct, prior information, or other circumstances. Therefore, orders to land would have to be justifiable, not arbitrary or random. Orders to land would only be issued in cases where the authorized federal law enforcement agent has observed conduct or possesses reliable information which provides sufficient evidence of a violation of Federal drug smuggling or money laundering laws. If enacted, I would take every step possible to ensure that this provision does not diminish safety in any way.

Last year, 430 metric tons of cocaine entered the United States from Mexico. In 1995, drugs cost taxpayers an estimated $109 billion. The average convicted drug smuggler was sentenced to only 4.3 years in jail, and is expected to serve less than half of that sentence. It is incumbent on all of us to fight the war on drugs with every responsible and safe measure at our disposal. The provision in the Senate bill would help those men and women who fight the war on drugs at our borders by providing an additional penalty for those who knowingly disobey the law.

A provision included in both the House and Senate bill relates to the International Safety Management Code (ISM Code). On July 1, 1998, the owners and operators of passenger vessels, tankers and bulk carriers were required to have in place safety management systems which meet the requirements of the ISM Code. On July 1, 2002, all other large cargo ships and self-propelled mobile offshore drilling units will have to comply. Companies and vessels not ISM Code-certified are not permitted to enter U.S. waters.

Shipowners required to comply with the ISM Code have raised concerns that the ISM Code may be misused. The IBM code requires a system of internal audits and reporting systems which are intended to encourage compliance with applicable environmental and vessel safety standards. However, the documents produced as a result of the ISM Code would also provide indications of past non-conformities. Obviously, for this information to be useful in rectifying environmental and safety concerns, it must be candid and complete. However, this information, prepared by shipowners or operators, may be used in enforcement actions against a shipowner or operator, crews and shoreside personnel by governmental agencies and may be subject to discovery in civil litigation.

The provision in both the Senate and House bills would require the Secretary to conduct a study to examine the operation of the ISM Code, taking into account the effectiveness of internal audits and reports. After completion of the study, the Secretary is required to develop a policy to achieve full compliance with and effective implementation of the ISM Code. Under the provision, the public shall be given the opportunity to participate in and comment on the study. In addition, it may be appropriate for the Secretary to form a working group of affected private parties to assist in the development of the study and the issuance of the required policy and any resulting legislative recommendations. Any private citizen who is a member of any such working group cannot receive any form of government funds, reimbursement or travel expenses for participation in, or while a member of, the working group.●

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