MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on December 2, 1994, subsequent to sine die adjournment, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5110. An act to approve and implement the trade agreements concluded in the Uruguay round of multilateral trade negotiations.

Under the authority of the order of the Senate of January 5, 1993, the enrolled bill was signed on December 2, 1994, subsequent to sine die adjournment of the Senate by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3584. A communication from the President of the United States, transmitting, pursuant to law, the second monthly report on the situation in Haiti dated December 6, 1994; to the Committee on Foreign Relations.

URUGUAY ROUND AGREEMENTS

• Mr. PACKWOOD. Mr. President, one of the key achievements of the Uruguay agreement is the obligation it establishes in respect of protection of intellectual property rights. America is the preeminent producer and exporter of creative and inventive products—motion pictures, software, records, books, computers, airplanes, to name but a few—all of which are subject to copyright, patent, or trademark protection. By implementing the Uruguay round agreements, foreign countries will be obligated to provide American right holders protection under their national laws. These steps will improve our ability to sell our products overseas, and encourage further creative and inventive efforts in our country.

It is our intention that this agreement establish a new floor for future initiatives to improve intellectual property protection, and not a ceiling. If there is a need to address problems or concerns with the Uruguay round agreements, I believe it is appropriate to consider implementation on a case-by-case basis. In this regard, the Congress directs the administration to continue its trade policy initiatives aimed at improving export opportunities through bilateral negotiations and consultations. In 1984, and again in 1988, we amended our trade laws to require the U.S. Trade Representative [USTR] to undertake deliberate and forceful bilateral trade initiatives to promote protection of American intellectual property rights. Over the past decade, progress on intellectual property issues has been achieved through complementary bilateral and multilateral initiatives. The World Trade Organization [WTO] agreements represent a major step forward on the multilateral prong of this approach. While the WTO result is a necessary element for attaining our goal of increased export opportunities, bilateral initiatives remain an indispensable element.

Implementation of the Uruguay agreements leaves unchanged the intent of the Congress mandating continued effective bilateral negotiations. Thus, this implementing legislation states specifically that, notwithstanding that a foreign country may have implemented the specifically enumerated obligations contained in the TRIP’s chapter of the WTO, or the obligations of any other bilateral or multilateral agreement, those acts by themselves do not mean that the country’s laws meet the “adequate and effective protection” standard of the U.S. trade law.

Bilateral initiatives are especially important for at least two reasons. First, they are to be used to ensure that countries that have been the subject of past bilateral negotiations move promptly to implement adequate and effective protection, and not take advantage of the overly long transition periods that are in almost all cases unnecessary. Bilateral efforts are necessary to ensure that the United States has the ability to address all impediments to trade such as measures which deny Americans the right to use, exploit, and derive full commercial benefits from their intellectual property. Experience demonstrates that bilateral negotiations can produce immediate results. Moreover, bilateral initiatives are well suited for resolving trade irritants unique to certain markets. Finally, bilateral negotiations have consistently resulted in high levels of protection and effective enforcement measures.

For all these reasons, the intent of the Congress with respect to bilateral initiatives remains clear and unchanged: The USTR shall not diminish in any way bilateral efforts under Special 301, GSP, CBI, and ATPA programs to improve protection for U.S. holders of intellectual property. Implementation of the Uruguay round agreements shall not be construed or interpreted as a change in this mandate. Such bilateral efforts shall aim to supplement and strengthen the standards and obligations contained in the WTO’s TRIP’s agreement, secure their early implementation and to eliminate discrimination, unreasonable exceptions or preconditions to the protection, enforcement or commercial enjoyment of the full economic benefits arising from any use or exploitation of intellectual property rights. In particular, the United States, through bilateral negotiations, shall seek to secure fair, equitable and nondiscriminatory market access opportunities for U.S. persons holding intellectual property rights.

ADDITIONAL STATEMENTS

TRIBUTES TO DEPARTING SENATORS

• Mr. STEVENS. Mr. President, I want to take this opportunity to say farewell to the colleagues on both sides of the aisle who will not be with us when the 104th Congress convenes.

I was absent from the Senate when others made their comments. Because of the time involved, I shall speak to all of our retiring friends in these remarks.

Each, in his own way, in serving as Senator from his State, has made his mark on the history of our Nation. We may not always have agreed on issues, but we’ve shared a great bond as Members of this distinguished body.

To JOHN DANFORTH—with whom I have had a long relationship, beginning with his campaign and continuing through the years we served together on the Senate Commerce Committee—I will always appreciate how he helped to expand my horizons, particularly when we dealt with legislation on the oceans and the atmosphere. Our shared interest in amateur sports and the Olympics has been another special link.

I remember well when MALCOLM WALKER first ran for the Senate. He conducted himself than as the complete western gentleman. He has fulfilled the promise of that first impression in his years as a Member of the Senate. His understanding of issues affecting our western States, and his expert knowledge of defense will be missed.

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
I will always appreciate DENNIS DECONCINI's involvement in assisting in the survival of the Postal Service during the years we served together on the Appropriations Committee. As another Senator from the West, he understood our unique issues.

My association with David Boren has been rewarding, particularly when we worked together on congressional and campaign finance reform issues. He will be a great asset to the University of Oklahoma, and offer much in understanding our great democracy to the young men and women who will study there.

DAVID DURENBURGER's interest in developing medical technology, particularly in the field of telemedicine, has ensured his status as a leader in health matters. I thank him for his work in this area.

As Democratic leader, GEORGE MITCHELL has always been considerate of my position as a former member of the leadership on the other side of the aisle. I have enjoyed our relationship, and look forward to knowing what the next phase of his career will be.

Like HARLAN MATTHEWS, I first served as an appointed Senator 26 years ago. It takes a good deal of hard work to learn the vagaries of the Senate. He has learned well and done a fine job for the people of Tennessee. On a personal level, I enjoyed our travel together to the United States-British Parliamentary Conference.

Tennis with HOWARD METZENBAUM has been a pleasure through the years. And his kindness to our daughter Lily, as she grew up in these Halls, has always meant much to me and to Catherine. Howard has been a model grandparent for her as well as to his own grandchildren.

I've enjoyed many hours in the gym with DON RIEGLE. His deep devotion to family and his concerns about family matters are an inspiration to us all. I wish him well.

Serving on the Appropriations Committee with JIM SASSE has been a good experience. And, as Budget Committee chairman, he has been most fair in his work on matters pertaining to small States. I thank him for being a friend.

Mr. President, much more could be said about these Senators, as they enter new stages of their careers. I know that each one of us who served with them has special reasons to pay them tribute, as they leave Washington, DC, for their homes.

I am sure my colleagues join me in wishing them all the brightest of futures.

BLACKSTONE HERITAGE AREA'S NEW PRESERVATION APPROACH

Mr. PELL. Mr. President, I would like to share with my colleagues an excellent cover story from the Christian Science Monitor of December 5, 1994, that examines the vision of the Blackstone River Valley National Heritage Corridor.

This story is particularly timely because we will be seeking to reauthorize this corridor during the 104th Congress. As the Senate author of the current authorizing legislation, I have worked to ensure that already has been done and the community pride that has grown with the corridor.

I anticipate the reauthorization proposal will encompass the entire watershed of the Blackstone River Valley, which runs from Woonsocket, MA to Providence, RI. We want to highlight the role of the valley as the cradle of the American Industrial Revolution.

This story also highlights the role of Jim Pepper, the executive director of the corridor commission. Jim has proven to be an able diplomat and an indefatigable leader of the corridor and the community involvement that has become its signature.

As we start to reconsider the corridor authorization and the goals that it has accomplished, one gains an excellent portrait of the corridor's accomplishments and potential. I hope my colleagues will join in supporting its plans for the future.

I ask that this story, "New Preservation Approach Aims To Save Cultural Landscape," from the December 5, 1994, Christian Science Monitor, be printed in the Record.

The material follows:

NEW PRESERVATION APPROACH AIMS TO SAVE CULTURAL LANDSCAPE

(By James Andrews)

Jim Pepper pushes aside boulders, strides across spongy bottom land, and scrambles up a rocky embankment. About 50 yards from the road, he stops and looks around at what appears to be nothing but a patch of Rhode Island woods.

"We're standing in the mill," he says. "The water ran down this trough," he explains, gesturing to stone walls and arches under the overgrowth.

Mr. Pepper is a visionary with a twist. Not only can he peer into the future to see what might be, he can gaze into the past to see what has been. Now he is seeing Mammoth Mill, once a bustling woolen factory on the Blackstone River in Northern Smithfield, R.I. These neglected ruins are all that remain of the 1836 mill, which was torn down in 1935—but to Pepper, they are the substance of things hoped for.

Pepper is the executive director of the Blackstone River Valley National Heritage Corridor Commission. He has guided a pair of journalists to this obscure spot to make a point about his job and the work of the commission.

"Mammoth Mill is symbolic of so many places in this valley that are unknown and unseen. Our job is to make them known," he says. Although Pepper has no plans for the site yet, his imagination already is leaping ahead to a day when the plot, tidied up and properly "interpreted" through signs and diagrams, may inform tourists about America's early industrialization.

The Blackstone River Valley National Heritage Corridor is one of five regions that have been designated "American Heritage Areas" by Congress. Besides the Blackstone River Valley in Rhode Island and Massachusetts, there are the Illinois and Michigan Canal National Heritage Corridor in Illinois, the Delaware and Lehigh Canal National Heritage Corridor in Pennsylvania, and the America's Industrial Heritage Project in southwestern Pennsylvania, and the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in Connecticut, which Congress approved just this fall.

If a bill in Congress that passed the House of Representatives is reintroduced and enacted by the 104th Congress, 10 more zones from Georgia to Washington State will be designated national-heritage areas and be eligible for federal matching funds. The legislation would establish a mechanism whereby additional regions could obtain heritage recognition by Congress in the future.

As important as they are, however, federally sanctioned heritage areas are just the crown jewels of a burgeoning movement to revitalize distinctive but underrecognized parts of the American landscape. Scores of places in nearly every state have acquired or are seeking a degree of official or unofficial conservation as heritage sites.

It is primarily a grass-roots movement, explains Shelley Mastran, a program director at the National Trust for Historic Preservation in Washington. "We're looking at the corridor as a way to become eligible for federal matching funds. Our programs are working with state governments and the National Park Service to create programs through which a heightened "sense of place" can help achieve environmental, economic-development, and historic-preservation goals.

Massachusetts, New York, and Pennsylvania have their own programs for recognizing historic areas, though sometimes by other names. New York, for instance, has established the Hudson River Valley Greenway Council, a regional-planning compact among 144 municipalities in 10 counties from Albany to New York City. Despite its name, the members of the compact are cooperating on much a broader array of initiatives than are implied by the term greenway, says David Sampson, director of the Hudson River Valley Greenway Council.

"We ask if they think that interest in heritage areas and other forms of regional planning is growing. Mr. Sampson says he responds to speaking invitations all around the country, and he has traveled to the Czech Republic twice to consult on greenways.

What, exactly, is a heritage area? "This question has as many definitions as there are heritage areas," he says. Last January in the first edition of its quarterly newsletter, Heritage Links, because "no two heritage areas are exactly the same." "Even the organizations that put the "basic components" of heritage areas include:

A sense of place and identity.
Regional scope and management.
Large-scale natural or manmade resources that unify the region.
A variety of land uses.
A substantially private ownership of land and resources.
Local, regional, state, or national significance.
A common goal or "big idea." One could almost say (although it would make many proponents of the concept wince) that heritage areas are theme parks—except that the theme in each area is not imposed by a Disneyesque developer, but rather grows out of the unique geography, history, and living culture of the region.

For instance, in the Blackstone River Valley, he has seen the regional cooperation that is fostered by the national-heritage concept start to bridge divides between environment-ists, historic preservationists, and community planners on one side and business people and property owners on the other side.

"If you push the time horizon out a distance, most people all want basically the same things—livable communities, good places for their kids to grow up, places with a mixture of jobs and green spaces and recreation facilities," Pepper says. "Once you have identified common goals, then it becomes a question of. How do we achieve it? That's when meaningful planning really begins."

According to Pepper, planning for communities that are more than "living fossils" is often misunderstood. "Too many towns just have a permitting process, not a true planning process," he says. "When community and real estate developers talk about quality-of-life planning, there are fewer fights over specific permitting issues. And people feel empowered to say, 'we have effective planning tools in their hands.'"

Pepper was hired by the Blackstone River Valley National Heritage Corridor Commission, the National Park Service who previously worked in Alaska, he cheerfully calls himself a "pro-government liberal" and says he came to the job with a wilderness lover's distrust of business people.

But Pepper says he has learned a lot about planning from corporate executives. "Businesspeople and green-skilled bureaucrats and bourgeois environmentalists at establishing long-range goals and setting up implementation schedules," he admits.

As Pepper wheel a van along the highways and byways of the Blackstone River Valley, the words rush out as quickly as parts of the waterway that once was called the "hardest working river in America." In nearly every town and village he passes through, indeed, around almost every bend of the road, Pepper points to a historic site, a distinctive piece of architecture or Americana, a scenic vista or significant landmark, a restoration project, new heritage-area signage, or—and there are still many of these—evidence of neglect, disrepair, and pollution.

"The Blackstone River Valley, like many recurrently neglected areas for recreation as heritage areas, had been largely forgotten," Pepper says. "There are many places in America that have become anonymous, that we no longer contrast to national parks and have lost a lot of their own self-consciousness as an identifiable place with a history and heritage that are worth preserving.

"The Blackstone River Valley National Heritage Corridor extends 46 miles from the outskirts of Worcester, Mass., south to Providence, R.I., where the Blackstone River empties into Narragansett Bay. The 250,000-acre zone encompasses some 40 cities, towns, and villages, together with forest and farm land."

While the corridor includes wilderness lands, its focus is on central New England's 1790 Samuel Slater, an English mill boss, engineered America's first successful waterpowered cotton-spinning mill on the river at Pawtucket, R.I. Over the following decades, manufacturing spread along the swift stream and its tributaries, dotting its banks with textile mills and other factories, each surrounded by clusters of worker housing. These company-owned mill towns are the valley's most distinguishing feature.

Based on a National Park Service inventory of the region's natural and historical assets, Congress voted to help preserve the Blackstone River Valley's cultural landscape in 1986. It established the boundaries of the national-heritage corridor, created the commission to be a funding and planning catalyst (but not to have other powers to regulate land use), and provided $250,000 a year—raised to $350,000 in 1991—for the commission's operations and as matching funds for a variety of conservation, historic-preservation, and economic-development uses. Congress also has given the commission about $4.2 million over the years for bricks-and-mortar projects.

The annual authorization pays for, among other things, Pepper's five-person staff, which includes a director, a National Heritage Corridor ranger and community planner. The staff works out of a refurbished former depot of the Providence & Worcester Railroad in Woonsocket that was donated by the state of Rhode Island.

But the real development money for heritage-area projects comes from state, local, and private sources. Pepper estimates that he has leveraged federal dollars with other funds on a scale of 1 to 4:

While the commission provides funds for historic preservation, Pepper emphasizes that it is not interested simply in saving isolated structures or "little vest-pocket displays of historic sites." For instance, he says, when the town of Blackstone asked the commission for funds to restore an old church that had been condemned, the commission refused to help unless the town developed a more comprehensive heritage-protection plan, as it subsequently did. As another example of how the commission tries to spread ripples, Pepper takes his visitors to a small, attractive riverside park near a mill once stood in Valley Falls, R.I. Pointing to signs of refurbishment around the park, Pepper says residents in the rundown neighborhood have become convinced that what they thought was "sinking sand" can be preserved.

"We're constantly on the lookout for these little 'gene pools' of potential revitalization, where we can make a difference," he says.

Despite such evidence of success, national-heritage areas have encountered opposition from two directions: some factions within the National Park Service, and the property-rights movement.

Skeptic in the park service voice doubts about heritage areas primarily because they fear that money for such areas will detract from funding for existing parks. Moreover, Pepper says, many of his colleagues in the park service have what he suggests is a hidebound approach to safeguarding precious national assets.

"They believe that to protect a resource, the government has to own it," Pepper says. "For them, Yellowstone is the model: You put land behind red, velvet rope and keep people away until tightly controlled conditions." Pepper and other heritage-area supporters like A. Elizabeth Watson, a conservationist and the chair of the NCHA, believe that critics within the National Park Service are chauvinistic and also are purged by a rightwave in the future of conservation and environmentalism.

"Americans need more places to go to experience their heritage," Watson says. "We need to build partnerships to preserve the American landscape, not just lock up land in national parks."

Both Pepper and Watson see signs that some critics in the park service are softening their attitudes toward heritage areas.

Resistance to heritage areas from the property-rights movement is predictable, since some "wise use" activists oppose government involvement in decisions affecting private property.

Heritage-area advocates like Mastran and Watson of the National Coalition for Heritage Areas worry if property-rights groups understand heritage areas from the perspective of management authorities in the areas lack coercive powers over land use, "We don't think it's a legal issue," Mastran says. "They just used the bill as another vehicle for raising their favorite issues."

Sampson of the Hudson River Valley of Michigan, the chairman of the Senate Banking Committee.

DON RIEGEL is far more than a trusted and valued colleague. He is a special friend.

Don and I first met when I was State attorney for Chittenden County in Vermont and he was a member of the House of Representatives. I was sitting on the front lawn of my farm house on a summer day during the Congress August recess over 20 years ago when Don drove up looking for directions. I recognized him as the author of the book, "Oh Congress," and we sat on the lawn having a nice chat. This began a generation-long friendship. And I later told him that I was thinking of running for the U.S. Senate. Don
TRIBUTE TO 2D LT. WAYLAND E. BENNETT

Mr. BUMPERS. Mr. President, on September 16, 1994, the citizens of Texarkana, AR, and Texarkana, TX, honored the memory of 2d Lt. Wayland E. Bennett.

Lieutenant Bennett served in the Armed Forces in the South Pacific during World War II as part of the Black Sheep Squadron. This loyal marine's remains had been declared unrecoverable in 1948, but were recovered earlier this year. Lieutenant Bennett was buried with full military honors, among the oldest MIA's to be recovered.

Lieutenant Bennett's family has been designated as a "Gold Star Family" in the tradition and honor of the World War II conflict.

I think Lieutenant Bennett's name, John Wayland Knox of Austin, TX, said it best:

Lieutenant Bennett was not a great man, he was not a war hero, his life was cut short. He was killed in the service of his country, as so many men have been.

As a marine, I take particular pride in joining in paying tribute to this soldier's memory.

TRIBUTE TO DONALD J. "COOTIE" MASTERS

Mr. PRESSLER. Mr. President, there are thousands of weekly newspaper editors in the United States. I have met many of them in my home State of South Dakota. These editors contribute more than publishing the community paper. Few of the ones whom I have had the privilege of knowing have contributed more or had a greater impact on me than my hometown paper's editor and publisher, Donald J. "Cootie" Masters.

More than the publisher of the Humboldt Journal and a leader in our community, Cootie Masters was a true South Dakotan. He took great pride in his work, his family, his community, and his faith. As the editor of our local newspaper, Cootie was part of the lives of thousands of South Dakotans. I don't know whether Cootie ever really understood his positive impact on us. He was an example and inspiration to many South Dakotans.

Cootie had a positive impact on my life. He had been a member of the State legislature. He was a man of letters. He was a mentor of mine in many ways. I always kept in touch with him, even after he left the legislature. He was involved with my study at Harvard Law School, and later at Oxford University as a Rhodes scholar. At my swearing-in ceremony to the U.S. Senate, held at the Humboldt High School gym, Cootie was the master of ceremonies.

Cootie passed away in October. I want to take this opportunity to pay tribute to him.

Cootie was born on July 7, 1906. He spent his life in Humboldt, near the farm where I grew up. His Humboldt upbringing and strong family ties instilled in him a deep respect for traditional values. He graduated from Humboldt High School in 1924 and went on to attend the University of South Dakota. In 1924, it was quite an accomplishment for a young student from a small town to attend college. This was to be only the beginning of Cootie's many accomplishments.

In addition to his studies at the University of South Dakota, Cootie participated in basketball and became a fraternity brother in Delta Tau Delta. He demonstrated at a young age the importance of life of social involvement and a balance between intellectual and physical pursuits.

After Cootie graduated from college, he became involved in the family business. His father owned and operated the Humboldt Journal and Cootie began passing on his business knowledge to Cootie. Cootie's father died suddenly in 1936, leaving Cootie as the sole owner and editor of the Journal. Anyone in family business will tell you that the successful passing on of a family business to the next generation is much more difficult than most people think. Cootie was not only successful at taking over the Journal in 1936, he was successful in operating it until well after his retirement.

Cootie's life involved much more than his newspaper work. He contributed to the whole State of South Dakota by serving in the legislature as a representative from Minnehaha County from 1938 to 1941.

Cootie balanced his successful business with a political career with devotion to his family and friends. On June 12, 1933, Cootie married Mildred Newton. Cootie and Mildred had three sons: Neal, Tom, and Bob. Today, the Masters family includes 7 grandchildren and 11 great grandchildren. I know Cootie considered his family to be the most precious blessing in his life.

Aside from his children, grandchildren, and great grandchildren, Cootie was a champion of what is best in this country for so long was his robust enjoyment of life. After college, he continued to participate in baseball and basketball. An avid sportsman, Cootie enjoyed fishing and hunting. He certainly picked the right State to enjoy the great outdoors.

What is most impressive about Cootie is that with all of his public activities he has always been described as a man without an enemy.

Cootie was a true friend to me, to our community, and to our State. I always will remember him fondly.

TRIBUTE TO SENATOR MICHELL

Mr. LEAHY. Mr. President, in my 20 years in the Senate, I have had the honor to serve with a number of exceptional majority leaders. They have included Senators Mike Mansfield of Montana; Robert Byrd, of West Virginia; Howard Baker, of Tennessee; Bob Dole, of Kansas; and in the past several Congresses, with my good friend, George Mitchell, of Maine.

Each of the majority leaders has brought their individual strengths to the Senate and each have contributed to the good of our great country. I must note though my special appreciation and friendship for my New England neighbor, George Mitchell.

I worked as closely with him as anybody in the Senate and have seen him in the most difficult of times, always maintaining his judicial composure as he has brought parties together for the good of the country, and to uphold the promise of the U.S. Senate.

I have often said that the U.S. Senate should be the conscience of the Nation, and on those occasions when it has achieved that it has been because of George Mitchell, and people of his nature. I have never heard Senator Mitchell advance a cause for his own personal benefit or glory, but always for what is best in this country.

Many have spoken of his humble background in Maine, but I think more of all that he has done to make it possible for someone of that background to achieve whatever they are willing to work for in our country. It will not be the same Senate without him, and I know my own views toward the Senate will be different absent his leadership.

I do cherish the fact that I had this chance to serve with him.

URUGUAY ROUND ANTIDUMPING AND COUNTERVAILING PROVISIONS

Mr. PACKWOOD. Mr. President, I would like to provide further clarification of the antidumping and countervailing duty provisions contained in Title II of H.R. 5110, the Uruguay Round Agreements Act.

Evaluation of industry support: Section 212 establishes procedures for determining the existence of economic, social, and environmental conditions under which the petition may establish adequate support.
Section 212 provides that the International Trade Commission may, in appropriate circumstances, exclude a domestic industry from production from the industry where the producer is itself related to exporters or importers. As a general rule, Commerce should not include as members of the domestic industry those domestic producers who oppose the petition, but are related to exporters, unless such producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an order. It is expected that related domestic producers must demonstrate to the Commerce Department how an order resulting from an investigation would adversely affect their interests, for example, by showing that their domestic production operations would be damaged.

Captive production: Section 222 of H.R. 5110 provides for the treatment of captive production in an administrative review. It is expected that the Commission, in implementing the captive production provision, will fully comply with articles 3.3 and 4.1 of the antidumping agreement and sections 15.5 and 36.1 of the subsidies agreement, which require a finding that the dumped or subsidized imports are causing material injury to the domestic industry as a whole. It is my understanding that, when examining captive production situation, the Commission will focus primarily, but not exclusively, on the factors provided in the legislation. However, the captive production provision does not limit the Commission to analyzing the merchant market, and an affirmative injury finding not based on an analysis of the industry as a whole, including captive production, would be inconsistent with the agreement. In addition, to the extent that captive production is focused on noncaptive production in the domestic industry, it must also focus on noncaptive imports. It is expected that the Commission will apply the same standard of analysis as in other cases, whether to focus primarily on noncaptive imports as it applies in its determination of whether to focus primarily on noncaptive domestic production.

Negligible imports: In preliminary determinations, section 212 of the new legislation requires the Commission to base its finding on a determination whether there is a reasonable indication that imports are not negligible. It is expected that the Commission will, when reasonable, use reasonable estimates when calculating import volumes. It is further expected that the Commission will normally terminate an investigation when import volumes are below the statutory threshold, except when import volumes are extremely close to the statutory threshold and reliable data obtained in a final investigation establishes that imports exceed the statutory threshold.

Sunset reviews: Section 222 of the legislation establishes that Commerce and the Commission will make their determinations of continued dumping, subsidization and material injury at the end of each five-year period. The Commission will provide for an order to remain in force pending the outcome of a sunset review, even if the review is not completed until after the 5-year deadline. The agreement thus authorizes continued collection of duty deposits, but only up to the point that a sunset determination is made to revoke the order. In order to comply with our agreement obligations in cases where the order is revoked, Commerce will determine that the revocation will apply to entries on or after the date of the 5-year anniversary, and that Commerce will direct Customs to refund antidumping duty deposits on merchandise entered after the 5-year anniversary of the order.

Article 11.3 of the Antidumping Agreement permits antidumping duties to remain in force pending the outcome of a sunset review, even if the review is not completed until after the 5-year deadline. The agreement thus authorizes continued collection of duty deposits, but only up to the point that a sunset determination is made to revoke the order. In order to comply with our agreement obligations in cases where the order is revoked, Commerce will determine that the revocation will apply to entries on or after the date of the 5-year anniversary, and that Commerce will direct Customs to refund antidumping duty deposits on merchandise entered after the 5-year anniversary of the order.

Section 221 of H.R. 5110 states that the Commission, in making its sunset determination, "shall consider that the effects of revocation may not be immi­nent, but may manifest themselves only over a longer period of time." Although a sunset review is necessarily prospective in nature, it is not intended that Commerce or the Commission use this fact to extend orders indefinitely. It is not expected that the Commission will find that injury is likely to continue or recur based on uncertainty over the possible conditions at a point in time well beyond the time of the determination. It is expected that the order will be extended only in those cases where there is substantial evidence on the record that material injury is likely to continue or recur within a reasonable period of time.

Consideration of duty absorption in sunset reviews: Section 221 and 222 of H.R. 5110 provide for Commerce and the Commission to consider the issue of duty absorption. It is expected that before initiating a duty absorption inquiry, Commerce and the Commission will apply the same standard of analysis as in other cases, whether to focus primarily on noncaptive imports as it applies in its determination of whether to focus primarily on noncaptive domestic production.

Export price and constructed export price definitions: The Statement of Administrative Action at page 152 states that the change in terminology from "purchase price" and "exporter's sales price" to "export price" and "constructed export price" will result in either an affirmative or negative finding of duty absorption. Nothing in the Statement of Administrative Action at page 152 states that the change in terminology from "purchase price" and "exporter's sales price" to "export price" and "constructed export price" will in no way
change the criteria now used to categorize U.S. sales as one or the other. Commerce's decisions will be monitored closely to ensure that no change is, in fact, made in the Department's methodology for categorizing U.S. sales.

Reimbursement of antidumping duties: The Statement of Administrative Action expresses the administration's intent to continue to apply, when appropriate, the current regulation (19 CFR 353.29) providing for antidumping duties to be increased when Commerce finds that an exporter has directly paid the antidumping duties due, or has reimbursed the importer for the importer's payment of the antidumping duties. The legislation makes no change in this regulation. It is not intended that this provision be extended to apply to countervailing duties. Countervailing duties differ from antidumping duties, and it is not intended that Commerce will deduct countervailing duties from export price or constructed export price when calculating the margin of dumping.

Constructured export price profit deduction: Section 223 of H.R. 5110 provides for a deduction of profit from constructed export price. The deduction is to be calculated based on the total profit realized on all sales of the subject merchandise in the U.S. market and the foreign like product in the foreign market. It is expected that the total profit will be equal to the sum of the profit realized in the home market—or the third country market—and the profit realized in the United States. If the sum is equal to zero or less, no profit will be deducted from constructed export price.

Fair comparison/normal value adjustments: Section 224 of H.R. 5110 implements the requirement in antidumping agreements (see article 2.4 that "fair comparison shall be made between export price and normal value." It is expected that Commerce will ensure a fair, apples-to-apples comparison is made in all cases. In particular, a fair comparison requires that, as a general rule, normal value shall be adjusted for the same costs and expenses for which adjustments are made to the export price or constructed export price. For example, when U.S. price is based on constructed export price, it is expected that Commerce will make either a level of trade adjustment or a constructed export price offset adjustment to normal value.

In measuring the effect on price comparability and interpreting the statutory requirement that a pattern of consistent price differences be shown, it is expected that Commerce will follow the Statement of Administrative Action, which states that "while the pattern of pricing at the two levels of trade under section 773(a)(7)(A) must be different, the prices at the levels need not be mutually exclusive; there may be some overlap between prices at the different levels of trade."
lowering of the deficit is due to the courage and leadership of Jim Sasser. I applaud him and I will miss him.

IT'S OK TO BE DIFFERENT
• Mr. SIMON. Mr. President, during the recess I read the column in Newsweek magazine under the title, "It's OK To Be Different," written by a high school sophomore from Wayzata High School in Plymouth, MN. She is Angie Erickson, and the people of Plymouth, MN, should be very proud to have someone like Angie Erickson in their community.

She writes about living with a disability.

I read a booklet written for children about "being different." As fine as that booklet is, Angie Erickson's simply relating of what life has been like for her is powerful.

I ask that the article be printed in the Record.

The article follows:

[From Newsweek, Oct. 24, 1994]

IT'S OK TO BE DIFFERENT
STOP MAKING FUN OF MY DISABILITY
(By Angie Erickson)

Why me? I often ask myself, why did I have to be the one? Why did I get picked to be different? Why are people mean to me and always treating me differently? These are the kinds of questions that I used to ask myself.

It took more than 10 years for me to find answers and realize that I'm not more different than anyone else.

I was born on June 29, 1978. Along with me came my twin sister, Stephanie. She was born with no birth defects, but I was born with cerebral palsy. For me, CP made it so I couldn't do things that my friends did. I couldn't. The doctors knew it was a minor case of cerebral palsy. But they didn't know if I'd ever walk straight or do things that other kids my age could do.

At first my disability did not bother me, because when you're a toddler, you do things that are really easy. When it took me a little longer to play yard games, because I couldn't run that well, my friends just thought I was slow. My disability was noticed when other children started to know what CP is and couldn't. Kids I thought were my friends started to stay away from me because they said I was different. Classmates began commenting on my speech. They said I talked really weird. Every time someone was mean to me, I would start to cry and I would always blame myself for being different.

People thought I was stupid because it was hard for me to write my own name. So when I was the only one in the class to use a typewriter, I began to feel I was different. It got worse when the third graders moved on to fourth grade and I had to stay behind. I got held back because the teachers thought I'd be unable to type fast enough to keep up. Kids told me that was a lie and the reason I got held back was because I was a retard. It hurt really bad to be teased by those I thought were my friends.

After putting up with everyone making fun of me and me crying about it, I started sticking up for myself when I was 10, in fourth grade. I started to fight them stop. I would have to be the person who made them stop. I finally found out who my real friends were, and I tried to ignore the ones who were mean. Instead of constantly thinking about the things I couldn't do, and the things I could do, and it helped others, and myself, understand who I really was. When there was something I couldn't do, such as when I watched or I would go find something else to do. A few people still called me names and made fun of me, but after a while, when they realized that I really didn't care about what they thought, because it wasn't fun anymore. What they didn't know was that it did still hurt me. It hurt me a lot more than they could ever imagine.

When I was 12, my family moved. I kept this fairy tale in my head that, at my next school, I would be able to do things and I can do them very well. A few people still called me names and made fun of me, but I really hurt when I was teased by those I thought were my friends.

Parents need to teach their children that it's OK to be friends with those who are. Some think that the disabled should be treated like little kids for the rest of their lives. They presume we don't need friends, but I only need one. I want to live the best I can. I am glad I learned who I am and what I am capable of. I am happy with who I am. Nobody else could be the Angela Marie Erickson who is writing this. I could never be, or ever want to be, anyone else.

TRIBUTE TO SENATOR HARRIS WOFFORD
• Mr. HEFLIN. Mr. President, during his relatively brief time in the Senate, our distinguished colleague HARRIS WOFFORD emerged as one of this body's most respected Members. His insight and leadership on a wide range of issues inspired both sides of the aisle, and his commitment to the Senate's role as the only institution in Congress to represent our States in pursuit of the national interest. His historic experience as a Kennedy administration official, a civil rights leader, and academician added immeasurably to the unique environment we have in the Senate.

HARRIS' dramatic upset victory in a special election in the fall of 1991 demonstrated to the Nation that the public truly was ready to put its domestic house in order, and to truly concentrate on pressing needs like health care reform and the budget deficit reduction. His triumph gave Democrats renewed confidence, and set the tone early for the campaign that followed. For his perseverance, stamina, political acumen, and grit, we owe him our thanks and gratitude.

HARRIS WOFFORD served his constitu­ents and this body well for 6½ years. He is deeply admired and greatly appreciated.

TURKEY'S CONFIDENT LEADER
• Mr. SIMON. Mr. President, recently, Lally Weymouth had an op-ed piece in the Washington Post about Turkey's remarkable prime minister.

It is a great tribute to her.

The political storms are not easy to weather in Turkey, but one of the things that our friends in Turkey must understand is that an improved relationship with the United States, and much of Western Europe, is in the interest of all of us. But it is not likely to happen until Turkey faces up to the Cyprus question and the Armenia ques­tion.

I recognize that is easy for a politi­cian of the United States to say, but not easy for a political leader in Tur­key to say because of the decades of emotion on these issues.

But if the people in the Middle East can get together, even though it is not
December 20, 1994

As Ciller sees it, she's faced with two major problems: an economic crisis and a terror threat. In the economic realm, she's trying to prevent a fall in the value of the lira. I'm for free market economy... but we've had problems in the economy because the government sector was so big. The government is in finance, in banking, in manufacture... everywhere.

As for terrorism, when Ciller became prime minister, the Syrian-sponsored PKK terrorists continued to disturb the southeast Turkey. Although she and other Turkish officials have not noticed any dropoff in Syrian support for the terror group, Ciller says she has used her army to regain control over much of the southeast. The prime minister says confidently that factories and schools are open again after having been closed for six years. "Life is going back to normal... and I did it in one year," she said. "We still have problems, but it's a big step in the right direction." Her government has been criticized for the harsh methods used by the army in fighting the PKK, but Ciller claims she had no choice: "The fight was not against people living in the southeast (but) against the PKK who were killing the Kurdish and Turkish people without any discrimination."

Turning to foreign affairs, Ciller notes that Turkey was a faithful U.S. ally during the Gulf War, shutting down an oil pipeline from Iraq that had produced large revenues for Turkey. She then said Washington has deteriorated in the post-Cold War era. Meanwhile, Ciller has many soldiers deployed fighting terrorists in the southeast of Turkey. On the domestic front, she's engaged in an effort to reshuffle a by-election for some national assembly seats, a vote originally scheduled for early December. Experts have been predicting that Ciller's party wouldn't fare well in these elections, since the majority of seats at stake are located in southeast Turkey, where the fundamentalist "Welfare Party" is strong. Ciller, however, says confidently, "We are the majority party in the parliament... and I think we'll increase that majority... We're going to do much better than ANAP [the other right-of-center party.]. . . . I'm secular and democratic and progressive and this is what people want."

The central threat to Ciller's party and to all mainstream Turkish parties is the radical Islamist "Welfare Party." The prime minister nevertheless plays down the fundamentalist threat, claiming that the fundamentalists have only 15 or 16 percent of the vote. Indeed, she argues that their vote is even smaller than that; she believes that Welfare attracts a considerable number of protest voters who are reacting to Turkey's economic problems. All mainstream Turkish parties (the Motherland Party--to offer voters a united front against the fundamentalists? Ciller, who also heads the True Path, and there is considerable tension at the Motherland Party, calling it elitist, "the product of the military coup. They had contacts [only] with the upper classes, which is the thing that her "True Path" Party "represents the peasants and small businessmen, the artisans and free traders." In the next elections, she predicts, Turkish voters will opt for one party, and "very likely it's going to be me and my party they will choose."
We reject an egalitarian society which provides equal opportunities, substituting a class structure for one's ability to tax and spend wisely for one's income. We believe that school districts without much property to tax probably deserve less education than we do. We resent others. The selfishness between various ethnic and religious groups is growing. We cultivate our righteousess at the expense of community.

These trends have been abetted if not promoted by political consultants who are earning their keep by telling the media they can only survive if they offer what is popular. Catering to the lowest common denominator of our acceptance as most media do, abandons the media's crucial function as a wellspring of new and independent ideas.

The public indoctrination of what government represents could never have gotten hold without the media.

Mr. President, I ask the Charles Klotzer editorial observation, which appears under the title, "Why We Hate Government," be printed in the RECORD.

The material follows:

"WHY WE HATE GOVERNMENT"

(By Charles L. Klotzer)

"What lies behind the turnover of power," asked Robert MacNeil when opening that evening's discussion on the MacNeil-Lehrer News-hour the day after the elections.

The common consensus by pollsters, commentators, and everyday voters they circulates is that voters revolted against "big government" and against too much control from Washington DC. They say the vote was largely propelled by fear or anxiety, by uncertainty about their future, by cynicism about programs and officials, elected or appointed, and by anger against a leadership symbolized by President Bill Clinton.

Beyond any doubt, the public was out to repudiate government. This phenomenon, so the media tells us, was evident from the pre-cinct level to the national arena. It was not that anyone in particular opposed the rebuilding by government of a bridge in repair, or the investigation by government of an airplane accident, or the investment by government of funds to find a cure for cancer. Nevertheless, everyone was bitter, be it in their reduced take-home pay, their apprehension—well founded or not—of taking walks at night, or the unmet expectations in their personal or professional lives. Somehow it was all linked to the "failure" of government.

The Institution of government, more so than the Democratic or Republican parties, is suspect. Governmental regulations are resisted. Paperwork required in dealing with any governmental level is always excessive. Officials are probably corrupt, and if not corrupt, they are probably lazy. If we just could function without governmental interference in our daily life, without all the regulations. A poll by the Times Mirror Center for the People and the Press found a massive, public disaffection among the electorate.

The electorate is "angry, self-absorbed and politically uncounched," were the findings. Frustrations and deep skepticism with the political system is rooted "in their struggle with the economic limitations they face."

The one question which has not been asked is simply: why does the public think that the government is the cause of their perceived misery?

If your wages are too low, wouldn't it be more logical to organize and pressure employers to hire more?

If you cannot afford health insurance anymore, wouldn't it make more sense to demand that the government step in until you find another job?

If you are bothered by crime in your neighborhood, wouldn't it be more productive to ask you local police to provide more protection, even if your taxes will go up as a result?

We are facing problems we know, cannot be solved by individuals. You need a viable government, representing the majority of its constituents to address those concerns by reaching across the political system.

Rationally, we know we need government. Emotionally, we resent government.

It appears that this public attitude has been cultivated, nurtured and shaped by all the interests which oppose governmental intervention and governmental supervision. Environmental laws have hurt some sectors of our industry.

Requirements for a safe work place have not been uniformly welcome. Reducing the production of weapon systems represents a redistribution of economic power.

Supervision of America's processing facilities and required modifications will incur unwelcome expenditures.

The list is endless. All of these interests—hurt in the short term—oppose beneficiaries, like all of us, in the long term—knew that an anti-government drive in their own name would be rejection by the American public.

Attacking protective and regulatory legislation in their own name would be counterproductive. These interests had to convince the public at large that it is in their interest to suspect government. And were they successful.

The aim went beyond a particular piece of legislation; they struck out at government itself, the root cause of their discontent.

No, these concerted efforts were not due to some conspiracy hatched out in secret. No need for that. The self-interest, which usually mirrors the bottom line, propelled the economic movers and shakers in our country to finance movements, politicians, and media campaigns to mold public opinions. Ultimately, we all felt that was our idea in the first place.

The net outcome is not only a change in political power, but a significant and attitudinal change which are much more serious.

We have lost compassion. Helping our community has been reduced to handling our ineffective neighborhood breadbaskets. The community as a collective is eager to dismantle welfare and unemployment programs.

We reject an egalitarian society which provides equal opportunities, substituting a class structure that equates value with income. We believe that school districts without much property to tax probably deserve less education than we do.

We resent others. The selfishness between various ethnic and religious groups is growing. We cultivate our righteousess at the expense of community.

These trends have been abetted if not promoted by political consultants who are earning their keep by telling the media they can only survive if they offer what is popular. Catering to the lowest common denominator of our acceptance as most media do, abandons the media's crucial function as a wellspring of new and independent ideas.

The public indoctrination of what government represents could never have gotten hold without the media.
TRIBUTE TO BEN H. CRAIG

Mr. HEFLIN. Mr. President, Ben H. Craig, former mayor of Florence, AL and 1994 Shoals Chamber of Commerce Small Business Person of the Year, died recently at his home after a lengthy illness.

Ben was known as a true gentleman by those who knew him and by his entire community for his contributions to historic preservation and his generosity to the University of North Alabama.

His company, B.H. Craig Construction, contributed to many public projects and stands as a tribute to Ben and his betterment of the community.

Ben Craig will be greatly missed by the people of Florence and by all those who knew him personally.

My sincerest condolences are extended to Ben's wife, Ann Craig, and their entire family in the wake of this tremendous loss.

I ask that a news article recounting the life and work of Ben Craig be printed in the RECORD.

The article follows:

FORMER FLORENCE MAYOR BEN CRAIG DIES

(By Lena Mitchell)

December 20, 1994

CONGRESSIONAL RECORD— SENATE

December 20, 1994

Florence and the Shoals lost a builder, historian benefactor, former mayor and generally great gentleman, said many who were close to him.

Craig founded B.H. Craig Construction Co. in 1951, and his company's work includes Joe Wheeler State Park Resort near Rogersville, Turtle Point Yacht and Country Club in Florence, the Franklin County Courthouse in Russellville, Brashaw High School in Florence and the Natchez Trace Bridge across the Tennessee River.

His firm was recently named the prime contractor on the city's $6.7 million conference center adjacent to Renaissance Tower.

"He was one of the finest gentlemen in the area, well-respected, and will be missed by all of us," said architect Stan Tomblin. "We worked together on a number of different projects over the years—Eliza Coffee Memorial Hospital, Colbert County Courthouse, and they had just completed the renovations for the Florence Police Department."

Craig was mayor of Florence from 1966 to 1969 and retired Florence Housing Authority director Karl Tyree remembers that he not only led a very progressive administration, but left his mark on the city in a very personal way.

"He was invaluable to us in his progressive thinking," Tyree said. "He was a mayor at a time when it was very important to continue our program when they were under attack nationally. He really had a wonderful and productive life. He was a close friend and very dear to all of us."

Craig and his wife, Ann, recently made a gift of $256,000 to the University of North Alabama to establish an endowment in memory of his mother, Emma Vaughn Craig, and grandmother, Susan Kirkman Vaughn, and an endowment for the Ben H. Craig professorship in geography.

His firm built Flowers Hall and did renovations on Powers Hall, Rogers Hall and the Towers residence halls at UNA.

University President Robert L. Potts said he was deeply saddened by Craig's passing.

"Ben Craig was a kind, gentle and generous man," Potts said. "He was a true friend of the university who gave freely of his time and resources to advance our programs and he will be greatly missed by all at the university. He was a very special person."

Craig was a member of the UNA President's Cabinet, past president of the Florence Rotary Club, was named a Paul Harris Fellow and was an elder at First Presbyterian Church of Florence, where he had also served as a deacon.

Florence historian William L. McDonald praised Craig's commitment to preserving the history of the city and the Shoals area.

"We shall long remember his as one of our outstanding mayors and church and community leaders," McDonald said. "Ben has done more for historic preservation than perhaps anyone in North Alabama. It was through his expertise, labor and love that many of our historic shrines have been rescued and preserved for the generations yet to come."

Survivors include his wife, Ann Craig, Florence; daughters, Landis Williams, New York, N.Y.; and Margie Craig, all of the Shoals area. Margaret Schaefer, Houston, Texas, Frances Craig, New York, N.Y. •