

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.;"

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading.;"

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.;" and

(5) by adding after subparagraph (G) the following new subparagraph:

"(H) The trademarks appearing on the goods or packages.;"

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1124), or any other applicable law, including a trademark appearing on the goods or packaging.;"

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6)(A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

"(B) a phonorecord or copy in violation of section 2319 of title 18;

"(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or

"(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).;"

SEC. 14. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to carry out the amendments made by sections 9, 10, 11, 12, and 13 of this Act.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

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

MESSAGE FROM THE PRESIDENT

A message from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a mes-

sage from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:23 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 2754. An act to approve and implement the OECD Shipbuilding Trade Agreement.

H.R. 3610. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress with respect to recent church burnings.

MEASURES REFERRED

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

H.R. 2754. An act to approve and implement the OECD Shipbuilding Trade Agreement; to the Committee on Finance.

H.R. 3610. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-595. A concurrent resolution adopted by the Legislature of the State of Arizona to the Committee on Environment and Public Works.

"SENATE CONCURRENT MEMORIAL 1002

"Whereas, it is essential that new federal highway reauthorization legislation be enacted before the expiration of the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) to allow states to make transportation programming decisions based on solid estimates of federal highway trust funding; and

"Whereas, the current equity program ensures, at a minimum, a ninety per cent return to all states; and

"Whereas, a fundamental premise of ISTEA is that each state's authorized highway spending levels be fully funded; and

"Whereas, the Congress of the United States violated the premise of fully funded authorization levels by establishing obligation authority limits on states to artificially reduce the federal deficit; and

"Whereas, ISTEA was designed to give states greater flexibility in determining the distribution of federal highway monies for their transportation systems, but in practice, the federal program contains numerous funding "set-aside" mandates such as high-

way safety programs and enhancement programs that have considerably reduced the amount of actual monies available for significant surface transportation needs; and

"Whereas, ISTEA and annual federal appropriation bills have historically funded numerous demonstration projects that significantly reduced federal highway funds that this state and other states would have received under established highway funding formulas; and

"Whereas, a 1995 Federal Highway Administration report indicated that in federal fiscal years 1994-1995, congressional funding of transportation demonstration projects totaled over \$2.7 billion, thereby reducing this state's share of federal highway funds by more than \$29 million.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the Congress of the United States begin the process of establishing a new surface transportation act during the 1996 congressional session so that this vital legislation can be enacted before the expiration of ISTEA.

"2. That the President and Congress of the United States make the highway trust fund and the user fees accruing to it a permanent fund to ensure that reliable funding sources are available to the states for constructing, rehabilitating and otherwise improving the highways and bridges that are so essential to the vigor of the States of Arizona and the national economy.

"3. That the President and Congress of the United States protect the highway trust fund from legislative proposals that divert highway user revenues to programs entirely unrelated to the transportation purposes for which this fund was established.

"4. That the Congress of the United States remove the federal highway trust fund from the federal unified budget, release sequestered transportation fund and remove forever the specter of using dedicated highway funds for budget reducing measures, thus making these funds available for the purpose for which they were collected and intended, the nation's highway infrastructure.

"5. That the Congress of the United States not impose obligation authority limits in the future so that each state's highway authorization levels will be fully funded.

"6. That the Congress of the United States ceases to fund so-called demonstration projects and that all highway trust fund revenues be distributed to the states through an equitable and fair highway funding formula.

"7. That the Congress of the United States eliminate mandatory "set-aside" programs in the next surface transportation act, thereby giving states more monies for actual highway construction and maintenance projects.

"8. That the Congress of the United States ensure that all states receive at least a ninety-five percent return on payments made to the Federal Highway Trust Fund.

"9. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional Delegation."

POM-596. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works.

"HOUSE JOINT MEMORIAL NO. 6

"Whereas, during the settlement of what is now the state of Idaho and the years immediately following, grizzly bear and human

interaction occurred to the extent that it became necessary to reduce the populations of grizzly bear in the interests of personal safety and the protection of private property; and

"Whereas, the natural result of these efforts, over time, has been the establishment of a de facto and maximum acceptable ratio of such bears to humans in areas where their populations remain; and

"Whereas, the reintroduction of grizzly bears to Idaho will disrupt this bear-to-human ratio to the detriment of humans resulting in injury, death, and loss of personal freedoms to the citizens of Idaho; and

"Whereas, our neighboring state of Montana has experienced unnecessary loss of human life, unacceptable land use restrictions and legal denial of the right to protect private property, which current reintroduction proposals for Idaho also threaten and echo; and

"Whereas, the United States Fish and Wildlife Service has elected to abdicate previously existing grizzly management agreements with one or more state game management agencies under pressure from special interest groups; and

"Whereas, the forced reintroduction of grizzly bears into areas of this state without citizen support represents unwarranted intrusion into the rights of our citizens; and

"Whereas, the Governor of the state of Idaho is vested with the supreme executive power within this state; Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urgently request the Congress of the United States to take immediate action to protect Idaho citizens from undue injury and loss of life, as well as unacceptable land use restrictions, that will occur under a federal grizzly bear reintroduction program. We specifically request that all funding and authorization for a forced grizzly bear reintroduction program be completely withdrawn from all federal agencies involved, be it further

Resolved, That we urgently request the Governor of the state of Idaho to take any and all actions necessary to stop the reintroduction of grizzly bears into the state of Idaho by any federal agency or nongovernmental group; and be it further

Resolved, That we encourage the Governor to make use of the Constitutional Defense Fund, in accordance with existing statutes, to defend the rights of this state and its citizens against any action or challenge regarding grizzly bear reintroduction by the federal government; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States and the Governor of the state of Idaho.

POM-597. A concurrent resolution adopted by the Legislature of the State of Iowa to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION No. 105

"Whereas, barges operating on United States inland waterways are the dominant carriers of United States grains to export port facilities; and

"Whereas, the barge share of grain movement to export ports increased from 43 percent in 1974 to 54 percent in 1991 and the majority of this barge grain traffic is on the Mississippi River system; and

"Whereas, the Upper Mississippi River is the dominant originator of grain barge traffic for export; and

"Whereas, 95 percent of the world's population live outside the United States; and

"Whereas, economies and populations continue to grow worldwide and these agricultural export markets are essential to the economic future of the upper Midwest including Iowa; and

"Whereas, barriers to increased international trade continue to decline making export markets even more likely to grow; and

"Whereas, international markets are very competitive and opportunities can be gained or lost based on very small differences in price; and

"Whereas, the United States Army Corps of Engineers projects Upper Mississippi River barge traffic to double between 1987 and 2020; and

"Whereas, increased barge traffic will continue to place a burden on the river transportation system which is more than 50 years old; and

"Whereas, the original design specifications for the locks and dams have been surpassed by modern barge technology resulting in delays because tows must be broken down to move through the locks; and

"Whereas, delays now costing \$35 million per year are projected to rise as high as \$200 million per year; and

"Whereas, shipping products by rail or truck would significantly increase costs and consumption of fuel and the emission of pollutants into the atmosphere; and

"Whereas, a consistent, economical, and reliable inland waterway system is critical to our economy; and

"Whereas, the national economic and public benefit of the Upper Mississippi River System is more than \$1 billion per year and the maintenance costs are only \$130 million; now therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the maintenance of the Upper Mississippi River system is essential to the economic well-being of Iowa and the Midwest; and be it further

Resolved, That the Congress should continue full funding for the Upper Mississippi River—Illinois Waterway Navigation Feasibility Study; provide adequate funding for major rehabilitation efforts on the Upper Mississippi River; clearly recognize that transportation activities on the river must continue; and expedite the current study process being undertaken by the United States Army Corps of Engineers regarding the system's use through the year 2050; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States; the Chief of Engineers, United States Army Corps of Engineers, North Central Division; the United States Secretary of Transportation; the Speaker of the United States House of Representatives; and the members of Iowa's congressional delegation.

POM-598. A concurrent resolution adopted by the Legislature of the State of Michigan to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION No. 265

"Whereas, an excellent highway network is vitally important to Michigan's economic well-being. All of the components of the State's economy are closely tied to the quality of the roadways used in transporting goods, services, and people throughout Michigan; and

"Whereas, Michigan's ability to maintain our transportation infrastructure is seriously impaired by the current policies of the federal government with regard to the federal gas tax each individual and business pays with every gallon of gasoline purchased.

This unfair system costs the state hundreds of millions of dollars each year. The result is an increasing problem with the conditions of our roads and bridges; and

"Whereas, the largest element of the overall gas tax is the federal gas tax, which represents 18.4 cents of each dollar of gasoline sold. Of all of the states required to forward taxes to the federal government each year, Michigan ranks among the lowest in the ratio of gas tax revenues being returned to the citizens who paid the tax. In 1993, for example, \$733.7 million was paid to the Federal Highway Trust Fund, and only \$520.1 million was returned, a loss of \$213.6 million, a loss that sets Michigan at a distinct disadvantage when making road improvements. Considering the inequitable manner in which this money is reallocated to the states of the union, it is clear that Michigan is bearing an oppressive burden through this taxation, a development of the tax structure that must be changed; and

"Whereas, adding to Michigan's tremendous burden, during the years 1990-1995, our state contributed \$1.168 billion to federal deficit reduction, dollars that were initially collected to improve transportation routes in Michigan. This amount comprises approximately 20 percent of the total amount levied on Michigan citizens for the years 1990-1995. In addition, by 1999 Michigan's total contributions to deficit reduction are expected to total \$2.099 billion, an amount that would certainly enable us to better maintain our roads and highways; and

"Whereas, clearly, Michigan is at a great disadvantage with states that receive far higher returns on their gas tax dollars marked for road improvements. In effect, we are subsidizing transportation maintenance and projects elsewhere when improvements are so desperately needed in our own state; and

"Whereas, with the new approaches to budgetary matters in Washington and a renewed willingness to examine the true costs of all spending policies, the time is right to remedy this unjust situation; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urgently and respectfully request the Congress of the United States to return to Michigan all of the revenue from the federal gas tax collected in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Michigan congressional delegation with the Request that each member review this issue and offer a formal response to this body, the Michigan State Senate.

"SENATE CONCURRENT RESOLUTION No. 266

"Whereas, the quality of Michigan roadways has a great deal to do with the state's competitiveness in attracting and retaining jobs for our citizens. Every individual and every business in Michigan is affected when Michigan roads suffer from insufficient maintenance. Finding the means to meet this financial challenge is of the utmost importance to both state and local policymakers as we prepare for the twenty-first century; and

"Whereas, the difficult task of providing excellence in transportation in Michigan is made far worse by some of the current practices of the federal government with regard to the allocation of money raised by the federal gas tax; and

"Whereas, the current practices of the federal government with regards to the allocation of dollars raised by the federal tax make it difficult for Michigan to improve and expand its transportation system. Of the states

required to send money to the federal government, in accordance with the federal funding formula, Michigan sends significantly more money to Washington than it receives back. In 1993, for example, Michigan paid a total of \$733.7 million to the Federal Highway Trust Fund, and only \$520 million was returned; and

"Whereas, in addition, even more money designated for return to Michigan, and several other states, is being withheld by federal transportation authorities. This money is critical to our transportation infrastructure and a vital component of the state's economic well-being.

"Whereas, the current budget debate offers an opportunity to reexamine this critical aspect of public spending. This examination should include immediately correcting the gross inequities in allocating the funds generated by the federal gas tax; now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That we respectfully, but urgently, ask the Congress of the United States to release to the states, including Michigan, any federal road funding due under the gas tax formula but currently being held back by the federal government; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Michigan congressional delegation with the request that each member review this issue, offering a formal response to this body, the Michigan State Senate."

POM-599. A resolution adopted by the Legislature of the State of New Hampshire to the Committee on Environment and Public Works.

"HOUSE CONCURRENT RESOLUTION NO. 27

"Whereas, certain aspects of the Safe Drinking Water Act require municipalities to make costly changes to municipal water supply systems; and

"Whereas, the municipalities pass these costs on to the ratepayers through water bills; and

"Whereas, certain requirements under the current Safe Drinking Water Act affect water quality and result in higher costs to citizens and businesses; now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring, That the general court of New Hampshire hereby urges the United States Congress to pass S.1316, reauthorizing only certain aspects of the Safe Drinking Water Act which will attempt to make it less costly for municipalities to implement, while preserving water quality; and That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

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

John W. Hechinger, Sr., of the District of Columbia, to be a Member of the National Security Education Board for a term of four years.

(The above nomination was reported with the recommendation that he be

confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. MOYNIHAN:

S. 1879. A bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes; to the Committee on Finance.

S. 1880. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 1879. A bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes; to the Committee on Finance.

THE SECTION 501(C)(3) NON-PROFIT ORGANIZATIONS TAX-EXEMPT BOND REFORM ACT OF 1996

By Mr. MOYNIHAN:

S. 1880. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Finance.

THE STOP TAX-EXEMPT ARENA DEBT ISSUANCE ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce two tax bills. The first, the section 501(c)(3) Nonprofit Organizations Tax-Exempt Bond Reform Act of 1996, has been introduced several times previously by this Senator, with several of my distinguished colleagues as cosponsors. It would undo what ought never have been done: the classification of bonds of private nonprofit higher education institutions and other nonprofit organizations as those of a private activity. I reintroduce this legislation today because of its critical importance, and because we have found a particularly appropriate offset: The Stop Tax-Exempt Arena Debt Issuance Act, which I introduce today for the first time.

The Stop Tax-Exempt Arena Debt Issuance Act would close a gaping loophole. Recently, a spate of tax-exempt bonds have been issued to finance professional sports facilities, even though Congress acted to proscribe this practice in 1986. The bill would eliminate this tax-subsidized financing of professional sports facilities.

Taken together, these two bills correct a serious misallocation of our limited resources under present law: a tax subsidy that inures largely to the benefit of wealthy sports franchise owners would be replaced with increased funding for educational and research facilities

at private colleges and universities.

Let me briefly describe the two measures:

THE SECTION 501(C)(3) NONPROFIT ORGANIZATIONS TAX-EXEMPT BOND REFORM ACT OF 1996

The first bill would remove the "private activity" label from the tax-exempt bonds of private, nonprofit higher education institutions and other organizations, and thereby eliminate the arbitrary \$150 million cap on the amount of tax-exempt bonds that such an institution may have outstanding.

The Tax Reform Act of 1986 imposed the "private activity" label on bonds issued on behalf of nonprofit institutions, collectively known as section 501(c)(3) organizations, obscuring the longstanding recognition in the Internal Revenue Code of the public purposes served by these private institutions. Prior to that time, the tax law historically had treated private nonprofit colleges and universities essentially the same as governmental entities. Governmental units and section 501(c)(3) organizations were both classified as "exempt persons," and were afforded the benefits of tax-exempt bonds on the same basis. This was an explicit recognition in the Tax Code of the public purposes served by private nonprofit institutions of higher learning.

The 1986 act's elimination of the "exempt person" category and the classification of section 501(c)(3) organizations' bonds as "private activity" bonds was a serious error. It has relegated private higher education institutions to a diminished, restricted status. Most significant among the restrictions imposed in the 1986 act was the \$150 million limitation on the amount of bonds that any nonprofit institution—other than a hospital—may have outstanding. We were successful in 1986 in keeping other "private activity" bond strictures from being imposed on nonprofits—the minimum tax and statewide volume caps, for example.

Now we must rectify our error, remove the "private activity" label, and restore equal access to tax-exempt financing. If we do not act soon, the vitality of our private institutions in higher education and research will be at risk. A distinguishing feature of American society is the singular degree to which we maintain an independent sector—"private universit[ies] in the public service," to paraphrase the motto of New York University. This is no longer so in most of the democratic world; it never was so in the rest. It is a treasure and a phenomenon that has clearly produced excellence—indeed, the envy of the world. We must insure the strength of the independent sector by restoring parity of treatment for tax-exempt finance. Otherwise, in 20 years, we will look up and find we have lost a unique feature of American democracy of inestimable value.

The sciences are now capital intensive undertakings. The need for capital for university research facilities is