

**SEC. 1007. STUDY BY THE CENSUS BUREAU.**

(a) IN GENERAL.—The Bureau of the Census shall expand the Survey of Income and Program Participation as necessary to obtain such information as will enable interested persons to evaluate the impact of the amendments made by title I of the Work First Act of 1996 on a random national sample of recipients of assistance under State programs funded under part A of title IV of the Social Security Act and (as appropriate) other low income families, and in doing so, shall pay particular attention to the issues of out-of-wedlock birth, welfare dependency, the beginning and end of welfare spells, and the causes of repeat welfare spells.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, the Secretary of the Treasury shall pay to the Bureau of the Census \$10,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001 to carry out subsection (a).

**SEC. 1008. SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL FOR TECHNICAL AND CONFORMING AMENDMENTS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of the Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this Act.

**LIEBERMAN AMENDMENTS NOS.  
4899-4900**

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted two amendments intended to be proposed by him to the bill, S. 1956, supra; as follows:

**AMENDMENT NO. 4899**

Section 2903 is amended—

(1) by inserting "(a) IN GENERAL.—" before "Section"; and

(2) by adding at the end the following:

(b) DEDICATION OF BLOCK GRANT SHARE.—Section 2001 of the Social Security Act (42 U.S.C. 1397) is amended—

(1) in the matter preceding paragraph (1), by inserting "(a)" before "For"; and

(2) by adding at the end the following:

"(b) For any fiscal year in which a State receives an allotment under section 2003, such State shall dedicate an amount equal to 3 percent of such allotment to fund programs and services that teach minors to—

"(1) avoid out-of-wedlock pregnancies;"

**AMENDMENT NO. 4900**

Section 2101 is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs 8 through (10), respectively;

(2) in paragraph (10), as so redesignated, by inserting ", and protection of teenage girls from pregnancy as well as predatory sexual behavior" after "birth"; and

(3) by inserting after paragraph (6), the following:

(7) An effective strategy to combat teenage pregnancy must address the issue of male responsibility, including statutory rape culpability and prevention. The increase of teenage pregnancies among the youngest girls is particularly severe and is linked to predatory sexual practices by men who are significantly older.

(A) It is estimated that in the late 1980's, the rate for girls age 14 and under giving birth increased 26 percent.

(B) Data indicates that at least half of the children born to teenage mothers are fathered by adult men. Available data suggests that almost 70 percent of births to teenage girls are fathered by men over age 20.

(C) Surveys of teen mothers have revealed that a majority of such mothers have histories of sexual and physical abuse, primarily with older adult men.

Section 402(a)(1)(A) of the Social Security Act, as added by section 2103(a)(1), is amended—

(1) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively; and

(2) by inserting after clause (v), the following:

"(vi) Conduct a program, designed to reach State and local law enforcement officials; the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

Section 2908 is amended—

(1) by inserting "(a) SENSE OF THE SENATE.—" before "It"; and

(2) by adding at the end the following:

(b) JUSTICE DEPARTMENT PROGRAM ON STATUTORY RAPE.—

(1) ESTABLISHMENT.—Not later than January 1, 1997, the Attorney General shall establish and implement a program that—

(A) studies the linkage between statutory rape and teenage pregnancy, particularly by predatory older men committing repeat offenses; and

(B) educates State and local criminal law enforcement officials on the prevention and prosecution of statutory rape, focusing in particular on the commission of statutory rape by predatory older men committing repeat offenses, and any links to teenage pregnancy.

(2) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Attorney General to carry out the provisions of paragraph (1), \$1,000,000 for each of fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

(c) VIOLENCE AGAINST WOMEN INITIATIVE.—The Attorney General shall ensure that the Department of Justice's Violence Against Women initiative addresses the issue of statutory rape, particularly the commission of statutory rape by predatory older men committing repeat offenses.

**ASHCROFT (AND NICKLES)  
AMENDMENT NO. 4901**

Mr. ASHCROFT (for himself and Mr. NICKLES) proposed an amendment to the bill, S. 1956, supra; as follows:

Strike existing Section 2902, and replace with the following:

**"SEC. 2902. SANCTIONING WELFARE RECIPIENTS  
FOR TESTING POSITIVE FOR THE  
USE OF CONTROLLED SUBSTANCES.**

Notwithstanding any other provision of law, States shall randomly test welfare recipients, including recipients of assistance under the temporary assistance for needy families program under part A of title IV of the Social Security Act and individuals receiving food stamps under the program defined in section 3(h) of the Food Stamp Act of 1977, for the use of controlled substances and shall sanction welfare recipients who test positive for the use of such illegal drugs.

**DODD (AND OTHERS) AMENDMENT  
NO. 4902**

Mr. DODD (for himself, Mr. COATS, Mr. KENNEDY, Mrs. KASSEBAUM, Ms. SNOWE, Ms. MIKULSKI, Mr. HARKIN, Mr. KOHL, Mr. KERRY, Mrs. MURRAY, Mr. KERREY, Mr. COHEN, Mr. REID, Mr. LEAHY, Mrs. BOXER, Mr. EXON, Mr. WELLSTONE, and Mr. HATCH) proposed

an amendment to the bill, S. 1956, supra; as follows:

On page 628, strike clauses (vi) and (vii) of section 2805(2) (A).

**MURRAY AMENDMENT NO. 4903**

Mrs. MURRAY proposed an amendment to the bill, S. 1956, supra; as follows:

Strike section 1206.

**THE OCEAN SHIPPING ACT OF 1996**

**PRESSLER (AND OTHERS)  
AMENDMENT NO. 4904**

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. PRESSLER (for himself, Mr. LOTT, Mr. GORTON, Mrs. HUTCHISON, Mr. EXON, Mr. INOUE, and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill (S. 1356) to amend the Shipping Act of 1984 to provide for ocean shipping reform, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "International Ocean Shipping Act of 1996".

**SEC. 2. EFFECTIVE DATE.**

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect on October 1, 1997.

**TITLE I AMENDMENTS TO THE SHIPPING  
ACT OF 1984**

**SEC. 101. PURPOSE.**

Section 1 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and"; and

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace."

**SEC. 102. DEFINITIONS.**

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking paragraph (5) and redesignating paragraph (4) as paragraph (5);

(2) inserting after paragraph (3) the following:

"(4) 'Board' means the Intermodal Transportation Board;"

(3) adding at the end of paragraph (7) the following: "a conference agreement does not result in the formation of a single commercial identity, and members of the conference retain their identity as individual carriers in the trade;"

(4) striking "the government under whose registry the vessels of the carrier operate" in paragraph (8) and inserting "a government";

(5) striking "in an unfinished or semi-finished state that require special handling moving in lot sizes too large for a container" in paragraph (11);

(6) striking "paper board in rolls, and paper in rolls." in paragraph (11) and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(7) striking paragraph (17) and redesignating paragraphs (18) through (27) as paragraphs (17) through (26), respectively;

(8) striking paragraph (18), as designated, and inserting the following:

"(18) 'ocean freight forwarder' means a person that—

"(A)(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; or

"(B) acts as a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(9) striking paragraph (20) as redesignated and inserting the following:

"(20) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and one or more ocean common carriers or a conference in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or carriers or a conference commits to a certain rate or rate scheduled and a defined service level such as, assured space, transit time, port rotation, or similar service features; the contract may also specify provisions in the event of nonperformance on the part of any party.";

(10) striking "made." in paragraph (22), as redesignated, and inserting "made, a shippers' association, or an ocean freight forwarder described in paragraph (18)(B) of this section.";

#### SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel operating common carriers;" in paragraph (5) and inserting "operators;" and

(2) striking paragraph (7) and inserting the following:

"(7) discuss and agree upon any matter related to service contracts, and enter service contracts and agreements related to those contracts.";

#### SEC. 104. AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by—

(1) striking subsection (b)(8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item in a tariff upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item."; and

(2) striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933" in subsection (d) and inserting "this Act and the Shipping Act, 1916".

(d) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall take effect on September 30, 1996.

#### SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7(a) of the Shipping Act of 1984 (46 U.S.C. App. 1706(a)) is amended by—

(1) inserting "or publication" in paragraph (2) after "filing"; and

(2) inserting "Federal Maritime" before "Commission" in paragraph (6).

#### SEC. 106. TARIFFS.

Section 8 of Shipping Act of 1984 (46 U.S.C. App. 1707) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in subsection (a)(1);

(2) striking "file with the Commission, and" in subsection (a)(1);

(3) striking "inspection," in subsection (a)(1) and inserting "inspection in an automated tariff system approved by the Board,";

(4) striking "tariff filings" in subsection (a)(1) and inserting "tariffs";

(5) striking "loyalty contract," in subsection (a)(1)(E);

(6) striking paragraph (2) of subsection (a) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote terminals, and a reasonable charge may be assessed for such access. No charge may be assessed for access by a Federal agency.

(7) striking subsection (c) and inserting the following:

(c) "SERVICE CONTRACTS—

"(1) IN GENERAL.—One or more ocean common carriers or conferences may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

"(2) AGREEMENT SERVICE CONTRACTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an agreement of 2 or more ocean common carriers shall be filed with the Board, and at the same time, a concise statement of its essential terms shall be filed with the Board and made available to the general public in tariff format, and those essential terms shall be available to all shippers similarly situated. The essential terms shall include—

"(A) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

"(B) the commodity or commodities involved;

"(C) the minimum volume;

"(D) the line-haul rate;

"(E) the duration;

"(F) service commitments; and

"(G) the liquidated damages for non-performance, if any.

"(3) INDIVIDUAL SERVICE CONTRACTS.—Service contracts entered into under this subsection between one or more shippers and an individual ocean common carrier may be made on a confidential basis. Service contracts entered into under this subsection shall be retained by the parties of the contract for 3 years subsequent to the expiration of the contract.

"(4) AGREEMENT SERVICE CONTRACT PROVISIONS.—Any agreement among ocean common carriers that is filed under section 5(a) of this Act may—

"(A) not prohibit the members of the agreement from negotiating and entering into individual service contracts under this subsection;

"(B) establish voluntary rules or requirements affecting the rates, terms, and conditions included in individual service contracts under this subsection; and

"(C) require a member of the agreement to disclose the existence of an existing individual service contract under this subsection or negotiation on a service contract under this subsection when the agreement enters into negotiations with or has an existing contract with the same shipper.";

(8) striking "30 days after filing with the Commission" in the first sentence of sub-

section (d) and inserting "7 calendar days after publication";

(9) striking "30" in the second sentence of subsection (d) and inserting "7"; and

(10) striking "and filing with the Commission" in the last sentence of subsection (d);

(11) striking subsection (e) and inserting the following:

"(e) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public a schedule of rates, regulations, and practices, including limitations of liability (other than for negligence), pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable as an implied contract, without proof of actual knowledge of its provisions."; and

(12) striking subsection (f) and inserting the following:

"(f) REGULATIONS.—The Board shall by regulation prescribe the requirements for automated tariff systems established under this section and shall approve any automated tariff system that complies with those requirements. The Board shall disapprove or, after periodic review, cancel any automated tariff system that fails to meet the requirements established under this section. The Board shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.";

#### SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

#### SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "filed with the Commission" in the first sentence of subsection (a) and inserting a comma and "or charge or assess rates";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Board";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether";

(6) striking "(1)" in paragraph (1) of subsection (b) and resetting the text of paragraph (1) as a full measure continuation of the matter preceding it;

(7) striking "filed" each place it appears in subsection (b) and inserting "published or assessed";

(8) striking "similar trade;" in subsection (b) and inserting "similar trade. The Board may also take into account other appropriate factors, including, but not limited to, whether—";

(9) redesignating paragraphs (2), (3), and (4) of subsection (b) as paragraphs (1), (2), and (3), respectively; and

(10) striking "filing with the Commission" in subsection (c) and inserting "publication";

(11) striking "DISAPPROVAL.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Board under this section, the Board shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(12) striking "filed" in subsection (d) and inserting "published or assessed";

(13) striking "may" in the second sentence of subsection (d), as amended by paragraph (11) of this section, and inserting "shall";

(14) striking "disapproved" in such sentence and inserting "prohibited";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish";

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

#### SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

"(A) is not in accordance with the rates contained in a tariff published or a service contract entered into under section 8 of this Act;

"(B) is not under an arrangement authorized by an exemption under section 16 of this Act; or

"(C) is under a tariff or service contract which has been suspended or prohibited by the Board;";

(4) redesignating paragraphs (5) through (16) as paragraphs (3) through (14);

(5) inserting "against a person, place, port, class or type of shipper, or ocean freight forwarder" after "practice" in paragraph (3), as redesignated;

(6) in paragraph (5), as redesignated, inserting "or engage in a pattern of unjust or unreasonable below-market pricing which causes meaningful harm to another carrier in the same trade" after "fighting ship";

(7) in paragraph (8), as redesignated, inserting "except for service contracts," before "demand,";

(8) in paragraph (10), as redesignated, inserting "except for service contracts," after "deal or,";

(9) striking "a non-vessel-operating common carrier" each place it appears in paragraph (12) and paragraph (13), as redesignated, and inserting "an ocean freight forwarder";

(10) striking "and 23" in paragraph (12) and paragraph (13), as redesignated, and inserting "and 19";

(11) striking "paragraph (16)" in the matter appearing after paragraph (14), as redesignated, and inserting "paragraph (14)"; and

(12) inserting "the Board," after "United States," in such matter.

(b) Section 10(d)(3) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)(3)) is amended by striking "subsection (b)(11), (12), and (16) of this section" and inserting "subsection (b)(9), (10), and (14) of this section".

#### SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11 of the Shipping Act of 1984 (46 U.S.C. App. 1710) is amended by—

(1) striking "section 6(g)," in subsection (a) and inserting "section 6(g) or section 10(b)(5),"

(2) striking "10(b)(5) or (7)" in subsection (g) and inserting "10(b)(3)"; and

(3) striking "10(b)(6)(A) or (B)" in subsection (g) and inserting "10(b)(4)."

#### SEC. 111. DEFINITIONS.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "non-vessel-operating common carrier," in subsection (a)(1) and inserting "ocean freight forwarder,";

(2) striking "non-vessel-operating common carrier operations," in subsection (a)(4);

(3) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(4) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(5) striking "13(b)(5) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)(5))" in subsection (h) and inserting "13(b)(3) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)(3))".

#### SEC. 112. AMENDMENTS TO FOREIGN SHIPPING PRACTICES ACT.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "non-vessel-operating common carrier" in subsection (a)(1) and inserting "ocean freight forwarder"; and

(2) striking "non-vessel-operating common carrier operations," in subsection (a)(4);

(3) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(4) inserting "and service contracts" after "tariffs" the second place it appears; and

(5) striking "13(b)(5) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)(5))" in subsection (h) and inserting "13(b)(3) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)(3))".

#### SEC. 113. PENALTIES.

(a) Section 13(a) of the shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels of the common carrier and any such vessel may be libeled therefor in the district court of the United States for the district in which it may be found."

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking paragraphs (1) through (3) and redesignating paragraphs (4) through (6) as paragraphs (2) through (4);

(2) inserting before paragraph (2), as redesignated, the following:

"(1) If the board finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Board may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the board, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)"; and

(3) striking "paragraphs (1), (2), and (3) of this subsection." in paragraph (3), as redesignated, and inserting "paragraph (1) of this subsection."

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by striking "section 10(a)(1), (b)(1), or (b)(4)" and inserting "section 10(a)(1) or 10(b)(1)."

#### SEC. 114. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading; and

(3) striking subsection (b).

#### SEC. 115. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking

"substantially impair effective regulation by the Commission, be unjustly discriminatory, result in substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce."

#### SEC. 116. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

#### SEC. 117. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended—

(1) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person may act as an ocean freight forwarder unless that person holds a license issued by the Board. The Board shall issue a forwarder's license to any person that the Board determines to be qualified by experience and character to act as an ocean freight forwarder.";

(2) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as a ocean freight forwarder unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Board to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under section 3(18) of this Act, or any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act; and

"(B) may be available to pay any claim deemed valid by the surety company against an ocean freight forwarder arising from its transportation-related activities under section 3(18) of this Act.

"(3) An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(4) striking "a bond in accordance with subsection (a)(2)" in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1)";

(5) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(6) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean freight forwarder; or

"(B) agree to limit the payment of compensation to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the forwarding services are provided."

#### SEC. 118. CONTRACTS, AGREEMENTS, AND LICENSES PRIOR TO SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984 shall continue in force and effect as if issued or effective under this Act, as amended by the International Ocean Shipping Act of 1996, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the International Ocean Shipping Act of 1996.";

(2) inserting the following at the end of subsection (e):

"(3) The International Ocean Shipping Act of 1996 shall not affect any suit—

"(A) filed before the effective date of that Act, or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the International Ocean Shipping Act of 1996.";

#### **SEC. 119. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.**

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

#### **SEC. 120. REPLACEMENT OF FEDERAL MARITIME COMMISSION WITH INTERMODAL TRANSPORTATION BOARD.**

The Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.) is amended by—

(1) striking "Federal Maritime Commission" each place it appears, except in section 20, and inserting "Intermodal Transportation Board";

(2) striking "Commission" each place it appears (including chapter and section headings), except in sections 7(a)(6) and 20, and inserting "Board"; and

(3) striking "Commission's" each place it appears and inserting "Board's".

#### **TITLE II TRANSFER OF FUNCTIONS OF THE FEDERAL MARITIME COMMISSION TO THE INTERMODAL TRANSPORTATION BOARD**

##### **SEC. 201. TRANSFER TO THE INTERMODAL TRANSPORTATION BOARD.**

(a) CHANGE OF NAME OF SURFACE TRANSPORTATION BOARD TO INTERMODAL TRANSPORTATION BOARD.—The ICC Termination Act of 1955 (Pub. L. 104-88) is amended by striking "Surface Transportation Board" each place it appears and inserting "Intermodal Transportation Board".

(b) FUNCTIONS OF THE FEDERAL MARITIME COMMISSION.—All functions, powers and duties vested in the Federal Maritime Commission shall be administered by the Intermodal Transportation Board.

(c) REGULATIONS.—No later than July 1, 1997, the Federal Maritime Commission, in consultation with the Surface Transportation Board, shall prescribe final regulations to implement the changes made by this Act.

(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1997.—There is authorized to be appropriated to the Federal Maritime Commission, \$19,000,000 for fiscal year 1997.

(e) COMMISSIONERS OF THE FEDERAL MARITIME COMMISSION.—Subject to the political party restrictions of section 701(b) of title 49, United States Code, the 2 Commissioners of the Federal Maritime Commission whose terms have the latest expiration dates shall become members of the Intermodal Transportation Board first appointed under this subsection, the one with the first expiring term (as a member of the Federal Maritime

Commission) shall serve for a term ending December 31, 1997, and the other shall serve for a term ending December 31, 2000.

(f) MEMBERSHIP OF THE INTERMODAL TRANSPORTATION BOARD.—

(1) NUMBER OF MEMBERS.—Section 701(b)(1) of title 49, United States Code, is amended by—

"(A) striking "3 members" and inserting "5 members"; and

"(B) striking "2 members" and inserting "3 members".

(2) QUALIFICATIONS.—Section 701(b)(2) of title 49, United States Code, is amended by inserting after "sector," the following: "Effective October 1, 1997, at least 2 members shall be individuals with—

"(A) professional standing and demonstrated knowledge in the field of maritime transportation or its regulation; or

"(B) professional or business experience in the maritime transportation private sector, including marine terminal or public port operation.";

#### **TITLE III AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS**

##### **SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920**

Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board";

(2) inserting "ocean freight" after "solicitations," in subsection (1)(b);

(3) striking "non-vessel-operating common carrier operations," in subsection (1)(b);

(4) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(5) striking "filed with the Commission" in subsection (9)(b); and

(7) striking "Commission" each place it appears (including the heading) and inserting "Board".

##### **SEC. 302. TECHNICAL CORRECTIONS.**

(a) PUBLIC LAW 89-777.—

(1) The Act of November 6, 1966, (Pub. L. 89-777; 80 Stat. 1356 46 U.S.C. App. 817 et seq.) is amended by—

(A) striking "Shipping Act, 1916" in section 2(d) and inserting "Shipping Act of 1984";

(B) striking "Shipping Act, 1916" in section 3(d) and inserting "Shipping Act of 1984";

(C) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board"; and

(D) striking "Commission" each place it appears and inserting "Board".

(2) The amendments made by subparagraphs (A) and (B) of paragraph (1) take effect on September 30, 1996.

(b) SHIPPING ACT, 1916.—The Shipping Act, 1916 (46 U.S.C. App. 801 et seq.) is amended by—

(1) striking "Federal Maritime Commission" each place it appears and inserting "Intermodal Transportation Board"; and

(2) striking "Commission" each place it appears and inserting "Board".

(c) TITLE 28, UNITED STATES CODE, AND CROSS REFERENCE.—

(1) Section 2341 of title 28, United States Code, is amended by—

(A) striking "Commission, the Federal Maritime Commission," in paragraph (3)(A); and

(B) striking "Surface" in paragraph (3)(E) and inserting "Intermodal".

(2) Section 2342 of such title is amended by—

(A) striking paragraph (3) and inserting the following:

"(3) all rules, regulations, or final orders of the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Ship-

ping Act, 1916 (46 U.S.C. App. 802, 803, 808, 835, 839, or 841a) or pursuant to part B or C of subtitle IV of title 49 (49 U.S.C. 15101 et seq.);"; and

(B) striking paragraph (5) and inserting the following:

"(5) all rules, regulations, or final orders of the Intermodal Transportation Board—

"(A) made reviewable by section 2321 of this title; or

"(B) pursuant to—

"(i) section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876);

"(ii) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C. App. 1713 or 1716); or

"(iii) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C. App. 817d(d) or 817e(d));";

(3) Section 10002(i) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. 1710a(i)) is amended by striking "2342(3)(B)" and inserting "2342(5)(B)".

Mr. PRESSLER. Mr. President, I rise today to take another step in my overall maritime reform agenda, the International Ocean Shipping Act of 1996.

Last October, I introduced S. 1356, a companion bill to H.R. 2149. I did so to begin Senate discussion of this important reform proposal. In November, I chaired a Committee on Commerce, Science, and Transportation hearing on the bill. The hearing revealed numerous issues affecting all segments of the liner ocean shipping industry that required further consideration.

Today, I am submitting an amendment (No. 4904) to S. 1356. By so doing, I am putting out for public comment a proposed refined version of the bill which would institute comprehensive reforms in how the Federal Government regulates the liner trade in the foreign commerce of the United States. This amendment addresses the concerns raised in the November hearing.

I am pleased to be joined by Senators GORTON, LOTT, HUTCHISON, INOUE, EXON, and BREAUX as cosponsors in this amendment. This bipartisan approach demonstrates just how serious we are about achieving meaningful reform.

The House has passed its version of ocean shipping reform legislation. The Senate does not have much time left in this Congress to make its mark on this issue. I intend to hold a hearing on this legislation in the near future. With the support of my fellow Commerce Committee members and other Senators, we can pass ocean shipping reform legislation this year.

Mr. President, 95 percent of U.S. foreign commerce is transported via ocean shipping. Approximately half of this amount is shipped in bulk form, e.g., oil, grain, chemicals, etc., on an unregulated vessel charter basis. The remainder is shipped by container on liner vessels—regularly scheduled service—under the Shipping Act of 1984, as regulated by the Federal Maritime Commission [FMC]. As the international liner shipping trade has evolved since 1984, many industry segments have requested changes in the Shipping Act of 1984 to keep pace with this evolution.

My amendment, the International Ocean Shipping Act of 1996, would improve the Shipping Act of 1984 in several key areas.

First, it would eliminate the filing of common carrier tariffs with the Federal Government. Instead of requiring Government approval, tariffs would become effective upon publication through private systems. My amendment also would increase tariff rate flexibility by easing restrictions on tariff rate changes and independent action by conference carriers.

Second, it would allow for greater flexibility in service contracting by shippers and ocean common carriers. The amendment would allow individual ocean common carriers and shippers to negotiate confidential service contracts. It also would allow shippers' associations and ocean freight forwarders to negotiate service contracts as shippers.

Third, responsibility for enforcing U.S. ocean shipping laws would be shifted to the Surface Transportation Board, which would be renamed the Intermodal Transportation Board. The Federal Maritime Commission would be terminated at the end of fiscal year 1997. A single independent agency would then administer domestic surface, rail, and water transportation and international ocean transportation regulations. The Government would catch up to the carriers and shippers, who are already thinking intermodally.

Finally, the Intermodal Transportation Board would be given new tools to address predatory pricing ocean common carriers while ensuring increased competition in the industry.

#### THE PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTURING ACT OF 1996

##### FAIRCLOTH AMENDMENT NO. 4905

Mr. FAIRCLOTH proposed an amendment to the bill, S. 1956, supra; as follows:

On page 399, between lines 10 and 11, insert the following:

##### Subchapter F—Other Provisions

##### SEC. 2241. PROHIBITION OF RECRUITMENT ACTIVITIES.

(a) IN GENERAL.—Section 1631 (42 U.S.C. 1383) is amended by adding at the end the following new subsection:

##### "PROHIBITION OF RECRUITMENT ACTIVITIES

"Nothing in this title shall be construed to authorize recruitment activities under this title, including with respect to any outreach programs or demonstration projects."

##### JEFFORDS AMENDMENT NO. 4906

Mr. ROTH (for Mr. JEFFORDS) proposed an amendment to the bill, S. 1956, supra; as follows:

Beginning on page 1-5, strike line 18 and all that follows through page. 1-7, line 12, and insert the following:

(a) IN GENERAL.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended by striking paragraph (11) and inserting the following: "(11)(A) any payments or allowances made for the purpose of providing energy assistance under any Federal law, or

(B) a 1-time payment or allowance made under a Federal or State law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device."

(b) CONFORMING AMENDMENTS.—Section 5(k) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "plan for aid to families with dependent children approved" and inserting "program funded"; and

(B) in subparagraph (B), by striking "not including energy or utility-cost assistance,";

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) a payment or allowance described in subsection (d)(11);"; and

(3) by adding at the end the following:

"(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—

"(A) ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law to provide energy assistance to a household shall be considered money payable directly to the household.

"(B) ENERGY ASSISTANCE EXPENSES.—For purposes of subsection (e)(7), an expense paid on behalf of a household under a State law to provide energy assistance shall be considered an out-of-pocket expense incurred and paid by the household."

##### CRAIG AMENDMENT NO. 4907

Mr. ROTH (for Mr. CRAIG) proposed an amendment to the bill, S. 1956, supra; as follows:

Beginning on page 467, line 22, strike all through page 469, line 18, and insert the following:

"(D) ACCESS TO INFORMATION CONTAINED IN CERTAIN RECORDS.—To obtain access, subject to safeguards on privacy and information security, and subject to the nonliability of entities that afford such access under this subparagraph, to information contained in the following records (including automated access, in the case of records maintained in automated data bases):

"(i) Records of other State and local government agencies, including—

"(I) vital statistics (including records of marriage, birth, and divorce);

"(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

"(III) records concerning real and titled personal property;

"(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

"(V) employment security records;

"(VI) records of agencies administering public assistance programs;

"(VII) records of the motor vehicle department; and

"(VIII) corrections records.

"(ii) Certain records held by private entities with respect to individuals who owe or are owed support (or against or with respect to whom a support obligation is sought), consisting of—

"(I) the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records of public utilities and cable television companies, pursuant to an administrative subpoena authorized by subparagraph (B); and

"(II) information (including information on assets and liabilities) on such individuals held by financial institutions.

##### MCCAIN AMENDMENT NO. 4908

Mr. ROTH (for Mr. MCCAIN) proposed an amendment to the bill, S. 1956, supra; as follows:

On page 411, between lines 2 and 3, insert the following:

"(4) FAMILIES UNDER CERTAIN AGREEMENTS.—In the case of a family receiving assistance from an Indian tribe, distribute the amount so collected pursuant to an agreement entered into pursuant to a State plan under section 454(33).

On page 411, line 3, strike "(3)" and insert "(4)".

On page 554, between lines 7 and 8, insert the following:

##### SEC. 2375. CHILD SUPPORT ENFORCEMENT FOR INDIAN TRIBES.

(a) CHILD SUPPORT ENFORCEMENT AGREEMENTS.—Section 454 (42 U.S.C. 654), as amended by sections 2301(b), 2303(a), 2312(b), 2313(a), 2333, 2343(b), 2370(a)(2), and 2371(b) of this Act is amended—

(1) by striking "and" at the end of paragraph (31);

(2) by striking the period at the end of paragraph (32) and inserting "and";

(3) by adding after paragraph (32) the following new paragraph:

"(33) provide that a State that receives funding pursuant to section 428 and that has within its borders Indian country (as defined in section 1151 of title 18, United States Code) may enter into cooperative agreements with an Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), if the Indian tribe or tribal organization demonstrates that such tribe or organization has an established tribal court system or a Court of Indian Offenses with the authority to establish paternity, establish, modify, and enforce support orders, and to enter support orders in accordance with child support guidelines established by such tribe or organization, under which the State and tribe or organization shall provide for the cooperative delivery of child support enforcement services in Indian country and for the forwarding of all funding collected pursuant to the functions performed by the tribe or organization to the State agency, or conversely, by the State agency to the tribe or organization, which shall distribute such funding in accordance with such agreement; and

(4) by adding at the end the following new sentence: "Nothing in paragraph (33) shall void any provision of any cooperative agreement entered into before the date of the enactment of such paragraph, nor shall such paragraph deprive any State of jurisdiction over Indian country (as so defined) that is lawfully exercised under section 402 of the Act entitled 'An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes', approved April 11, 1968 (25 U.S.C. 1322)."

(b) DIRECT FEDERAL FUNDING TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Section 455 (42 U.S.C. 655) is amended by adding at the end the following new subsection:

"(b) The Secretary may, in appropriate cases, make direct payments under this part to an Indian tribe or tribal organization which has an approved child support enforcement plan under this title. In determining whether such payments are appropriate, the Secretary shall, at a minimum, consider whether services are being provided to eligible Indian recipients by the State agency through an agreement entered into pursuant to section 454(33)."

(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—Paragraph (7) of section 454 (42