

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3739

(Purpose: To make a manager's amendment.)

Mr. GRAMS. Mr. President, Senator CHAFEE has a manager's amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS] for Mr. CHAFEE, proposes an amendment numbered 3739.

Mr. GRAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Smog Reduction Act of 1998".

SEC. 2. AMENDMENT OF CLEAN AIR ACT.

Section 183 of the Clean Air Act (42 U.S.C. 7511b) is amended by adding at the end the following:

"(h) VEHICLES ENTERING OZONE NONATTAINMENT AREAS.—

"(1) AUTHORITY REGARDING OZONE INSPECTION AND MAINTENANCE TESTING.—

"(A) IN GENERAL.—No noncommercial motor vehicle registered in a foreign country and operated by a United States citizen or by an alien who is a permanent resident of the United States, or who holds a visa for the purposes of employment or educational study in the United States, may enter a covered ozone nonattainment area from a foreign country bordering the United States and contiguous to the nonattainment area more than twice in a single calendar-month period, if State law has requirements for the inspection and maintenance of such vehicles under the applicable implementation plan in the nonattainment area.

"(B) APPLICABILITY.—Subparagraph (A) shall not apply if the operator presents documentation at the United States border entry point establishing that the vehicle has complied with such inspection and maintenance requirements as are in effect and are applicable to motor vehicles of the same type and model year.

"(2) SANCTIONS FOR VIOLATIONS.—The President may impose and collect from the operator of any motor vehicle who violates, or attempts to violate, paragraph (1) a civil penalty of not more than \$200 for the second violation or attempted violation and \$400 for the third and each subsequent violation or attempted violation.

"(3) STATE ELECTION.—The prohibition set forth in paragraph (1) shall not apply in any State that elects to be exempt from the prohibition. Such an election shall take effect upon the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(4) ALTERNATIVE APPROACH.—The prohibition set forth in paragraph (1) shall not apply in a State, and the President may implement an alternative approach, if—

"(A) the Governor of the State submits to the President a written description of an alternative approach to facilitate the compliance, by some or all foreign-registered motor

vehicles, with the motor vehicle inspection and maintenance requirements that are—

"(i) related to emissions of air pollutants;

"(ii) in effect under the applicable implementation plan in the covered ozone nonattainment area; and

"(iii) applicable to motor vehicles of the same types and model years as the foreign-registered motor vehicles; and

"(B) the President approves the alternative approach as facilitating compliance with the motor vehicle inspection and maintenance requirements referred to in subparagraph (A).

"(5) DEFINITION OF COVERED OZONE NON-ATTAINMENT AREA.—In this section, the term 'covered ozone nonattainment area' means a Serious Area, as classified under section 181 as of the date of enactment of this subsection."

SEC. 3. GENERAL PROVISIONS.

(a) IN GENERAL.—The amendment made by section 2 takes effect 180 days after the date of enactment of this Act. Nothing in that amendment shall require action that is inconsistent with the obligations of the United States under any international agreement.

(b) INFORMATION.—As soon as practicable after the date of enactment of this Act, the appropriate agency of the United States shall distribute information to publicize the prohibition set forth in the amendment made by section 2.

SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impact of the amendment made by section 2.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall compare—

(1) the potential impact of the amendment made by section 2 on air quality in ozone nonattainment areas affected by the amendment; with

(2) the impact on air quality in those areas caused by the increase in the number of vehicles engaged in commerce operating in the United States and registered in, or operated from, Mexico, as a result of the implementation of the North American Free Trade Agreement.

(c) REPORT.—Not later than July 1, 1999, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the findings of the study under subsection (a).

Mr. CHAFEE. Mr. President, I have sent to the desk a manager's amendment to H.R. 8, a bill that was reported out of the Environment and Public Works Committee on a voice vote. Mr. President, H.R. 8 was developed to address part of the air pollution in southern California that has proven difficult to control. The pollution source in question is emissions from cars and trucks crossing into the San Diego area from Mexico. Those of us who work on the problems of air pollution are well aware of the strict auto emissions standards California has put in place in an effort to meet national air quality standards. Many of the cars crossing the border from Mexico greatly exceed the standards that California cars are expected to meet.

California has an extremely difficult task in trying to improve its air quality. The State is working to reduce emissions from nearly every conceivable source. The excess emissions from

cross-border traffic is estimated to be 13 percent of the excess pollution from cars and trucks in the San Diego area.

So, H.R. 8 was written to allow cars to be checked as they come across the border to ensure that those cars coming into the U.S. on a regular basis comply with State emission standards. California State law already requires this, but without a border check, the law has been impossible to enforce.

This matter has been widely recognized as one that H.R. 8 can be helpful in addressing, and as I have said, the bill was approved by a voice vote in the committee.

Today, I am submitting a manager's amendment to remedy some concerns raised by a few Senators about how the bill might apply to other states. The amendment will ensure that this bill is neutral with respect to all parts of the U.S. border with Mexico or Canada except the California-Mexico border, where the real problem is. Another change made by the amendment will focus the bill more narrowly on regular commuters as opposed to the occasional visitor on a shopping trip.

Mr. President, it is my understanding that this amendment has already been reviewed and approved by the minority. These changes also have been cleared by both the majority and minority on the House Commerce Committee, as well as by Congressman BILBRAY, the bill's sponsor.

I would urge my colleagues to adopt this amendment and pass H.R. 8.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3739) was agreed to.

Mr. GRAMS. I ask unanimous consent that the bill, as amended, be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 8), as amended, was considered read the third time and passed.

RELIEF OF RICHARD M. BARLOW

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 585, Senate Resolution 256.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) to refer S. 2274 entitled "A bill for the relief of Richard M. Barlow of Santa Fe, New Mexico" to the chief judge of the United States Courts of Federal Claims for a report thereon.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 256) was agreed to.

The resolution reads as follows:

S. RES. 256

Resolved, That (a) S. 2274 entitled "A bill for the relief of Richard M. Barlow of Santa Fe, New Mexico" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

(b) The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Mr. Richard M. Barlow of Santa Fe, New Mexico.

COMMENDING MARK MCGWIRE
AND SAMMY SOSA

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 286, submitted earlier by Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 286) expressing the sense of the Senate that Mark McGwire and Sammy Sosa should be commended for their accomplishments.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 286

Whereas the recent conclusion of the regular baseball season marked the end of an unprecedented home run race between the St. Louis Cardinals' Mark McGwire and the Chicago Cubs' Sammy Sosa;

Whereas both broke Roger Maris' home run record that many thought would stand untouched as indeed it has since Maris passed

the "Babe" by one home run when he hit his 61st some 37 years ago;

Whereas "Mighty Mac" rounded out his record setting season by sending two more over the fence in the team's final game to finish the year with 70 homes runs while "Slammin' Sammy" finished close behind with 66;

Whereas McGwire and Sosa brought to the game much more than a new record for the books, even though they are both great competitors, they showed the nation how competitors can show mutual respect and appreciation toward each other and to the game;

Whereas Mark McGwire is surely an ideal role model for tomorrow's baseball stars as evidenced by his quiet dignity, love of the game and respect for his competitors which was clearly demonstrated the night he broke the home run record—from his triumphant jog around the bases, to hugging his son at home plate, to saluting Sammy Sosa, and then finally spending a few moments in the stands with the family of Roger Maris;

Whereas Sammy Sosa who stayed on McGwire's heels throughout the home run chase is also a role model who, as a native from the Dominican Republic, rose from near poverty to be one of the greatest home run hitters in the history of the game, and is a hero in his home country where he continues to share his success by funding special programs for its underprivileged children;

Whereas the nation witnessed this year a flashback to an earlier time when the fans felt a connection to the players and the players gave their all for the fans;

Whereas baseball is a game for magic moments, like a perfect game or a triple play—or watching the ball fly over the fence for a home run, and, this year, McGwire and Sosa brought the nation plenty of those magic moments; and

Whereas through class and character Mark McGwire and Sammy Sosa are modern day heroes who brought out the best in baseball and reminded us all why baseball is the great American past time: Now, therefore, be it

Resolved, Mark McGwire and Sammy Sosa are to be commended for their record achievement, for reinvigorating the game of baseball, for their decency, and for giving our children sports heroes worthy of that status.

AUTHORIZING REPRESENTATION
BY SENATE LEGAL COUNSEL

Mr. GRAMS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 287, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 287) to authorize representation by Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced in United States District Court for the District of Hawaii in July 1998. The action sought to appeal a 1993 court order in another case. The complaint named Senator INOUE as one of two defendants, apparently because of the plaintiff's dissatisfaction with Senator

INOUE's casework assistance regarding certain state law violations that Hawaii harbors officials charged against the plaintiff. Shortly after the complaint was filed, and before either Senator INOUE or the other defendant had been served with the complaint, the district court dismissed the action sua sponte. The plaintiff has now appealed the dismissal to the Ninth Circuit.

This resolution would authorize the Senate Legal Counsel to represent Senator INOUE in this matter to move the Ninth Circuit to affirm the judgment of the district court.

Mr. GRAMS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas, Senator Daniel K. Inouye has been named as a defendant in the case of *O'Leary v. Fujikawa, et al.*, Case No. 98-16439, now pending in the United States Court of Appeals for the Ninth Circuit;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it *Resolved*, That the Senate Legal Counsel is authorized to represent Senator Daniel K. Inouye in the case of *O'Leary v. Fujikawa, et al.*

ASSISTIVE TECHNOLOGY ACT OF
1998

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 577, S. 2432.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Assistive Technology Act of 1998".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions and rule.

TITLE I—STATE GRANT PROGRAMS

Sec. 101. Continuity grants for States that received funding for a limited period for technology-related assistance.