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# *House of Representatives*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. WILSON).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 5, 1999.*

I hereby appoint the Honorable HEATHER WILSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

## CONGRESS SHOULD HELP FLOOD-RAVAGED NORTH CAROLINA

Mr. JONES of North Carolina. Madam Speaker, I represent the Third District of North Carolina that sustained unprecedented damage from Hurricane Floyd. I believe I echo the feelings of my North Carolina colleagues in Congress who also represent storm-damaged areas when I say that the amount of devastation that we have witnessed is almost impossible to comprehend.

While the storm itself has passed, the flooding has wreaked havoc on homes, farms, businesses, and entire communities. Some families lost their homes, jobs, and vehicles; and they are financially and emotional stressed and shattered.

Many of our rivers did not fully crest until days after Floyd hit and the additional rainfall last week only added to the problem.

But despite the amount of devastation that surrounds the citizens of eastern North Carolina, everyone is working together in a spirit that reminds us of the strength of this great Nation.

I want to thank the individuals, communities, businesses and organizations in North Carolina and across the country that have stepped up to the plate to help the citizens of eastern North Carolina. It has been a tremendous encouragement to our people.

Madam Speaker, just let me list some of the companies that are assisting: BlueCross/BlueShield of North Carolina, Food Lion, Lucent Technologies, Glaxo Welcome, International Paper, AJT and Associates of Florida, Mt. Olive Pickle Company, Sara Lee, Winn Dixie, Anheuser-Busch.

These and many other companies have sent help to eastern North Carolina. The charitable agencies and relief organizations have also been wonderful. The Second Harvest Food Bank of Northwestern North Carolina collected more than 100,000 pounds of food in one week. AmeriCares donated cleaning supplies. The Red Cross, Salvation Army, and the United Way are also coordinating donations of clothing and food drives. Religious communities across the country are also donating time as well as money to help their brothers and sisters across our district and the country.

All branches of the armed services, especially the United States Coast Guard and the United States Marines, Air National Guard, Army National Guard, and Air Force were tireless with their time and resources rescuing residents stranded by flooding. Their dedication to the State and Nation is second to none, and their efforts have been critical in saving and protecting human life.

Madam Speaker, now Congress must do its part. This Congress has an obligation to help the American people first when they are in trouble. We have a moral contract with the taxpayers. Madam Speaker, every year we send money to countless countries across the globe in foreign aid and we know through a variety of sources and reports sometimes billions of these dollars never reach the people they were sent to help. Billions of dollars in U.S. aid to Russia has reportedly been laundered through foreign banks including possible IMF funds. Now the President has pledged to forgive the debt of 36 countries owed to the United States in order to help these countries finance basic human needs. To forgive this debt would cost the American taxpayer $5 billion.

I would say to the President, there are families in North Carolina who have lost everything. They are living in shelters dependent upon the goodwill of friends and neighbors to provide them with the most basic human needs. Imagine what the community of eastern North Carolina could do with even $1 billion to help rebuild and repair the devastation.

Now Congress has appropriated over $12 billion in foreign aid for fiscal year 2000. Madam Speaker, I understand that we have strategic obligations to allies in the Middle East such as Israel; however, I cannot justify voting for a foreign aid package when families in my district are hurting so badly. Madam Speaker, we must help the American taxpayer first. I will not break faith with our own American citizens in their time of need. Not one

dime of foreign aid should be appropriated until we take care of the people of our United States of America.

Madam Speaker, if this sounds like ''America first,'' so be it. The people in flood-ravaged eastern North Carolina need our help now, not next year. They are striving to exist each and every day. I call on the leadership of both parties to work together in a bipartisan effort to bring much-needed relief to these families in eastern North Carolina immediately.

## CLOSING BOGUS CORPORATE LOOPHOLES BEST WAY TO PAY FOR PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Madam Speaker, in June, I spoke to the House in connection with the introduction of the Abusive Tax Shelter Shutdown Act. This cover of Forbes magazine pretty much tells the entire story. Forbes magazine bills itself as ''The Capitalist Tool,'' yet its cover story is ''Tax Shelter Hustlers: Respectable accountants are peddling dicey corporate tax loopholes.'' And when you open the magazine and begin the article, they continue: ''Respectable tax professionals and respectable corporate clients are exploiting the exotica of modern corporate finance to indulge in extravagant tax dodging schemes.''

During recent months, a number of individuals and groups have recognized the need to address these abusive and bogus loopholes. ''The Joint Committee on Taxation staff is convinced that the present law does not sufficiently deter corporations from entering into arrangements with a significant purpose of avoiding or evading Federal income tax. The corporate tax shelter phenomenon poses a serious challenge to the efficacy of the tax system. The proliferation of corporate tax shelters causes taxpayers to question the fairness of the tax system.'' And the Treasury Department has emphasized that, ''the proliferation of corporate tax shelters presents an unacceptable and growing level of tax avoidance behavior.''

Within the last several weeks, the American Bar Association tax section has again declared, ''growing alarm with the aggressive marketing of tax products that have little or no purpose other than the reduction of Federal income taxes.''

The New York State Bar Association expressed concern as to ''the negative and corrosive effect that corporate tax shelters have on our system of taxation and again called for congressional action.'' And even the Republican chair of the Committee on Ways and Means proclaimed much earlier this year that ''the area of corporate tax shelters is one field which merits review. . . . We are going to try to eliminate every abuse that circumvents the legitimate needs of the Tax Code.''

Unfortunately, neither that committee nor any of this House has addressed specific legislation to even slow down these guys, the corporate tax hustlers, with or without a fedora like this follow on the cover of Forbes. And no other Member of the House, except those of us who joined behind the Abusive Tax Shelter Shutdown Act, has offered a specific legislative answer.

Madam Speaker, tomorrow the House will hopefully have an opportunity to cast a vote for tax fairness and tax equity. The supporters of the bipartisan Consensus Managed Care Improvements Act, the gentleman from Michigan (Mr. DINGELL), the gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE), and the gentleman from Arkansas (Mr. BERRY), Republicans and Democrats, are supporting this Tax Shelter Shutdown legislation both to deal with this problem and in order to pay for the costs of the bill.

I want to commend their efforts. While I think that the costs of managed care reform have been greatly overstated, all of us who are committed to the Patients' Bill of Rights are taking the fiscally prudent approach and recognizing that this must be a pay-as-you-go Congress even on a measure as important as protecting the rights of those in managed care.

And I am particularly pleased that it is the tax dodgers that will be financing this important measure to improve the health care of the millions of Americans who must rely on managed care.

My legislation which should be considered as an amendment to the Patients' Bill of Rights, will curtail egregious behavior without impacting legitimate business transactions. It will eliminate the well-justified feeling of many people that high rollers are cheating and gaming the system, a feeling which leads to distrust on behalf of our taxpaying public.

My bill seeks to shut down abusive tax shelters by prohibiting loss generators, transactions which lack any legitimate purpose and are ginned up to obtain lower taxes. Second, a company that thinks it has a proper shelter is required to provide complete, clear, and concise disclosure. And third, the penalty for tax dodging is increased and tightened. Getting some downtown lawyer to bless what some high-priced accountant has cooked up will not save the corporation from penalties anymore, if it has clearly overstepped the line.

Some of the worst tax inequities arrive from those who use abusive tax shelters to exploit loopholes. The Abusive Tax Shelter Shutdown Act is not a panacea, but offered as an amendment to the Patients' Bill of Rights. It will not only advance the cause of quality health care, but it will help law enforcement to close the loopholes, eliminate sham transactions, and stop hustlers like this.

Madam Speaker, as we say in Texas: shut them down and move them out.

## CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. EWING) is recognized during morning hour debates for 5 minutes.

Mr. EWING. Madam Speaker, I come today to the floor for a couple of reasons. Later today we are going to be considering H.R. 764, the Child Abuse Prevention and Enforcement Act. We call that CAPE. I just wanted to come here this morning during morning hour and talk a little bit about what we are trying to do with this important piece of legislation.

I go back quite a ways with this bill, which is sponsored by the gentlewoman from Ohio (Ms. PRYCE). Before that, it was the gentlewoman from New York (Ms. Molinari). We recognize that there is a very serious problem with child abuse. The bill is not a panacea nor does it answer all the questions raised in this important area of social concern. But what it does is allow what I think is really good government, and that allows for the money which we are now spending in many regards which is tied up with government bureaucracy and rules and regulation, to allow those at the local level to have flexibility in using this money in child abuse prevention programs.

Just look at the statistics: 3 million cases of child abuse and neglect. That is 9,000 reports a day. This bill is a step towards the goal of trying to achieve better use of the resources which we have out there to fight this growing problem in American society.

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It bothers me when I look at young couples, and we talk to people and some of my own children, they have had grandchildren, when we talk to a parent, and they are doing everything they can to be sure that the child that they are going to have is healthy, not taking medicine for a cold, not taking an aspirin, not touching liquor or tobacco, things that we know could injure the child. Then we have the disparity on the other side of the equation where a child does not get that kind of care, does not get that kind of nurturing once they have been born.

That is who we want to try and help are those who are having trouble, who are under difficult pressures in our society so that they can be able to raise their child in a good atmosphere and that that child can grow and be nurtured to adulthood.

It is so important to our society because the child that is abused will very likely follow that same pattern when they grow as an adult. So today, when we take up H.R. 764, it is a small step

in the direction of correcting and assisting in this very major social problem.

The other thing that I wanted to talk about a minute today was a report that I saw in the newspaper about the failure of the administration to seek or to report to us about seeking assistance on repaying for the Kosovo operation.

We all know, I think, that, in this Congress for sure we know, it has cost us billions of dollars in Kosovo. We have shelled out probably easily 75 to 90 percent of the cost of that operation. It was really an American operation under the guise of NATO.

I think it was well founded when we put in the legislation that we sent to the President that he signed, that he agreed to report to us his efforts in trying to get contributions from our allies who took so much credit for what was done there and yet paid so little of the cost of that. I think that it is important that this administration come up with the report that is already now 2 weeks late.

Let us know what they are doing, make efforts to be sure that we get some assistance. As we go around the world, as we do our share of keeping peace in the world, we want to do that as American citizens. I do not think as American citizens we want to be taken advantage of, that we want to pay for all of that when there are others in this world equally able to share in that burden.

So I say to the administration, let us have the report. Let us know what they are doing. We should be able to do easily as well as we did when President Bush was President and we got $53 billion reimbursement for the Persian War, which was a very nice shot in the arm for the American budget and the American taxpayers.

So I say, Mr. President, let us know what you are doing. We really, really need your report on this.

## NATIONAL TECHIES DAY

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 19, 1999, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized during morning hour debates for 5 minutes.

Mrs. CHRISTENSEN. Madam Speaker, I am here this morning in recognition of the first ever National Techies Day to bring attention to the lack of adequately trained and educated workers to fill the many information and technology jobs that are available today.

Reports estimate about 350,000 Information Technology or IT jobs are currently unfilled in America with an expected 1 million jobs over the next 10 years.

The goal of National Techies Day is to match technology professionals with students, to encourage their involvement in science and technology with particular emphasis on children and disadvantaged communities.

Many of these communities are still without access to the Internet. We must work together to ensure that this digital divide will be eliminated. With Federal initiatives such as the E-Rate to wire all of the Nation's public schools and libraries, we are definitely on the right track.

So I am pleased to support National Techies Day and applaud organizations like the Association for Competitive Technology, the Kids Computer Workshop, and Be Healthy Lifestyles for reaching out to children in urban areas and opening their eyes to the endless possibilities of theirs.

## LIBERALS DO NOT CARE ABOUT FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Alabama (Mr. RILEY) is recognized during morning hour debates for 1 minute.

Mr. RILEY. Madam Speaker, here we go again. Yesterday we debated whether we should allow Federal funding to be used to pay for offensive art exhibits. Last night the Democrats offered a motion to instruct conferees to agree to increase the funding for the NEA and NEH.

I said it then, and I will say it again; under the Constitution, expression must be government protected, but there is no requirement that it be government funded.

Madam Speaker, liberals just do not grasp that concept. What makes the motion even more insulting is that it comes at a time when Congress is fighting to maintain fiscal responsibility and protect the Social Security Trust Fund.

Madam Speaker, this motion only proves what we have been saying all along, liberals do not care about fiscal responsibility. They do not care if American families get a tax cut. They do not care about what the American people want in general. They only care about raiding the surplus to protect their unjustified and often unneeded social programs.

Madam Speaker, it's going to take all of us working together to live within a balanced budget and we will never be able to do so until we set priorities in this Congress.

Social Security is a priority.

Funding obscene art is not.

## PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, we are expecting that tomorrow we will have a debate on the Patients' Bill of Rights on HMO reform. We do not have the rule yet coming out from the Committee on Rules, and I have expressed many times on the floor of the House my concern that this rule, this procedure that may be adopted would allow the Republican leadership in the House to add poison pills, extraneous issues to the Patients' Bill of Rights in an effort to defeat it.

But I do not want to dwell on that today because I am still hopeful, still optimistic that that will not be the case and we will be allowed to have a clean vote on the Patients' Bill of Rights and provide for patient protections for those Americans who have their health insurance through HMOs or managed care.

But I am concerned, Madam Speaker, about the fact that, in the last few weeks and certainly the last 2 days, we have had a barrage of ads and articles that are basically put out by the HMO industry, by the insurance companies in an effort to defeat and spread erroneous information about the Patients' Bill of Rights, about the bipartisan Norwood-Dingell bill.

One that I think that we have basically disputed effectively but keeps coming up is the argument that, under the Patients' Bill of Rights, there will be too many lawsuits because now patients will be able to sue their HMO if they suffer damages; and, secondly, that the cost of health insurance will skyrocket because of the fact that there will now be the ability to sue the HMO as well as the various patient protections that are in place.

I think that the Texas law which has been on the books now in the State of Texas for 2 years, very similar to the Norwood-Dingell bill, effectively disputes the cost argument as well as the HMO liability or ability to sue the HMO argument.

Over 2 years now in Texas, there have only been four lawsuits filed against HMOs. In addition, the costs of health insurance premiums for those in managed care have not gone up at all. In fact, Texas rates have actually been less than a lot of other States. The increases have been actually less in Texas than a lot of other States where they do not have patient protections, where they do not have the Patients' Bill of Rights.

But, today, I hear another argument which I think needs to be effectively refuted as well, and that is that, somehow, employers, not the HMOs, but employers are going to be liable to suit under the Norwood-Dingell bill and that because employers will be sued, a lot of employers will drop health insurance, and the ranks of the uninsureds will increase. Well, nothing could be further from the truth.

The fact of the matter is that under the Norwood-Dingell bill, under the Patients' Bill of Rights, we have specific language that shields the employer from being sued in almost every circumstance. An employer would actually have to actually be involved in the very decision about whether or not one is going to have a particular operation or be able to stay in the hospital before they could be liable for suit, which is simply not the case.

In every case, the insurance company or a third party administrator handles those decisions for employers pursuant to their insurance policy. We have very effective shield language in the bill that effectively precludes the employer from being sued.

Now, I want to say I thought there was a very interesting article in today's Washington Post, an op ed by Anthony Burns where he tries to say and he admits that we do have shield language in the bill that would effectively preclude an employer from being sued.

But it goes on to say, essentially, in the article, and this is sort of a new twist on this theme, that even though the shield language is there, it will not matter because crafty trial lawyers will find a way to get around it.

He talks about, first, that plaintiffs could argue that insurance companies or third-party administrators are merely the agents of the employer, or a crafty lawyer could argue that, by selecting one health-care provider over another, the employers' discretionary decision played a role in a decision or an outcome with regard to patient care. Well, that is totally bogus.

Any trial lawyer, of course, can make any argument, and anybody can be sued and make an argument. But the bottom line is, if one has effective shield language, those arguments are not going to work.

One of the things that disturb me the most is that, if one sees what is happening around the country, one will see in a recent Illinois Supreme Court decision, or even a case that is now being obtained by our own U.S. Supreme Court, that the courts increasingly are getting around the prohibition on the right to sue.

But just because that is happening does not mean that we, when we pass legislation, which we are hopefully going to consider in the next few days, that if we put specific language in that says the employers cannot be sued, that should be sufficient for those who are concerned about this issue. Because any lawyer can make any argument. Any court can overturn any decision or any Federal language. But the bottom line is that we are putting that protection in the bill. I think that that should be sufficient. It is a recognition of the fact that the employers cannot be sued.

Please support the Norwood-Dingell bill. Do not be persuaded by these false arguments.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 27 minutes a.m.), the House stood in recess until 10 a.m.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SUNUNU) at 10 a.m.

## PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O gracious God, we profess that You are the creator of the whole world and yet when we look at that world we see so much pain and suffering, wars and rumors of wars, and we become distressed. We affirm that You have created every person in Your image and yet in our communities we see alienation and estrangement one from another.

Almighty God, teach us that before we can change the world or our communities we need to change our own hearts and our own attitudes so that Your spirit of faith and hope and love touches our souls and the work of our daily lives. This is our earnest prayer. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. VITTER) come forward and lead the House in the Pledge of Allegiance.

Mr. VITTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

## FEDERAL TELEPHONE ABUSE REDUCTION ACT OF 1999

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, a report released in August by the Department of Justice's Office of the Inspector General revealed hundreds of cases in which Federal inmates used prison telephones to commit serious crimes, including murder, drug trafficking, witness tampering, and fraud.

Although the Federal Bureau of Prisons has been aware of this problem for some time, it has not taken sufficient steps to address the abuse of Federal prison telephone systems.

To help the Bureau undertake immediate and meaningful action to correct these problems, I am introducing the Federal telephone abuse reduction act. My bill requires the Bureau of Prisons to implement changes to efficiently target and increase the monitoring of inmate conversations. It will also refocus officers to detect and deter crimes committed by inmates using Federal telephones.

I urge my colleagues to join me in squarely addressing what appears to be widespread inmate abuse of prison telephones and cosponsor the Federal telephone abuse reduction act.

## REPUBLICANS REJECT GOVERNOR BUSH'S ADVICE ON PATIENTS' BILL OF RIGHTS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, there is good news. The House Republicans have apparently yielded on their cruel plan to defer the earned income tax credit for working families, a plan deplored by Governor George W. Bush as, in his words, ''balancing the budget on the backs of the poor.''

But there is also bad news. The Republicans are so out of touch with the needs of American families that they have rejected Governor Bush's advice on the Patients' Bill of Rights that we will be debating tomorrow.

Our Lone Star State has been a national leader on reforming managed care. Although Governor Bush initially fell victim to the same old tired insurance company rhetoric upon which our House Republican friends now rely, he permitted our Texas Patients' Bill of Rights to be signed into law. And last week his office declared it has ''worked well.'' Who could say otherwise with only five lawsuits from 4 million Texans over 2 years in managed care.

Governor Bush's insurance commissioner has declared it ''a real success story,'' ''one of the leading'' consumer protection measures in the country. If the Republican leadership will get out of the way, we will do the same for all of America.

## PATIENTS' BILL OF RIGHTS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to the remarks of my colleague on the left from

the State of Texas. And indeed he is making news today. Because, apparently, he is endorsing the candidacy of his governor, Governor Bush. And we certainly appreciate that act of bipartisanship. But in all sincerity and in all seriousness, Mr. Speaker, it is important that we do this as we defend patients' rights.

The key on this House floor and in the hospitals and clinics and homes of America is this: We must make sure that we have a true Patients' Bill of Rights instead of a lawyer's right to bill. And as we see this morning in one of our national publications, Mr. Speaker, sadly this is true.

I quote now, ''Yet trial lawyer money talks loudest of all now to many Democrats.'' And indeed it is increasingly clear the Democrat Party, with no ideological link to the private economy, is now reduced to redistributing income through litigation.

We do not want a lawyer's right to bill. We want a patients' bill of rights.

## ENFORCEABLE PATIENTS' BILL OF RIGHTS

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, we will have a chance as bipartisan in this House to really have a patients' bill of rights, yes, a patients' bill of rights that respects the right of patients to expect that the plan they have with their insurance company is indeed enforceable.

That is a fundamental right of consumers to believe that which they have purchased is enforceable. They also expect that they will be able to be treated for disease and illness that they may be suffering, which is covered under that. So the patients' bill of rights does include the right to sue. But it does not include the right that employers should be sued.

So I am urging my colleagues not to have that scare tactic, to make sure that we have an opportunity to debate the right, the right for patients to be covered for those illnesses that they are insured, the right to enforce their plan and, yes, indeed if there is a failure or fraud, the right to sue finally.

The patients' bill of rights is an opportunity for us to say, yes, patients have a right to expect that their insurance company will follow through on their commitment.

## REPUBLICANS ARE STOPPING RAID ON SOCIAL SECURITY

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, Washington big spenders have raided Social Security for 30 years to pay for big government programs. Republicans are stopping that raid.

As a result, the President and the Democrats in Congress are desperately looking for new ways to pay for their big government programs. As usual, they think they found it in the wallets of the working Americans.

The Democrats' scream to increase tobacco taxes in order to pay for a fatter, more bloated government is nothing more than a money grab that will hurt low-income workers.

In fact, Mr. Speaker, as this chart shows, over 53 percent of the Democrats' tax increase will be paid by Americans earning less than $30,000.

Mr. Speaker, I am here to assure the hard-working taxpayers of this country that this Republican Congress will not schedule a bill that raises their taxes and this Republican Congress will not schedule a bill that raids their Social Security. It is time to stop the raid on Social Security and time to stop the raid on the taxpayers' wallets.

Mr. Speaker, if the Democrats raise tobacco taxes, they will feed the most insidious addiction in this town, the addiction they have for our money.

## UNCLE SAM IS PROPPING UP COMMUNISM IN CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last week China celebrated 50 years of communist rule. They had parades with tanks, missiles, communism on display after all our efforts to defeat communism.

What is troubling, Mr. Speaker, is they were partying in China on our cash, a $70-billion trade surplus. Unbelievable. The truth is, communism in China would be belly up today if it were not for our trade policy.

Beam me up. Uncle Sam is now propping up communism. I yield back Taiwan, Johnny Huang, Charlie Trie, and all the Chinese spies running around our nuclear labs.

## DAY 131 OF SOCIAL SECURITY LOCKBOX HELD HOSTAGE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, today is day 131 of the Social Security lockbox held hostage by President Clinton and the minority party in the Senate.

One hundred thirty-one days ago, this House, both Democrats and Republicans, voted overwhelmingly 416–12 to lock up Social Security dollars to protect them from being spent on unrelated programs.

Since the passage of the Social Security lockbox in the House, the Senate leadership is on record six times attempting to bring the Social Security lockbox for a vote on the Senate floor. And for six times the approval to even consider the Social Security lockbox was denied on a straight party-line vote.

Mr. Speaker, the House is committed to ending the 30-year raid on Social Security. I urge the Democrat minority in the Senate to allow for the same.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to refrain during one-minute speeches from references to proceedings in the other body.

## KIDDIE MAC

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, as we enter the new millennium, the American family has taken a new shape. Our children are now reared not only by two working parents, sometimes by single parents, grandmothers, guardians.

Many Americans say that finding safe, affordable child care is one of their most important concerns. We have not been able to finance a sufficient number of needed child care centers. Parents who can afford to pay for modest child care, many spend more on yearly quality child care tuition than on public college tuition.

As one step in addressing this crisis, I have introduced bipartisan legislation with the gentleman from Louisiana (Mr. BAKER) called Kiddie Mac. Kiddie Mac is designed to build a partnership between the Federal Government and private lending institutions to finance safe and affordable child care.

Unless we act to pass Kiddie Mac, the new American family of the new millennium may collide head-on with the unmet needs for safe and affordable child care.

## SOCIAL SECURITY LOCKBOX

(Mr. VITTER asked and was given permission to address the House for 1 minute.)

Mr. VITTER. Mr. Speaker, on May 26 of this year, 3 days before my election, this body passed a Social Security lockbox bill authored by my distinguished colleague the gentleman from California (Mr. HERGER). It was by an overwhelming vote of 416–12.

We are here today, and we will be here every day to demand that the Senate act on this measure. A lot has happened since passage on May 26. Four months, a total of 131 days, have gone by. The American League won the All Star game. The NHL and the NFL began play. The President got a home loan. And the other body voted six times to block Social Security lockbox legislation.

But one thing has not changed. The American people are rightly demanding that we protect Social Security through institutional safeguards like the lockbox. Simply put, the other body is holding the lockbox bill hostage. One hundred thirty-one days is long enough.

## REPUBLICAN BROKEN PROMISES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, at the beginning of this Congress, the new Republican leadership made America a few promises. They said that they would finish their work on time, that they would not break the balanced budget spending limits, and that they would not spend money from the Social Security trust fund.

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Months later, all we can say about these three promises is broken, broken, and broken. The Republicans have not finished their work on time. Last week we had to pass an emergency spending measure to prevent the government shutdown. The Republicans are breaking the spending caps, proposing budget-busting tax cuts for the wealthiest of Americans. And their plan to bring spending back in line? Delay the small tax credit given to low-income working families, a plan so callous even GOP Presidential candidate George Bush denounced it saying, ''Republicans should not balance their budget on the backs of the poor.''

Finally, Republicans promised not to take money from Social Security, but now the Congressional Budget Office says that the Republicans have already taken $16 billion out of the Social Security Trust Fund this year. Another promise broken. They have broken the lock-box and they have taken the money out and spent the Social Security Trust Fund. Promises made, promises broken. That is the legacy of this Congress.

## MIAMI RIVER CLEANUP

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, now that the President has signed into law the first Federal appropriations to clean up the Miami River, that was in the fiscal year 2000 energy water appropriation bill. The next step will be up to the governments at the State and local levels as well as the broad coalition of community groups represented by the Miami River Commission and the Miami River Marine Group.

The Miami-Dade County manager has reiterated our county's support for this key environmental project. This is the beginning of a 4-year phased dredging project proposed by the Miami River Commission with the assistance of the U.S. Army Corps of Engineers.

This $5 million Federal initial appropriation will begin maintenance dredging of the river which will cost $64 million from Federal, State, and local sources. The Miami River project shows what can be accomplished when governments at all levels join with grass-roots activists to achieve a common goal. The cleanup will ensure the continued growth of the Miami River as one of our Nation's critical shipping links to the Caribbean and Latin America.

We congratulate the Miami-Dade County manager. Let us do our job at the local level now.

## MANAGED CARE REFORM

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, just when Congress appears ready for managed care reform with the Norwood-Dingell bill, there is an effort to propose gimmicks and ways to poison the bill with harmful provisions that will wind up doing nothing for patients.

For months, the Republican leadership has complained that the Patients' Bill of Rights would increase cost and open employers to unfair lawsuits, both of which would supposedly force employers to drop coverage. That is just not true.

As a Northeastern Member of Congress said a couple of weeks ago, even Texas is a leader and California just passed a bill recently and the governor signed it, passed a strong Patients' Bill of Rights. My home State of Texas has passed many of the patient protections. They are already in place, including external appeals, accountability, and there has been no premium increase or exodus by employers to drop coverage.

What Texas residents do have is the health care protections they need. Provisions included in this Patients' Bill of Rights should be extended to every American including eliminating ''gag clauses,'' open access to specialists, a timely appeals process, coverage for immediate emergency care, and holding the medical decision-maker accountable.

Mr. Speaker, I hope and pray we are not headed for more delays and maneuverings and will pass a strong bill for our constituents.

## EVERYONE WANTS TO GO TO HEAVEN, BUT NOBODY WANTS TO DIE

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, the late heavyweight champion of the world, Joe Louis, once said, ''Everyone wants to go to heaven but nobody wants to die.''

Mr. Speaker, the wisdom of that statement will be shown to be true this week and next. Everybody in this House says that they want to protect Social Security. Everybody. But how many will support the spending cuts we need to get there?

Every time the majority offers budget cuts to get there, the other side votes ''no,'' or offers tax increases, or screams bloody murder.

We must cut spending to preserve Social Security. We must pass the Social Security lock-box. But as Joe Louis said: ''Everybody wants to go to heaven, but nobody wants to die.''

## TECHIES DAY

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of National Techies Day and the positive impact technology had on our lives.

Techies Day allows us to recognize and applaud today's technology professionals. In addition, it brings current techies and schoolchildren together in hopes of encouraging more of them to pursue careers in science or technology.

The United States leads the world in technology development, but we continue to lag behind in educating and training the workforce that is prepared to fill thousands of technical jobs. With more of our day-to-day activities being done electronically, it is important we ensure a competent workforce that is prepared to meet the growing needs of this industry. These needs will be met by educating our children and preparing them for the technology field. This is essential to America's long-term economic strength as we enter the 21st century.

Mr. Speaker, our children's future matters to all of us, and we have a responsibility to bring them into this new economy equipped with the tools needed to keep pace with technology innovations. Techies Day is the right direction to make this possible.

## NUCLEAR WASTE STORAGE AT YUCCA MOUNTAIN COULD LEAD TO DISASTER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, we have been fortunate that a nuclear accident like the recent disaster at a Japanese uranium processing plant has not occurred in the United States in the last 3 decades.

Mr. Speaker, I urge my colleagues to hold on to their gas masks because things could change.

A recent article in the Las Vegas Review Journal clearly stated that ''a nuclear chain reaction similar to the one that released dangerous levels of radiation from a Japanese uranium plant could happen with spent fuel the U.S. Government wants to store at Yucca Mountain.''

Unfortunately, the Department of Energy continues to ignore the scientific facts and warnings offered by the nuclear energy experts. Scientists have already concluded that water will drip through the porous rock barrier

and accelerate corrosion of the nuclear waste containers, potentially causing a reaction similar to the Japanese nuclear disaster.

Mr. Speaker, this Congress cannot in good faith place the lives of thousands of citizens living in the surrounding area of Yucca Mountain in peril. The plan to store nuclear waste at Yucca Mountain is simply unwarranted, unwise, and dangerous. We can and must prevent such a disaster.

## IN SUPPORT OF THE DINGELL-NORWOOD PATIENTS' BILL OF RIGHTS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to support the bipartisan Dingell-Norwood Patients' Bill of Rights. We need protections for patients to ensure that they have access to specialists, to ensure that they get accurate information about all of their medical options and not just the cheapest options. We need to ensure that they can get reimbursed for emergency room care. That is what the Patients' Bill of Rights is about.

I am not here to paint the HMOs as the ultimate villains, but I will say that the profit motive leads to greed and greed leads to some of the worst abuses of patients we have seen.

Mr. Speaker, we need a Patients' Bill of Rights that is enforceable. Unfortunately, the Republican leadership wants to give an empty can. If we cannot enforce patients' rights, the rights are meaningless. Some would say that is a boon for trial attorneys. Not so. The importance of having the right to sue is so there is a deterrent against bad medical practices.

Texas has shown that there is not a significant increase in lawsuits when there is an enforceable bill of rights. We will also hear that this will drive up costs. Not so. Minimum cost increases are a couple of dollars. What is important is that we have an enforceable bill of rights with teeth to protect all Americans.

## DOLLARS TO THE CLASSROOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this week the House Committee on Education and the Workforce will consider the Dollars to the Classroom resolution stating that our schoolchildren and teachers in our public schools throughout this country can benefit by directing Federal funding for elementary and secondary education directly to classrooms where the learning process actually takes place.

By seeking to get 95 cents of every dollar into the classrooms of our public schools, the children and teachers of this Nation would see an additional $870 million out of the existing appropriation. That is $10,000 per school translating to about $450 for every classroom in America.

By seeing that dollars actually get into the hands of those who directly teach our kids their ABCs and their 1, 2, 3s, we will get maximum efficiency out of the use of our tax dollars.

As the House considers the Elementary and Secondary Education Act, let us look at how we can empower teachers at the local level. No longer do we want our seventh graders saying their books were printed when their teachers were in the eighth grade.

Mr. Speaker, I urge my colleagues to support the Dollars to the Classroom resolution.

## CONGRESS MUST PASS PATIENTS' BILL OF RIGHTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, just recently we read a report that tells us that 43 million Americans are uninsured and without health insurance. Shame on America and shame on this Congress. That is why among many things that we have to do to include those who are uninsured, we must pass the Patients' Bill of Rights.

Tragically in my own State of Texas under Republican leadership, Texas is number one with uninsured persons with no coverage to protect them and provide for health insurance. Shame on Texas and shame on the Republican leadership in the State of Texas.

But the Patients' Bill of Rights will give minimal relief to those who are covered. It provides access to any emergency room. It will stop the closed-door policy of an emergency room because of nonapproval, allow women to have OB/GYNs as their primary caregiver, and will give relief to sue HMOs, not frivolously but if they decide to determine a patient's medical destiny and they are hurt.

Mr. Speaker, does it mean patients will sue their employer? Of course not. Does it mean this will work? Yes, because it worked in the State of Texas.

We must pass the Patients' Bill of Rights, otherwise more shame on America.

## TRIBUTE TO THE CINCINNATI REDS FOR AN INCREDIBLE SEASON

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, this was a special year for baseball in my hometown of Cincinnati, Ohio. The Cincinnati Reds with a handful of dedicated veterans, a lot of young talent, and one of the lowest payrolls in baseball captured the Nation's attention with their unbridled enthusiasm and passion for the game.

Last night the Reds' incredible run ended earlier than we had hoped. And while it may be of little consolation to the players, their inspirational efforts have brought many fans, both young and old, back to baseball.

Sadly, baseball's economics may not allow this same talented team to return to the field for another run at the pennant, but we will not soon forget the 1999 Cincinnati Reds. We will remember Barry Larkin and Pokey Reese turning spectacular double plays; Mike Cameron running down balls in the gap; Sean Casey and Greg Vaughn and many others driving pitches over the outfield walls; and the determined outings by the pitching staff.

Every Member of the Reds and their fans should hold their heads up high today. They gave it their all day in and day out and reminded the country that our national pastime is alive and well in the home of baseball's first professional team: Cincinnati, Ohio.

## GOP OBSTACLES TO PATIENT PROTECTIONS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today to set the record straight on managed care reform. Just this week, the GOP leadership accused the President of trying to rush through a health plan simply to get it done and said that, ''Republicans want to get it done right, not fast.''

However, Republicans want it done right for their special interests like insurance companies, not for the American people. Their plan would protect insurance companies from liability, rather than protect patients when insurance bureaucrats deny them care. Our proposal on the other hand is the right approach for the American people. We guarantee patients the right to hold plans accountable when they arbitrarily deny medical care.

The Republican leadership's proposal is right for insurance companies because it lets insurance bureaucrats rather than doctors make decisions about medical treatment. Our proposal is right for the American people because it ensures that doctors make medical decisions that are in the best interest of a patient, not the health plan.

So I ask, who is really doing what is right for the American People?

□ 1030

## CONGRESS AWAITING PRESIDENT'S PLAN TO SAVE SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, where is it? Let me ask my Democrat and Republican friends, where is it? They

know what I am talking about: H.R. 1, the President's plan to save Social Security.

Right there he stood, Mr. Speaker, right there, and said, let us put Social Security first. Of course he only wanted to preserve 62 percent of it and has continuously stuck with that by trying to raid it every chance he gets, but he has not introduced a bill.

This box right here, he could put it in here any time, but he has not. That was back in January, Mr. Speaker. Where is the President's plan?

He goes from coast to coast bragging to America's seniors how he is going it take care of them; and yet, he has not introduced his plan to save Social Security.

Instead, he has kept saying, let us spend the money. He puts pressure on Congress: Spend more money on appropriations bills. I am going to have to veto this bill; not enough money in it.

Guess where he is going to get the balance, right from Social Security. That is why he is against the security box concept for Social Security, the lockbox that would keep his hands out of the till. That is why he is fighting it.

Mr. President, the box is waiting. Congress is ready when you are. Go ahead and introduce your plan.

## NO MORE TAX INCREASES; BRING SPENDING UNDER CONTROL

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, is it true that Bill Clinton, AL GORE, and House Democrats want to raise taxes one more time? Mr. Speaker, is it true that Bill Clinton, AL GORE, and House Democrats want to raid Social Security one more time?

Is it true that those who cheered Bill Clinton's reckless and irresponsible veto of the Republican efforts to eliminate the marriage tax penalty want to raise taxes one more time?

We can balance the budget. We must balance the budget without the Clinton-Gore tax hike. Let us not forget that Bill Clinton, AL GORE, and House Democrats gave America our biggest tax hike in history in 1993.

Our goal as Republicans is to wall off the Social Security Trust Fund, to stop the raid on Social Security, because we believe 100 percent of Social Security should go for retirement, Social Security, and Medicare.

We can save Social Security. We can help our local schools. We can lower the tax burden by eliminating the marriage tax penalty. We can pay down the national debt, all without raising taxes, all without dipping into Social Security.

No more tax increases. No more raids on Social Security. Let us balance the budget. Let us bring spending under control.

## WORK TOGETHER TO PROTECT SOCIAL SECURITY AND MEDICARE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Speaker, many Americans are surprised to learn that the President's budget proposal spends the Social Security surplus rather than put Social Security first.

The President's proposal takes 38 percent of the surplus for Social Security and spends it, and that excludes his hidden tax increases, as if our taxes are not high enough already.

The Republican proposal sets aside 100 percent of Social Security, 100 percent of the Social Security Trust Fund. As many Americans are learning, the budget surplus this year is due to the surplus in the Social Security trust fund.

Republicans propose to take 100 percent of the retirement surplus, the money coming from the FICA taxes, the payroll deductions, and set it aside for both Social Security, and also set aside all the money from payroll deductions for Medicare. Let me repeat that, Mr. Speaker. Medicare is included in our retirement surplus proposal. Our plan sets aside 100 percent of the retirement surplus for both Social Security and Medicare.

Mr. Speaker, the ''Workhorse Congress'' is ahead of schedule and moving ahead to deal with Medicare and Social Security, which will be insolvent in over a decade unless we act to protect the Trust Funds now. Let us work together to protect Social Security and Medicare.

## OUR FUTURE DEPENDS ON A SOCIAL SECURITY LOCKBOX

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, if we in this Congress accomplish nothing else in our session but to set in stone the idea of a Social Security lockbox, we will have accomplished a great deal for America.

If we have been able to get across to the people in this country the idea that FICA taxes coming into this government will be used for nothing else but Social Security, if we can firmly establish this concept, the lockbox concept, we will, in fact, save Americans well over $2 trillion in the next 10 years.

We will do it this way: by assuring that those dollars coming in for Social Security will actually pay down debt, not go for new programs as they have gone for the last 34 or 35 years. We have expanded government by using Social Security money; and if we can stop just that one thing from happening and do nothing else here, we will have accomplished an enormous amount.

So, Mr. Speaker, I ask my colleagues to please think about the future of the country and how much it depends upon our ability to advance the idea of a Social Security lockbox.

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. SUNUNU) laid before the House the following communication from the Chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
*Washington, DC, August 9, 1999.*

Hon. J. DENNIS HASTERT,
*Speaker, U.S. House of Representatives, Capitol, Washington, DC.*

DEAR DENNIS: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on August 5, 1999, in accordance with 40 U.S.C. §606.

With warm regards, I remain
Sincerely,

BUD SHUSTER,
*Chairman.*

There was no objection.

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
*Washington, DC, August 12, 1999.*

Hon. J. DENNIS HASTERT,
*Speaker of the House,*
*Washington, DC.*

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on August 5, 1999 by the Committee on Transportation and Infrastructure.

With kind regards, I am
Sincerely,

BUD SHUSTER,
*Chairman.*

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX. Any rollcall vote postponed on questions will be taken later today.

## NATIONAL MEDAL OF HONOR MEMORIAL ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1663) to designate as a national memorial the memorial being built at

the Riverside National Cemetery in Riverside, California to honor recipients of the Medal of Honor, as amended.

The Clerk read as follows:

H.R. 1663

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''National Medal of Honor Memorial Act''.*

***SEC. 2. FINDINGS.***

*Congress makes the following findings:*

*(1) The Medal of Honor is the highest military decoration which the Nation bestows.*

*(2) The Medal of Honor is the only military decoration given in the name of Congress, and therefore on behalf of the people of the United States.*

*(3) The Congressional Medal of Honor Society was established by an Act of Congress in 1958, and continues to protect, uphold, and preserve the dignity, honor, and name of the Medal of Honor and of the individual recipients of the Medal of Honor.*

*(4) The Congressional Medal of Honor Society is composed solely of recipients of the Medal of Honor.*

***SEC. 3. NATIONAL MEDAL OF HONOR SITES.***

*(a) RECOGNITION.—The following sites to honor recipients of the Medal of Honor are hereby recognized as National Medal of Honor sites:*

*(1) RIVERSIDE, CALIFORNIA.—The memorial under construction at the Riverside National Cemetery in Riverside, California, to be dedicated on November 5, 1999.*

*(2) INDIANAPOLIS, INDIANA.—The memorial at the White River State Park in Indianapolis, Indiana, dedicated on May 28, 1999.*

*(3) MOUNT PLEASANT, SOUTH CAROLINA.—The Congressional Medal of Honor Museum at Patriots Point in Mount Pleasant, South Carolina, currently situated on the ex-U.S.S. Yorktown (CV–6).*

*(b) INTERPRETATION.—This section shall not be construed to require or permit Federal funds (other than any provided for as of the date of the enactment of this Act) to be expended for any purpose related to the sites recognized in subsection (a).*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Stump).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1663.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1663, the National Medal of Honor Memorial Act, is a significant bill that is supported by all veterans and their service organizations.

The Medal of Honor is this country's highest military honor, awarded for distinguished gallantry at the risk of life above and beyond the call of duty.

This bill recognizes three sites dedicated to honoring the Medal of Honor recipients. They are a memorial under construction at the Riverside VA National Cemetery in California; the memorial recently dedicated at White River State Park in Indianapolis, Indiana; and the Congressional Medal of Honor Museum at Patriots Point in Mount Pleasant, South Carolina, on the U.S.S. *Yorktown*.

H.R. 1663 is supported by the Congressional Medal of Honor Society, an exclusive group consisting of all Medal of Honor recipients. I ask my colleagues to support the bill, H.R. 1663, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as original cosponsor of H.R. 1663, the National Medal of Honor Memorial Act, I am very pleased this legislation is being considered today.

The Medal of Honor is, of course, the highest award for valor and action against an enemy force which can be bestowed upon a member of the armed forces of the United States.

Established in the Civil War, only 3,429 Medals of Honor have been awarded since that time. Because of the extraordinary nature of this Medal and those extraordinary Americans who have earned it, it is fitting that the Medal of Honor recipients be honored at designated Medal of Honor sites.

I particularly want to particularly commend the gentlewoman from Indiana (Ms. CARSON) for the amendment in the nature of a substitute which she offered to H.R. 1663 during its consideration by the committee. As perfected by the Carson amendment, the Congressional Medal of Honor Society has expressed enthusiastic support for H.R. 1663, as amended.

Mr. Speaker, I include for the CONGRESSIONAL RECORD a letter from the Congressional Medal of Honor Society, as follows:

CONGRESSIONAL MEDAL OF HONOR SOCIETY,
*Mt. Pleasant, SC, September 3, 1999.*

Hon. LANE EVANS,
*House Veterans' Affairs Committee, Washington, DC.*

RE: H.R. 1663.

DEAR CONGRESSMAN EVANS: This letter is to express enthusiastic support of the Congressional Medal of Honor Society and its members for H.R. 1663 that designates three locations within the United States of America as ''National Medal of Honor sites.'' The designation will properly acknowledge the tireless efforts of the respective communities in honoring the service of our veterans. By recognizing the recipients of the Medal of Honor each memorial in turn acknowledges the men and women with whom each recipient served.

The Society will follow the progress of H.R. 1663 and if signed into law, the Society will issue bronze plaques to be affixed to each site declaring each a National Site.

On behalf of the Society and its members, I thank you for your support.

Sincerely,

PAUL W. BUCHA,
*President.*

Mr. Speaker, this bill is an excellent piece of legislation. I urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT), the chief sponsor of this legislation.

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Arizona for yielding me the time and for his decisive action in moving this important legislation through the Committee on Veterans' Affairs and to the House floor.

Mr. Speaker, I introduced H.R. 1663, the National Medal of Honor Memorial Act of 1999, to honor the sacrifice and bravery of 3,417 Medal of Honor recipients. The Medal of Honor is the highest honor given by Congress for conspicuous gallantry and intrepidity at the risk of life beyond the call of duty.

H.R. 1663 would designate three sites as National Medal of Honor Memorials, the Riverside National Cemetery memorial in Riverside, California; the White River State Park memorial in Indianapolis, Indiana; and the U.S.S. Yorktown memorial in Mount Pleasant, South Carolina.

My bipartisan bill has the Medal of Honor Society's endorsement and does not use taxpayer money for the construction of the three memorial sites. I am also happy to report that the companion legislation to H.R. 1663 has been introduced in the Senate.

I know that the gentlewoman from Indiana (Ms. CARSON) and the gentleman from South Carolina (Mr. SANFORD) will speak about the sites within their districts; therefore, I want to speak about my own Riverside National memorial site in Riverside, California.

Riverside National Cemetery is presently the final resting place for two Medal of Honor recipients: Staff Sergeant Ysmael Villegas, United States Army, awarded posthumously for actions in the Philippines; and Commander John Henry Balch, United States Navy, awarded for action in France.

The memorial will name 3,417 Medal of Honor recipients. For each Medal of Honor recipient, an Italian Cyprus tree will be planted. These trees live in excess of 100 years, grow well in southern California, and require minimal maintenance. The monument itself will include a walled area which will surround a pool and a miniature waterfall.

The Riverside memorial site will bring honor to our Medal of Honor recipients in a solemn manner appropriate to its place in a national cemetery. The memorial site will be dedicated in November as the Medal of Honor Society convenes their 1999 convention.

In closing, I wish to encourage my colleagues to support H.R. 1663 and the Medal of Honor Society's mission to serve our country in peace as we did in war, to inspire and stimulate our youth to become worthy citizens of our country, to foster and perpetuate Americanism.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the gentleman from California (Mr. CALVERT) and others for being so generous in terms of incorporating all of the Medal of Honor memorials into H.R. 1663.

I would encourage the enthusiastic support of the Congress given the old adage that says given honor unto whom honor is due.

Earlier this year in my district on May 28, thanks to the civic virtue of John Hodowal, and the civic enterprise of the Indianapolis Power and Light Company Enterprises Foundation, a new memorial was unveiled in Indianapolis in honor of those special American heroes who, for military service above and beyond the call of duty, were rewarded the Congressional Medal of Honor.

We were fortunate to have one of the attendees included there when the presentation was made, Mr. Melvin Biddle of Anderson, Indiana, who was awarded the Medal of honor following his displayed conspicuous gallantry and intrepidity in action against the enemy near Soy, Belgium, on December 23 and 24, 1944.

We not only, Mr. Speaker, do our respective districts proud, we do America proud by passing H.R. 1663 in honor of the 3,400 persons that those memorials honor.

Mr. Speaker, I rise in support today for this legislation that would recognize as National Medal of Honor sites the memorial at the White River State Park in Indianapolis, Indiana, dedicated on May 28, 1999; the memorial under construction at the Riverside National Cemetery in Riverside, California, to be dedicated on November 5, 1999; and the Congressional Medal of Honor Museum at Patriots Point in Mount Pleasant, South Carolina, currently situated on the ex-U.S.S. Yorktown. I am pleased that my colleagues on the Veterans Committee supported my substitute amendment to Representative CALVERT'S original bill.

This legislation is supported by the Congressional Medal of Honor Society. I would like to recognize and thank Paul Bucha, President of the Congressional Medal of Honor Society, for his continued support of the Indianapolis memorial, this legislation, and the extraordinary work he does on behalf of the Medal of Honor recipients. This bill has received the support of several other veterans organizations—AMVETS, the Non Commissioned Officers Association, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars.

The Medal of Honor is only bestowed on those who have performed an act of gallantry and intrepidity at the risk of life above and beyond the call of duty. Acts of bravery and courage are not unusual among those in uniform, and engaging in direct battle with an enemy or carrying out one's duties under enemy attack is an act of bravery and courage performed by many members of our Armed Forces. The level of heroism cited among those who receive the Medal of Honor is uncommonly high and of a far greater magnitude. The individuals who have received this medal for acts of valor have been signaled out not to glorify war, but to recognize that, for all of its destructiveness, war often is the backdrop for extraordinary acts of bravery.

As a symbol of heroism, this medal has no equal in American life. As of now, 2,363 Medals have been awarded to the Army, 745 to the Navy, 295 to the Marines, 16 to the Air Force, 1 to the Coast Guard, and 9 Unknowns. There have been a 3,410 total recipients and 3,429 total Medals awarded. Of those, nineteen (19) have received the Medal of Honor twice.

Earlier this year in my district on May 28th, thanks to the civic virtue of John Hodowal, and the civic enterprise of the corporation he leads, IPALCO Enterprises and the IPALCO Enterprises Foundation, a new memorial was unveiled in Indianapolis in honor of those special American heroes who, for military service above and beyond the call of duty, were awarded the Congressional Medal of Honor. The dedication ceremony, with ninety-six of the 155 living recipients of the Medal of Honor, was attended by one of the largest ever gatherings of these reputable men and women. One of these attendees included Mr. Melvin E. Biddle, of Anderson, Indiana, who was awarded the Medal of Honor following his displayed conspicuous gallantry and intrepidity in action against the enemy near Soy, Belgium, on December 23 and 24, 1944.

This magnificent memorial, compose of 27 curved walls of glass, each between seven and ten-feet high and representing specific conflicts in which the medal was awarded, features the names of the 3,410 people who have received the medal since it was first awarded during the Civil War. The location of this memorial, on the north bank of the Central Canal in White River State Park is particularly significant, since it is adjacent to Military Park, which served as a training facility during the Civil War. Nearly half of the Medals of Honor issued, 1,520, were bestowed upon soldiers who fought in the Civil War. This memorial joins the many memorials that line downtown Indianapolis paying homage to the men and women in uniform who served our nation at war and at peace down through the years. Nearby, a memorial to the men of the USS Indianapolis marks their service, and on Monument Circle, at the very heart of downtown Indianapolis, stands the Soldier's and Sailors' Monument, standing nearly as tall as the Statute of Liberty, a multifaceted recognition of the contributions of Indiana's Soldiers, Sailors and Marines from the Civil War through the Spanish American War, the Boxer Rebellion and our other foreign military engagements up to World War I.

I am pleased to support this measure to honor these three sites as National Medal of Honor Sites, allowing us the opportunity to say ''thank you'' to these men and women who have showed us what heroism is all about.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding me this time.

I think it interesting that, over 100 years ago, an Army officer leaned down in the ground and scratched in the Pennsylvania soil and said this was sacred ground. As it turns out, his comments were prophetic, because that happened to be near a little place called Gettysburg.

What I think is prophetic about this bill and so important about this bill is that, basically, it reaches out and it consecrates three national shrines to the theme of patriotism, to the theme of persistence.

I think that it is particularly fitting that one of those shrines be the U.S. *Yorktown*. The *Yorktown*, as has already been mentioned, is tied up off Mount Pleasant, South Carolina, there along the coast of South Carolina, and it is named ''The Fighting Lady.''

The reason it got that name is that it earned 11 battle stars in World War II. It earned five battle stars off the coast of Vietnam prior to its retirement in 1970. In fact, it took a direct hit back in 1945. Yet, despite the fact that The Fighting Lady had been hit, she continued air operations. She continued to fight. Several men were killed, others were wounded, but they kept on fighting.

□ 1045

The sailors on board the Yorktown, those Navy officers and enlisted folks, just would not give up.

I think that that is what is so important about the Medal of Honor; it embraces this theme of patriotism, combined with the idea of persistence, and that is a theme I think we could all learn about, whether in wartime or in peacetime.

So I would just applaud the gentleman from California (Mr. CALVERT) and applaud the gentleman from Arizona (Mr. STUMP) for their leadership with this bill and how it again consecrates these three national shrines to the theme of patriotism and persistence.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time, and I, too, rise in strong support of H.R. 1663, the National Medal of Honor Memorial Act.

As a Californian and original cosponsor of the bill, I am very pleased that H.R. 1663 recognizes the Riverside National Cemetery in Riverside, California, as a national Medal of Honor site, and I thank the gentleman from California (Mr. CALVERT) for his efforts in that regard.

I was also cosponsor of an amendment offered in full committee by the gentlewoman from Indiana (Ms. CARSON) to recognize two additional national Medal of Honor sites, one at the White River State Park in Indianapolis, Indiana, and the other at the Congressional Medal of Honor Museum in Mount Pleasant, South Carolina, which we just heard about.

As many people know, the Medal of Honor is the first military decoration formally authorized by the American Government to be worn as a badge of

honor, and it was created by this Congress in 1861. Senator James Grimes of Iowa, chairman of the Senate Naval Committee, proposed legislation to require that a medal of honor, similar to the Victoria Cross of England, be given to naval personnel for actions of bravery in action. His legislation, which was signed into law by President Lincoln on December 21, 1861, established a Medal of Honor for enlisted men of the U.S. Navy and Marine Corps. Subsequently, legislation was enacted extending eligibility for the medal to Army-enlisted personnel as well as officers of the Armed Services.

Senator Robert F. Kennedy once said, ''It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope.''

Those extraordinary Americans who have won the Medal of Honor have, through their acts of remarkable courage, certainly shaped the history of our country and our world. We are doing the right thing today by honoring these courageous citizens.

I am proud to be a cosponsor of H.R. 1663 and urge my colleagues to support this legislation.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1663, the National Medal of Honor Memorial Act. This is a good bill because it honors the incredible courage and valor of our most distinguished veterans. Moreover, it ensures that future generations of Americans will know of the great sacrifices made by these men and women who answered the call to national service for their country. Medal of Honor winners have shown that they were willing to defend our liberty no matter what the price. Their heroism in battle has become legendary.

Since the Civil War, our country has recognized their outstanding acts of courage and bravery through the Congressional Medal of Honor. As there have been only 3,429 award winners in the history of our Nation, these veterans truly occupy a very special place in the hearts of all Americans. Therefore, I think that it is important that we designate sites around the country as national memorials for our Medal of Honor winners.

With this bill, we recognize memorials in Riverside, California; Indianapolis, Indiana; and Mount Pleasant, South Carolina, to honor the contributions to our freedom and to our country of these brave, fine Americans. I therefore strongly endorse this legislation, and I urge all my colleagues to join in unanimously approving this bill.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I thank the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), for all his help in bringing this to the floor; and also the gentleman from California (Mr. CALVERT), the chief sponsor, for bringing this bill to us and for working so closely with the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I rise today in strong support of H.R. 1663, the National Medal of Honor Memorial Act.

As the 20th Century draws to a close, many veterans wonder if the nation has lost sight of the sacrifices which have been made to preserve freedom. This bill, loudly states that we the Congress, who represent the people of this great nation, have not lost sight of the heroic sacrifices made in the name of freedom. We appreciate the great contributions of these brave individuals who knowingly placed themselves in harm's way, ready to sacrifice life and limb so that their comrades may live and this nation's values remain strong.

Over this last Memorial Day weekend, I had the distinct pleasure to assemble with nearly 100 Medal of Honor recipients to dedicate the Congressional Medal of Honor Memorial site at the White River State Park in Indianapolis, Indiana. It was truly an inspiring gathering, and at the same time, proved a very humbling experience. These individuals epitomize the true meaning of selfless sacrifice and personal commitment.

While many have answered the call to duty, they have answered a higher calling. A calling that is spiritual in nature and bigger than one's self. For love of God, country, family and friends. Their significant contributions have helped secure a more democratic and peaceful world over the last century. More importantly, their actions serve as a testament to all Americans about serving and caring for others.

Recognizing these Congressional Medal of Honor memorials sites in California, Indiana, and South Carolina as National Medal of Honor memorials continues our commitment to these gallant and heroic men and women and I urge my colleagues to support H.R. 1663.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 1663, as amended.

The question was taken.

Mr. CALVERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## COMMENDING VETERANS OF THE BATTLE OF THE BULGE

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 65) commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 65

Whereas the battle in the European theater of operations during World War II known as the Battle of the Bulge was fought from December 16, 1944, to January 25, 1945;

Whereas the Battle of the Bulge was a major German offensive in the Ardennes forest region of Belgium and Luxembourg which took Allied forces by surprise and was intended to split the Allied forces in Europe by breaking through the Allied lines, crippling the Allied fuel supply lines, and exacerbating tensions within the alliance;

Whereas 600,000 American troops, joined by 55,000 British soldiers and other Allied forces, participated in the Battle of the Bulge, overcoming numerous disadvantages in the early days of the battle that included fewer numbers, treacherous terrain, and bitter weather conditions;

Whereas the Battle of the Bulge resulted in 81,000 American and 1,400 British casualties, of whom approximately 19,000 American and 200 British soldiers were killed, with the remainder wounded, captured, or listed as missing in action;

Whereas the worst atrocity involving Americans in the European theater during World War II, known as the Malmédy Massacre, occurred on December 17, 1944, when 86 unarmed American prisoners of war were gunned down by elements of the German 1st SS Panzer Division;

Whereas American, British, and other Allied forces overcame great odds throughout the battle, including most famously the action of the 101st Airborne Division in holding back German forces at the key Belgian crossroads town of Bastogne, thereby preventing German forces from achieving their main objective of reaching Antwerp as well as the Meuse River line;

Whereas the success of American, British, and other Allied forces in defeating the German attack made possible the defeat of Nazi Germany four months later in April 1945;

Whereas thousands of United States veterans of the Battle of the Bulge have traveled to Belgium and Luxembourg in the years since the battle to honor their fallen comrades who died during the battle;

Whereas the peoples of Belgium and Luxembourg, symbolizing their friendship and gratitude toward the American soldiers who fought to secure their freedom, have graciously hosted countless veterans groups over the years;

Whereas the city of Bastogne has an annual commemoration of the battle and its annual Nuts Fair has been expanded to include commemoration of the legendary one-word reply of ''Nuts'' by Brigadier General Anthony McAuliffe of the 101st Airborne Division when called upon by the opposing German commander at Bastogne to surrender his forces to much stronger German forces;

Whereas the Belgian people erected the Mardasson Monument to honor the Americans who fought in the Battle of the Bulge as well as to commemorate their sacrifices and service during World War II;

Whereas the 55th anniversary of the Battle of the Bulge in 1999 will be marked by many commemorative events by Americans, Belgians, and Luxembourgers; and

Whereas the friendship between the United States and both Belgium and Luxembourg is

strong today in part because of the Battle of the Bulge: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress—

(1) commends the veterans of the United States Army, the British Army, and military forces of other Allied nations who fought during World War II in the German Ardennes offensive known as the Battle of the Bulge;

(2) honors those who gave their lives during that battle;

(3) authorizes the President to issue a proclamation calling upon the people of the United States to honor the veterans of the Battle of the Bulge with appropriate programs, ceremonies, and activities; and

(4) calls upon the President to reaffirm the bonds of friendship between the United States and both Belgium and Luxembourg.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) will each control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 65.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, this country is justifiably proud of the role its armed forces played during World War II. A few minutes ago, we recognized the relatively few Americans who have been awarded the Medal of Honor for extraordinary acts of gallantry. However, Americans performed hundreds of thousands of courageous acts wherever they were committed to battle during World War II.

The actions of Americans who fought in the Battle of the Bulge are some of the best examples of everyday tenaciousness and bravery of American fighting men. Throughout this battle, the largest pitched battle ever fought by Americans, tens of thousands of Americans and British troops exhibited great courage and determination. Their heroism and willingness to endure great hardship resulted in the defeat of a desperate, powerful and well-trained German army.

It is fitting, Mr. Speaker, that we recall today the service of over 600,000 American combat troops who eventually beat back the last bold thrust of Hitler's war machine. This resolution commends all veterans who served or gave their lives during the Battle of the Bulge, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.J. Res. 65 and urge the Members of the House to approve this measure. I also salute the gentleman from New Jersey (Mr. SMITH), the vice chairman of the committee, for his leadership on this issue.

This measure, Mr. Speaker, commends those veterans who fought and died during World War II in the offensive known as the Battle of the Bulge. It also authorizes the President to issue a proclamation calling upon the people of the United States to honor the veterans of this battle with appropriate programs, ceremonies, and activities.

1999 marks the 55th anniversary of the Battle of the Bulge, a costly and important victory for the United States. It is fitting that we as a Nation honor the sacrifices and service of America's veterans who fought and sacrificed during this battle. H.J. Res. 65, as amended, is an excellent bill; and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the vice chairman of the committee and the chief sponsor of this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my good friend, the gentleman from Arizona (Mr. STUMP), the chairman of our full committee, for yielding me this time and for being a cosponsor and also extend my thanks to my good friend, the gentleman from Illinois (Mr. EVANS) as well for cosponsoring and for the bipartisanship that he brings to the committee.

I also want to thank a number of other Members. There are 42 cosponsors of this resolution, including the gentleman from New York (Mr. GILMAN), the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. DINGELL), and several other Members who are deeply committed to remembering all veterans, but in particular those who fought in the Battle of the Bulge.

Mr. Speaker, today the House will rightly honor the Americans and allied forces who fought in the Battle of the Bulge. As the son of a World War II combat infantryman who fought in the other major theatre in World War II, he fought in New Guinea, the Philippines, and several islands in the Pacific, I urge all Members to enthusiastically support House Joint Resolution 65, which was introduced to recognize the 55th anniversary of the largest battle in the history of U.S. modern warfare, the Battle of the Bulge.

H.J. Res. 65, as amended, was marked up in the Committee on Veterans' Affairs as well as the Committee on International Relations, and, hopefully, will get the unanimous support of this body.

Let me also thank the veterans of the Battle of the Bulge Association, an organization that was formed back in 1981. They now have about 10,000 members. And the idea behind it is to perpetuate the memory of the sacrifices involved during the battle, to preserve historical data and sites relating to the battle, and to foster international peace and good will, and to promote friendship among the battle survivors as well as their descendants.

I also want to thank Stan Wojtuski, the National Vice President of Military Affairs for the Veterans of the Battle of the Bulge for his work on this resolution, and Mrs. Edith Nowels, a constituent of mine living in Brielle, New Jersey. She has worked very closely in crafting this resolution, and I am very grateful for that.

I think it is very important to point out that Edith Nowels' brother, Bud Thorne, was killed in action during the battle, and was awarded the Medal of Honor along with 17 others who received that highest of medals for their valor and bravery. There were also 86 servicemen who were awarded the Distinguished Service Cross for their valor during this vital battle.

According to the citation presented to his family, Corporal Thorne singlehandedly destroyed a German tank. And in the words of the citation, ''Displayed heroic initiative and intrepid fighting qualities, inflicted costly casualties on the enemy and insured the success of his patrol's mission by the sacrifice of his life.''

I would like to take just a very brief moment, Mr. Speaker, to provide a brief overview of the battle so that my colleagues will gain a better understanding as to why this chapter in World War II deserves special recognition today. One of the most decisive battles in the war in Europe, the Battle of the Bulge began on December 16, 1944, when the German Army, in an effort to trap the allied forces in Belgium and Luxembourg, launched an attack against what were perceived as a weak line of American and allied troops. Their goal was to submit the allied forces in Belgium and Luxembourg and race to the coast towards Antwerp.

Adolf Hitler and his generals knew the German Air Force could not maintain regional air superiority, so they were banking on bad weather and relatively green and a fatigued American troops, who were greatly outnumbered. At the outset of the battle, the German troops, forming three armies, numbered approximately 200,000 versus 83,000 Americans. Their goal was to capture bridges over the Meuse River in the first 48 hours of the attack and then press on to Antwerp.

At the time of their initial attack, the Germans had more than 13 infantry and 7 panzer divisions, with nearly 1,000 tanks and almost 2,000 larger guns deployed along the front of about 60 miles. Five more divisions were soon to follow, with at least 450 more tanks. Although the Americans were caught by surprise, they tenaciously fought back in those early days of the attack

in December, holding the line in the north while the Nazis pushed through in the middle of the bulge towards the Meuse River.

One incident which particularly hardened the Americans and allied forces as to the intent of the German Army was the Malmedy Massacre. Eighty-six American POWs were murdered by the Nazis as they moved towards the capture of the Meuse River. The same German unit which was responsible for this infamous massacre eventually killed at least 300 American POWs and over 100 unarmed Belgium civilians. News of these horrific events outraged and further galvanized the will of American forces to prevail.

Recognizing what they were up against, General Eisenhower transferred the command of all American troops north of the bulge to British General Montgomery. Those south of the bulge were under the command of General Bradley. Meanwhile, the Germans were being slowed down by the dogged defense of the town at St. Vith by Brigadier General Hasbrouck. St. Vith was strategically important due to the number of key roads which met in the town and were essential to the German drive towards Antwerp.

General Patton's Third Army, under the command of General Bradley, was proceeding north to cut through the southern flank of the German bulge in the lines and provide relief to Brigadier General Anthony McAuliffe, whose refusal to surrender to his German counterparts at Bastogne on December 22 is forever known in history with that famous phrase, when he just said back to the Germans, ''Nuts.'' He would not surrender. He just said nuts to them, and they wondered what that meant.

□ 1100

He was not going to give in. As more American reinforcements arrived, eventually totaling 600,000 troops, they assisted in holding up the northern and southern flanks of the Nazi advances. Hitler's generals found that they were running out of fuel and that their hope of seizing allied fuel supplies was becoming a pipe dream and their race to the Meuse river slowed down to a crawl. While Adolph Hitler insisted on pressing with air strikes against advancing allied reinforcements, his generals knew that they had been beaten, and he eventually authorized the retreat of his armies at the end of January.

Mr. Speaker, the cost in lives from this engagement is astronomical and absolutely staggering. The American armies had more than 81,000 casualties; and of these, 19,000 men were killed in action. The British had 1,400 casualties with 200 killed. Both sides lost as many as 800 tanks each, and the Germans lost 1,000 planes. All told, it was one of the largest pitched battles in history with more than three times the number of troops from both the North and the South that engaged in the Battle of Gettysburg. Three times the size of Gettysburg. In the words of British Prime Minister Winston Churchill, and I quote, in addressing the House of Commons, he said, ''This is undoubtedly the greatest battle of the war and will I believe be regarded as an ever-famous American victory.''

Mr. Speaker, I hope all Members will support this resolution. The veterans of the Battle of the Bulge every year travel to Europe and reacquaint themselves with those with whom they fought side by side and those that they liberated. They will be meeting again soon in both Luxembourg and Belgium. I hope we will go on record supporting their efforts, their valor and this resolution puts all of us on record in that regard.

Mr. Speaker, I include a list of Medal of Honor recipients for the RECORD, as follows:

RECIPIENTS OF THE MEDAL OF HONOR—ARDENNES CAMPAIGN

| | |
|---|---|
| Arthur O. Beyer | Jose M. Lopez |
| Melvin E. Biddle | Vernon McGarity |
| Paul L. Bolden | Curtis F. Shoup |
| Richard E. Cowan | William A. Soderman |
| Francis S. Currey | Horace M. Thorne |
| Peter J. Dalessondro | Day G. Turner |
| Archer T. Gammon | Henry G. Turner |
| James R. Hendrix | Henry F. Warner |
| Truman Kimbro | Paul J. Wiedorfer |

Mr. Speaker, I include the following brochure regarding the Ardennes-Alsace Campaign for the RECORD:

ARDENNES-ALSACE

INTRODUCTION

World War II was the largest and most violent armed conflict in the history of mankind. However, the half century that now separates us from that conflict has exacted its toll on our collective knowledge. While World War II continues to absorb the interest of military scholars and historians, as well as its veterans, a generation of Americans has grown to maturity largely unaware of the political, social, and military implications of a war that, more than any other, united us as a people with a common purpose.

Highly relevant today, World War II has much to teach us, not only about the profession of arms, but also about military preparedness, global strategy, and combined operations in the coalition war against fascism. During the next several years, the U.S. Army will participate in the nation's 50th anniversary commemoration of World War II. The commemoration will include the publication of various materials to help educate Americans about that war. The works produced will provide great opportunities to learn about and renew pride in an Army that fought so magnificently in what has been called ''the mighty endeavor.''

World War II was waged on land, on sea, and in the air over several diverse theaters of operation for approximately six years. The following essay is one of a series of campaign studies highlighting those struggles that, with their accompanying suggestions for further reading, are designed to introduce you to one of the Army's significant military feats from that war.

This brochure was prepared in the U.S. Army Center of Military History by Roger Cirillo. I hope this absorbing account of that period will enhance your appreciation of American achievements during World War II.

GORDON R. SULLIVAN,
*General, United States Army Chief of Staff.*

ARDENNES-ALSACE

16 December 1944–25 January 1945

In his political testament *Mein Kampf* (''My Struggle'') Adolf Hitler wrote, ''Strength lies not in defense but in attack.'' Throughout World War II, attempts to gain or regain the initiative had characterized Hitler's influence on military operations. Thus, when the military situation in late 1944 looked darkest on the Western Front, an enemy offensive to redress the balance of the battlefield—and thereby cripple or delay the Allied advance—should have come as no surprise.

Hitler's great gamble began during the nights of 13, 14, and 15 December, when the initial assault force of German armor, artillery, and infantry gradually staged forward to attack positions along the Belgian-German-Luxembourg border. This mustered force, with more than 200,000 men in thirteen infantry and seven panzer divisions and with nearly 1,000 tanks and almost 2,000 guns, deployed along a front of 60 miles—its operational armor holdings equaling that on the entire Eastern Front. Five more divisions moved forward in a second wave, while still others, equipped with at least 450 more tanks, followed in reserve.

On the Allied side the threatened American sector appeared quiet. The 15 December daily situation report for the VIII Corps, which lay in the path of two of Hitler's armies, noted: ''There is nothing to report.'' This illusion would soon be shattered.

STRATEGIC SETTING

In August 1944, while his armies were being destroyed in Normandy, Hitler secretly put in motion actions to build a large reserve force, forbidding its use to bolster Germany's beleaguered defenses. To provide the needed manpower, he trimmed existing military forces and conscripted youths, the unfit, and old men previously untouched for military service. Panzer divisions were rebuilt with the cadre of survivors from units in Normandy or on the Eastern Front, while newly created Volksgrenadier (''people's infantry'') divisions were staffed with veteran commanders and noncommissioned officers and the new conscripts. By increasing the number of automatic weapons and the number of supporting assault gun and rocket battalions in each division, Hitler hoped to make up for hurried training and the lack of fighting fitness. Despite the massive Allied air bombardment of Germany and the constant need to replace destroyed divisions on both the Eastern and Western Fronts, where heavy fighting continued, forces were gathered for use in what Hitler was now calling Operation Wacht am Rhine (''*Watch on the Rhine*'').

In September Hitler named the post of Antwerp, Belgium, as the objective. Selecting the Eifel region as a staging area, Hitler intended to mass twenty-five divisions for an attack through the thinly held Ardennes Forest area of southern Belgium and Luxembourg. Once the Meuse River was reached and crossed, these forces would swing northwest some 60 miles to envelop the port of Antwerp. The maneuver was designed to sever the already stretched Allied supply lines in the north and to encircle and destroy a third of the Allies' ground forces. If successful, Hitler believed that the offensive could smash the Allied coalition, or at least greatly cripple its ground combat capabilities, leaving him free to focus on the Russians at his back door.

Timing was crucial. Allied air power ruled the skies during the day, making any open concentrations of German military strength on the ground extremely risky. Hitler, therefore, scheduled the offensive to take place when inclement weather would ground Allied planes, or at least limit their attacks on his

advancing columns. Because the requisite forces and supplies had to be assembled, he postponed the starting date from November until mid-December. This additional preparation time, however, did not ease the minds of the few German generals and staff officers entrusted with planning Wacht am Rhine.

Both the nominal Commander-in-Chief West Field Marshal Gerd von Rundstedt and Army Group B commander Field Marshal Walter Model, who had primary responsibility for Wacht am Rhine, questioned the scope of the offensive. Both argued for a more limited attack, to pinch out the American-held salient north of the Ardennes around Aachen. Borrowing a bridge-players term, they referred to Hitler's larger objectives as the grand slam, or big solution, but proposed instead a small solution more compatible with the limited force being raised.

Rundstedt and Model believed that Hitler's legions were incapable of conducting a blitzkrieg, or lightning war, campaign. The twin swords that had dominated the field during the 1940 drive across France, tanks and air power, no longer existed in the numbers necessary to strike a decisive blow, nor was the hastily conscripted infantry, even when led by experienced officers and sergeants, up to the early war standards. Supply columns, too, would be prone to interdiction or breakdown on the Eifel's limited roads. To Hitler's generals, the grand slam was simply asking for too much to be done with too little at hand.

The determining factor was the terrain itself. The Ardennes consists of a series of parallel ridges and valleys generally running from northeast to southwest, as did its few good roads in 1944. About a third of the region is coniferous forest, with swamps and marshes in the northlands and deep defiles and gorges where numerous rivers and streams cut the ridges. Dirt secondary roads existed, making north-south movement possible, with the road centers—Bastogne and Houffalize in the south, and Malmedy and St. Vith in the north—crucial for military operations. After the winter's first freeze, tanks could move cross-country in much of the central sector. Fall 1944, however, brought the promise of mud, because of rain, and the advancing days of December, the promise of snow. Either could limit the quick advance needed by Wacht am Rhine. Once the Meuse River, west of the Ardennes, was gained, the wide river itself and cliffs on the east bank presented a significant obstacle if the bridges were not captured intact. Since the roads and terrain leading to Antwerp thereafter were good, the German planners focused on the initial breakthrough and the run west to the Meuse. The terrain, which made so little sense as an attack avenue northwestward, guaranteed the surprise needed.

Previous offensives through the Ardennes in World War I and early in World War II had followed the major roads southwestward, and had been made in good weather. The defenses then had always been light screens, easily pushed away. In 1940 the weakly opposed German armor needed three days to traverse the easier terrain in the southern Ardennes in good weather, on dry roads. For Wacht am Rhine, the American line had to be broken and crushed immediately to open paths for the attacking panzers; otherwise, the offensive might bog down into a series of fights for roads and the numerous villages on the way to the Meuse. Precious fuel would be used to deploy tanks to fight across fields. More importantly, time would be lost giving the defenders the opportunity to position blocking forces or to attack enemy flanks. Only surprise, sheer weight of numbers, and minimal hard fighting could guarantee a chance at success. If the Americans fought long and well, the same terrain that guaranteed surprise would become a trap.

The Ardennes held little fascination for the Allies, either as a staging area for their own counterattacks or as a weak spot in their lines. General Dwight D. Eisenhower, the Supreme Allied Commander, had concentrated forces north and south of the area where the terrain was better suited for operations into Germany. Field Marshal Sir Bernard L. Montgomery's 21 Army Group to the north began preparations for the planned crossing of the Rhine in early 1945. Lt. Gen. Omar N. Bradley's 12th Army Group to the south and Lt. Gen. Jacob L. Devers' 6th Army Group in the Alsace region would also launch attacks and additional Rhine crossings from their sectors.

Located in the center of Bradley's sector, the Ardennes had been quiet since mid-September. Referred to as a ''ghost front,'' one company commander described the sector as a ''nursery and old folk's home. . . .'' The 12th Army Group's dispositions reflected Bradley's operational plans. Lt. Gen. William H. Simpson's Ninth Army and most of Lt. Gen. Courtney H. Hodges' First Army occupied a 40-mile area north of the Ardennes, concentrating for an attack into the Ruhr industrial region of Germany. Lt. Gen. George S. Patton, Jr.'s Third Army was in a 100-mile sector south of the forest, preparing a thrust into the vital Saar mining region. In between, the First Army hold 88 miles of the front with only four divisions, two ''green'' units occupying ground to gain experience and two veteran units licking wounds and absorbing replacements; an armored infantry battalion; and two mechanized cavalry squadrons. Behind this thin screen was one green armored division, whose two uncommitted combat commands straddled two separate corps, as well as a cavalry squadron and an assortment of artillery, engineer, and service units.

Bradley judged his decision to keep the Ardennes front thinly occupied to be ''a calculated risk.'' Nor was he alone in not seeing danger. Probability, not capability, dominated Allied thinking about the Wehrmacht's next moves on the Western Front in mid-December 1944. Commanders and intelligence officers (G–2) at every level—from the Supreme Headquarters, Allied Expeditionary Force (SHAEF), to the divisions holding the line—judged that the Germans were too weak to attempt regaining the initiative by a large-scale offensive. Despite their awareness that enemy units were refitting and concentrating across the line, they concluded exactly what Hitler had intended them to conclude. Knowing that the Germans were concerned with major threats to both the Ruhr and the Saar, Eisenhower's G–2 believed that they probably would use the uncommitted Sixth Panzer Army, suspected to be in the northern Eifel, to bolster their weakening northern defenses, or at least to cripple the impending Allied push toward the Ruhr. Both Hodges' and Patton's G–2s viewed the enemy as a reflection of their own operational plans and thus assessed the German buildup as no more than preparations to counterattack the First and Third Armies' assaults.

With only enough troops in the Ardennes to hold a series of strongpoints loosely connected by intermittent patrols, the Americans extended no ground reconnaissance into the German sector. Poor weather had masked areas from aerial photography, and the Germans enforced radio silence and strict countersecurity measures. Equally important, the Allies' top secret communications interception and decryption effort, code-named Ultra, offered clues but no definitive statement of Hitler's intentions. Yet Wacht am Rhine's best security was the continued Allied belief that the Germans would not attack, a belief held up to zero hour on 16 December—designated by the Germans as Null-tag (''Zero-Day'').

BATTLE PLANS

Field Marshal Model's attack plan, called Herbstnebel (''Autumn Fog''), assigned Lt. Gen. Josef ''Sepp'' Dietrich's Sixth Panzer Army the main effort. Dietrich would attack Hodges' First Army along the boundary separating Maj. Gen. Leonard T. Gerow's V Corps in the north from Maj. Gen. Troy H. Middleton's VIII Corps to the south, brushing aside or overrunning the V Corps' 99th Infantry Division and a cavalry squadron of the VIII Corps' 14th Cavalry Group before driving for the Meuse and Antwerp. South of the Sixth Panzer Army, Lt. Gen. Hasso von Manteuffel's Fifth Panzer Army would hit the VIII Corps' 106th Infantry Division and part of its 28th Infantry Division, tearing open Middleton's thin front and adding a secondary effort. Farther south, Lt. Gen. Erich Brandenberger's Seventh Army would attack the remainder of the 28th as well as the VIII Corps' 4th Infantry Division and then cover the advance of the panzers as far as the Meuse River. An airborne drop and infiltration by small teams disguised in American uniforms were added to create havoc in the American rear.

North of the Sixth Panzer Army, the six divisions of Lt. Gen. Gustav von Zangen's Fifteenth Army had a dual role. In addition to fighting and thereby holding American divisions in the crucial Aachen sector, Zangen would attack southward on order after Dietrich's panzers had broken the American line, a variation of the pincers attack originally preferred by Hitler's generals.

The Sixth Panzer Army was to attack in two waves. The first would consist of the LXVII Corps, with the newly organized 272d and 326th Volksgrenadier Divisions, and the I SS Panzer Corps, with the 1st and 12th SS Panzer, the 12th and 277th Volksgrenadier, and the 3d Parachute Divisions. The 150th Special Brigade and a parachute contingent would seize terrain and bridges ahead of the main body after the two corps broke through the American defenses. Dietrich planned to commit his third corps, the II SS Panzer Corps, with the 2d and 9th SS Panzer Divisions, in the second wave. The Sixth Panzer Army's 1,000-plus artillery pieces and 90 Tiger tanks made it the strongest force deployed. Although Dietrich's initial sector frontage was only 23 miles, his assault concentrated on less than half that ground. Relying on at least a 6:1 troop superiority at the breakthrough points, he expected to overwhelm the Americans and reach the Meuse River by nightfall of the third day.

According to Dietrich's plan, the LXVII Corps would secure the Sixth Panzer Army's northern flank. By sidestepping Monschau to seize the poorly roaded, forested hills and upland moors of the Hohe Venn, the LXVII's two divisions would block the main roads leading into the breakthrough area from the north and east. Simultaneously, the I SS Panzer Corps to the south would use its three infantry divisions to punch holes in the American line and swing northwesterly to join the left flank of the LXVII Corps. Together, the five divisions would form a solid shoulder, behind which the panzers of the I and II SS Panzer Corps would advance along the Sixth Panzer Army's routes leading west and northwest.

Three terrain features were critical to Dietrich's panzer thrust: the Elsenborn ridge, the Losheim Gap, and the Schnee Eifel ridge. The Elsenborn ridge, a complex series of fingers and spurs of the southern Hohe Venn, controlled access to two of the westerly panzer routes; a third passed just to the

south. The 277th Volksgrenadier Division would attack into the east defenses of the ridge, and to the south the 12th SS Panzer Division would debouch from its forest trail approaches into the hard roads running through and south of the ridge.

Further to the south the Losheim Gap appears as open rolling ground between the Elsenborn ridge to the northwest and the long, heavily wooded Schnee Eifel ridge to the southeast. Measuring about 5 miles wide at the German border and narrowing throughout its roughly 14-mile length as it runs from northeast to southwest, the gap is an unlikely military avenue, subdivided by lesser ridges, twists, and hills. Its roads, however, were well built and crucial for the German advance. Over its two major routes Dietrich intended to pass most of his armor.

The Sixth Panzer Army shared the Losheim Gap as an avenue with its southern neighbor, the Fifth Panzer Army. Their boundary reflected Hitler's obsession with a concentrated attack to ensure a breakthrough, but the common corridor added a potential for confusion. The Sixth Panzer Army was to attack with the 12th Volksgrenadier and the 3d Parachute Divisions through the northern portion of the gap, while the Fifth Panzer Army's northern corps, the LXVI, would open its southern portions. Additionally, the LXVI Corps had to eliminate the American forces holding the Schnee Eifel on the southern flank of the gap and seize the crucial road interchange at St. Vith about 10 miles further west. Manteuffel wanted part of the 18th Volksgrenadier Division to push through the southern part of the gap and hook into the rear of the Schnee Eifel, the remainder of the division to complete the encirclement to the south of the ridge, and the 62d Volksgrenadier Division to anchor the LXVI's flank with a drive toward St. Vith.

To the south of the Losheim Gap—Schnee Eifel area, along the north-south flowing Our River, the Fifth Panzer Army's major thrusts devolved to its LVIII and XLVII Panzer Corps, aligned north to south with four of their five divisions in the assault wave. Each panzer corps had one designated route, but the Fifth Panzer Army commander did not plan to wait for infantry to clear them. Manteuffel intended to commit his armor early rather than in tandem with the infantry, expecting to break through the extended American line quickly and expedite his advance to the west. The LVIII's 116th Panzer and 560th Volksgrenadier Divisions were to penetrate the area astride the Our River, tying the 106th and 28th Divisions together, and to capture the three tank-capable bridges in the sector before driving west to the Meuse. To the south the XLVII's 2d Panzer and 26th Volksgrenadier Divisions were to seize crossings on the Our and head toward the key Bastogne road interchange 19 miles to the west. The Panzer Lehr Division would follow, adding depth to the corps attack.

Covering the Fifth Panzer Army's southern flank were the LXXXV and LXXX Corps of Brandenberger's Seventh Army. The LXXXV's 5th Parachute and 352d Volksgrenadier Divisions were to seize crossings on the Our River, and the LXXX's 276th and 212th Volksgrenadier Divisions, feinting toward the city of Luxembourg, were to draw American strength away from Manteuffel's main attack. The 276th would attack south of the confluence of the Our and Sauer Rivers, enveloping the 3-mile defensive sector held by an American armored infantry battalion, and to the south the 212th, after crossing at Echternach, would push back the large concentration of American artillery in the sector and anchor Army Group B's southern flank. The Germans had a fairly good idea of the American forces opposing them. Facing Dietrich's Sixth Panzer Army was the V Corps' 99th Infantry Division. Newly arrived, the 99th occupied a series of forward positions along 19 miles of the wooded Belgian-German border, its 395th, 393d, and 394th Infantry regiments on line from north to south, with one battalion behind the division's deep right flank available as a reserve. Gerow, the V Corps commander, was focused at the time on a planned attack by his 2d Infantry Division toward the Roer River dams to the north and had given less attention to the defensive dispositions of the 99th. This small operation had already begun on 13 December, with the 2d Division passing through the area held by the 99th Division's northernmost regiment. Two battalions of the 395th Infantry joined the action. Slowed by pillboxes and heavy defenses in the woods, the 2d's attacks were still ongoing when the enemy offensive begin on the sixteenth.

To the south of the 99th Division the First Army had split responsibilities for the Elsenborn ridge—Losheim Gap area between Gerow's V Corps and Middleton's VIII Corps, with the corps boundary running just north of the village of Losheim. Middleton's major worry was the Losheim Gap, which potentially exposed the Schnee Eifel, the latter held by five battalions of the newly arrived 106th Division. When Bradley refused his request to withdraw to a shorter, unexposed line, the VIII Corps commander positioned eight battalions of his corps artillery to support the forces holding the Losheim Gap—Schnee Eifel region.

South of the corps boundary the 18th Cavalry Squadron, belonging to the recently attached 14th Cavalry Group, outposted the 9,000-yard Losheim Gap. Reinforced by a company of 3-inch towed tank destroyers, the 18th occupied eight positions that gave good coverage in fair weather but could be easily bypassed in the fog or dark. To remedy this, Middleton had assigned an additional cavalry squadron to reinforce the gap's thin line under the 14th group. The cavalry force itself was attached to the 106th Division, but with the 106th slowly settling into its positions, a coordinated defense between the two had yet to be decided. As a result, the reinforcing squadron was quartered 20 miles to the rear, waiting to be ordered forward.

South of the Schnee Eifel Middleton's forces followed the Our River with the 106th Division's 424th infantry and, to the south, the 28th Division. After suffering more than 6,000 casualties in the Huertgen Forest battles in November, the 28th was resting and training replacements in a 30-mile area along the Our. Its three regiments—the 112th, 110th, and 109th Infantry—were on line from north to south. Two battalions of the 100th Infantry held 10 miles of the front and the division's center while their sister battalion was kept as part of the division reserve. The 110th had six company-sized strongpoints manned by infantry and engineers along the ridge between the Our and Clerf Rivers to the west, which the troops called ''Skyline Drive.'' Through the center of this sector ran the crucial road to Bastogne.

South of the 28th Division the sector was held by part of Combat Command A of the newly arrived 9th Armored Division and by the 4th Infantry Division, another veteran unit resting from previous battles. These forces, with the 4th's northern regiment, the 12th Infantry, positioned as the southernmost unit in the path of the German offensive, held the line of the Sauer River covering the approaches to the city of Luxembourg. Behind this thinly stretched defensive line of new units and battered veterans, Middleton had few reserves and even fewer options available for dealing with enemy threats.

OPENING ATTACKS, 16–18 DECEMBER

At 0530 on 16 December the Sixth Panzer Army's artillery commenced preparation fires. These fires, which ended at 0700, were duplicated in every sector of the three attacking German armies. At first the American defenders believed the fires were only a demonstration. Simultaneously, German infantry moved unseen through the dark and morning fog, guided by searchlight beams overhead. Yet, despite local surprise, Dietrich's attack did not achieve the quick breakthrough planned. The LXVII Corps' attack north and south of Monschau failed immediately. One division arrived too late to attack; the other had its assault broken by determined resistance. The 277th Volksgrenadier Division's infiltrating attacks followed the preparation fires closely. The Germans overran some of the 99th Division's forest outposts, but they were repulsed attempting to cross open fields near their objectives, the twin villages of Krinkelt-Rocherath. By nightfall the Americans still contested the woods to the north and east of the villages. The 99th's southern flank, however, was in great peril. The 12th Volksgrenadier Division had successfully cleared the 1st SS Panzer Division's main assault avenue, taking the village of Losheim in the early morning and moving on to separate the VIII Corp's cavalry from its connection with the 99th.

South of the American corps boundary the Germans were more successful. Poor communications had further strained the loosely coordinated defense of the 106th Division and the 14th Cavalry Group in the Losheim Gap. The German predawn preparation fires had targeted road junctions, destroying most of the pole-mounted communications wire interchanges. With their major wire command nets silenced, the American defenders had to rely on radio relay via artillery nets, which the mountainous terrain made unreliable.

The attack in the Losheim Gap, in fact, was the offensive's greatest overmatch. The 3d Parachute Division ran up against only one cavalry troop and a tank destroyer company holding over half the sector, and its southern neighbors, the two reinforced regiments of the 18th Volksgrenadier Division, hit four platoons of cavalry. Although some American positions had been bypassed in the dark, the attacking Germans had generally cleared the area by late morning. Poor communications and general confusion limited defensive fire support to one armored field artillery battalion. More importantly, the cavalry's porous front opened the American rear to German infantry; by dawn some of the defenders' artillery and support units behind the Schnee Eifel encountered the enemy. Subsequently, many guns were lost, while others hastily clogged the roads to find safer ground.

The uncoordinated defense of the 106th Division and 14th Cavalry Group now led to tragedy. The cavalry commander quickly realized that his outposts could neither hold nor survive. After launching one abortive counterattack northward against 3d Parachute Division elements with his reserve squadron, he secured permission to withdraw before his road-bound force was trapped against the wooded heights to his rear. This opened the V and VII Corps boundary and separated the cavalry, Middleton's key information source on his northern flank, from the Schnee Eifel battle. Throughout the day of 16 December the 3d pushed north, ultimately overrunning the cavalry's remaining outposts and capturing a small force of the 99th Division. But all of these scattered forces fought valiantly so that by dark the Sixth Panzer Army's route was still clogged

by units mopping up bypassed Americans and their own supply and support rains. To the south the 18th Volksgrenadier Division's attack in the Losheim Gap had slid by the cavalry, but failed to clear the open ridge behind the Schnee Eifel. South of the Schnee Eifel the rest of the 18th was unable to push through the defenders to catch the 106th's units on top of the Schnee Eifel in a pincer. Further south the 106th's 42th Infantry had blocked the path of the 62d Volksgrenadier Division across the Our River. By dark the 106th had thus lost little ground. It had committed its reserve to block the enemy threat to its south and was expecting Combat Command B, 9th Armored Division, shifting from V Corps reserve, to conduct a relieving attach via St. Vith toward the Schnee Eifel. But while the defenders moved to restore their positions, the 18th, by searchlight and flare, continued to press south from the gap.

South of the 106th Division, the 28th Division fended off the Fifth Panzer Army's thrusts. In the north the 112th Infantry held back the LVIII Panzer Corps' two divisions, while the 110th Infantry blocked the paths of the XLVII Panzer Corp's three in the center. The 110th's strong points, which received some tank reinforcement from the division reserve, held firm throughout the sixteenth, blocking the route westward. By dark, although German infantry had crossed the Our and started infiltrating, American roadblocks still prevented any armor movement toward Bastogne.

South of the fifth Panzer Army, Brandenberger's Seventh Army also failed to break through the American line. The 28th Division's 109th Infantry managed to hold on to its 9-mile front. Although the LXXXV Corps' two divisions had seized crossings on the Our and achieved some penetrations between the regiment's company strong-points, they failed to advance further. Similarly, the Germans' southernmost attack was held by the 4th Division's 12th Infantry. The LXXX Corps' divisions met with heavy resistance, and by nightfall the Americans still held their positions all along the Seventh Army front, despite some infiltration between company strongpoints.

Hitler responded to the first day's reports with unbridled optimism. Rundstedt, however, was less sanguine. The needed breakthrough had not been achieved, no major armored units had been committed, and the key panzer routes were still blocked. In fact, the first day of battle set the tone for the entire American defense. In every engagement the Americans had been outnumbered, in some sectors facing down tanks and assault guns with only infantry weapons. Darkness, fog, and intermittent drizzle snow had favored the infiltrating attackers; but, despite inroads made around the defenses, the Germans had been forced to attack American positions frontally to gain access to the vital roads. Time had been lost and more would be spent to achieve a complete breakthrough. In that sense, the grand slam was already in danger.

American senior commanders were puzzled by the situation. The Germans apparently had attacked along a 60-mile front with strong forces, including many new units not identified in the enemy order or battle. Yet no substantial ground had been lost. With many communications links destroyed by the bombardment and the relative isolation of most defensive positions, the generals were presented with a panorama of numerous small-unit battles without a clear larger picture.

Nevertheless, command action was forthcoming. By nightfall of the sixteenth, although response at both the First Army and 12th Army Group headquarters was guarded, Eisenhower had personally ordered the 7th Armored Division from the Ninth Army and the 10th Armored Division from the third Army to reinforce Middleton's hard-pressed VIII Corps. In addition, shortly after midnight, Hodges' First Army began moving forces south from the Aachen sector, while the Third Army headquarters, on Patton's initiative, began detailed planning to deal with the German offensive.

Within the battle area the two corps commanders struggled to respond effectively to the offensive, having only incomplete and fragmentary reports from the field. Gerow, the V Corps commander in the north, requested that the 2d Division's Roer River dams attack be canceled; however, Hodges, who viewed the German action against the 99th Division as a spoiling operation, initially refused. Middleton, the VIII Corps commander in the south, changed his plans for the 9th Armored division's Combat Command B, ordering it to reinforce the southern flank of the 106th Division. The newly promised 7th Armored Division would assume the CCB's original mission of relieving troops on the Schnee Eifel via St. Vith. Thereafter, mixed signals between the VIII Corps and the 106th Division led to disaster. Whether by poor communications or misunderstanding, Middleton believed that the 106th was pulling its men off the Schnee Eifel and withdrawing to a less exposed position; the 106th's commander believed that Middleton wanted him to hold until relieved and thus left the two defending regiments in place.

By the early morning hours of 17 December Middleton, whose troops faced multiple enemy threats, had selected the dispositions that would foreshadow the entire American response. Already ordered by Hodges to defend in place, the VIII Corps commander determined that his defense would focus on denying the Germans use of the Ardennes roadnet. Using the forces at hand, he intended to block access to four key road junctions: St. Vith, Houffalize, Bastogne, and the city of Luxembourg. If he could stop or slow the German advance west, he knew that the 12th Army Group would follow with massive flanking attacks from the north and south.

That same morning Hodges finally agreed to cancel the V Corps' Roer dams attack. Gerow, in turn, moved the 2d Division south to strengthen the 99th Division's southern flank, with reinforcements from the 1st Infantry Division soon to follow. The First Army commander now realized that Gerow's V Corps units held the critical northern shoulder of the enemy penetration and began to reinforce them, trusting that Middleton's armor reinforcements would restore the center of the VIII Corps line.

While these shifts took place, the battle raged. During the night of 16–17 December the Sixth Panzer Army continued to move armor forward in the hopes of gaining the breakthrough that the infantry had failed to achieve. The Germans again mounted attacks near Monschau and again were repulsed. Meanwhile, south of Monschau, the 12th SS Panzer Division, committed from muddy logging trails, overwhelmed 99th Division soldiers still holding out against the 277th and 12th Volksgrenadier Divisions.

Outnumbered and facing superior weapons, many U.S. soldiers fought to the bitter end, the survivors surrendering only when their munitions had run out and escape was impossible. Individual heroism was common. During the Krinkelt battle, for example, T. Sgt. Vernon McGarity of the 393d Infantry, 99th Division, after being treated for wounds, returned to lead his squad, rescuing wounded under fire and single-handedly destroying an advancing enemy machine-gun section. After two days of fighting, his men were captured after firing their last bullets. McGarity received the Medal of Honor for his actions. His was the first of thirty-two such awards during the Ardennes-Alsace Campaign.

Ordered to withdraw under the 2d Division's control, the 99th Division, whose ranks had been thinned by nearly 3,000 casualties, pulled back to the northern portion of a horseshoe-shaped line that blocked two of the I SS Panzer Corps' routes. Although the line was anchored on the Elsenborn ridge, fighting raged westward as the Germans pushed to outflank the extended American defense.

During the night of the seventeenth the Germans unveiled additional surprises. They attempted to parachute a 1,000-man force onto the Hohe Venn's high point at Baraque Michel. Although less than half actually landed in the area, the scattered drop occupied the attention of critical U.S. armored and infantry reserves in the north for several days. A companion special operation, led by the legendary Lt. Col. Otto Skorzeny, used small teams of English-speaking soldiers disguised in American uniforms. Neither the drop nor the operation gained any appreciable military advantage for the German panzers. The Americans, with their resistance increasing along the Elsenborn ridge and elsewhere, were undaunted by such threats to their rear.

Further south, however, along the V and VIII Corps boundary, the Sixth Panzer Army achieved its breakthrough. In the Losheim Gap the advanced detachment of the 1st SS Panzer Division, Kampfgruppe Peiper, moved forward through the attacking German infantry during the early hours of the seventeenth. Commanded by Col. Joachim Peiper, the unit would spearhead the main armored assault heading for the Meuse River crossings south of Liege at Huy. With over 100 tanks and approximately 5,000 men, Kampfgruppe Peiper had instructions to ignore its own flanks, to overrun or bypass opposition, and to move day and night. Traversing the woods south of the main panzer route, it entered the town of Buellingen, about 3 miles behind the American line. After fueling their tanks on captured stocks, Peiper's men murdered at least 50 American POWs. Then shortly after noon, they ran head on into a 7th Armored Division field artillery observation battery southeast of Malmedy, murdering more than 80 men. Peiper's men eventually killed at least 300 American prisoners and over 100 unarmed Belgian civilians in a dozen separate locations. Word of the Malmedy Massacre spread, and within hours units across the front realized that the Germans were prosecuting the offensive with a special grimness. American resistance stiffened.

Following a twisted course along the Ambleve River valley, Kampfgruppe Peiper had completed barely half of its drive to the Meuse before encountering a unit from 9th Armored Division and then being stopped by an engineer squad at the Stavelot bridge. Unknown to Peiper, his column had passed within 15 miles of the First Army headquarters and was close to its huge reserve fuel dumps. But the Peiper advance was only part of the large jolt to the American command that day. To the south the 1st SS Panzer Division had also broken loose, moving just north of St. Vith.

As Kampfgruppe Peiper lunged deep into the First Army's rear, further south the VIII Corps front was rapidly being fragmented. The 18th Volksgrenadier Division completed its southern swing, encircling the two regiments of the 106th Division on the Schnee Eifel. While a single troop of the 14th Cavalry Group continued to resist the German spearheads, the 106th's engineers dug in to block the crucial Schoenberg road 2 miles east of St. Vith, a last ditch defense, hoping to hold out until the 7th Armored Division arrived.

St. Vith's road junctions merited the priority Middleton had assigned them. Although the I SS Panzer Corps had planned to pass north of the town and the LVIII Panzer Corps to its south, the crossroad town became more important after the German failure to make a breakthrough in the north on 16–17 December. There, the successful defense of the Elsenborn ridge had blocked three of the Sixth Panzer Army's routes, pushing Dietrich's reserve and supply routes southward and jamming Manteuffel's Losheim route. South of the Losheim Gap the American occupation of St. Vith and the Schnee Eifel represented a double obstacle, which neither Dietrich nor Manteuffel could afford. With thousands of American soldiers still holding desperately along the Schnee Eifel and its western slope village, the Germans found vital roads still threatened. Further west, the possibility of American counterattacks from the St. Vith roadnet threatened Dietrich's narrow panzer flow westward as well as Manteuffel's own western advance. And from St. Vith, the Americans could not only choke the projected German supply arteries but also reinforce the now isolated Schnee Eifel regiments.

For the 106th Division's men holding the Schnee Eifel, time was running out. The 7th Armored Division's transfer south from the Ninth Army had been slowed both by coordination problems and roads clogged by withdrawing elements. Led by Combat Command B, the 7th's first elements arrived at St. Vith in midafternoon of 17 December, with the division taking command of the local defense immediately. That night both sides jockeyed in the dark. While the 18th Volksgrenadier Division tried to make up lost time to mount an attack on the town from the northeast and east, the 7th, whose units had closed around St. Vith in fading daylight, established a northerly facing defensive arc in preparation for its attack toward the Schnee Eifel the next day.

South of St. Vith the 106th Division's southernmost regiment, the 424th Infantry, and Combat Command B, 9th Armored Division, had joined up behind the Our River. From the high-ground positions there they were able to continue blocking the 62d Volksgrenadier Division, thereby securing the southern approaches to St. Vith. But unknown to them, the 28th Division's 112th Infantry was also folding rearward and eventually joined the 424th and the 7th Armored Division, completing a defensive perimeter around the town. During the night of 17 December, with these forces combining, Middleton and the commanders in St. Vith believed that the VIII Corps' northern flank would be restored and the 106th trapped regiments relieve.

On 18 December Middleton's hopes of launching a counterattack toward the Schnee Eifel faded as elements of three German divisions converged around St. Vith. Although situation maps continued to mark the last-known positions of the 106gh Division's 422d and 423d Infantry on the Schnee Eifel, the massive weight of German numbers ended any rescue attempts. Communicating through a tenuous artillery radio net, both regiments believed that help was on the way and that their orders were to break out to the high ground behind the Our River, a distance of between 3 and 4 miles over difficult enemy-held terrain.

The following day, 19 December, brought tragedy for the 106th Division. The two stranded regiments, now behind the Schnee Eifel, were pounded by artillery throughout the day as the Germans drew their circle tighter. With casualties mounting and ammunition dwindling, the 423d's commander chose to surrender his regiment to prevent its annihilation. The 422d had some of its troop overrun; others, who were both segmented and surrounded, surrendered. By 1600 most of the two regiments and their attached support has thus been captured. Nevertheless, one battalion-sized group evaded captivity until the twenty-first, and about 150 soldiers from the 422d ultimately escaped to safety. The confused nature of the final battles made specific casualty accounting impossible, but over 7,000 men were captured.

The tragedy of the Schnee Eifel was soon eclipsed by the triumph of St. Vith. Every senior German commander saw the ''road octopus''—the omnidirectional junction of six roads in the town's eastern end—as vital for a massive breakthrough, freeing up the Sixth Panzer Army's advance. For the Americans, holding St. Vith would keep the V and VIII Corps within a reasonable distance of each other; without the town the enemy's spearheads would widen into a huge salient, folding back toward Bastogne further south. With intermittent communications, the St. Vith defenders thus operated with only one order from Middleton: ''Hold at all costs.''

Despite a ''goose-egg'' position extending 12 miles from east to west on tactical maps, the St. Vith defense literally had no depth. Designed to fight on the move in more favorable terrain, the four combat commands of the 7th and 9th Armored Divisions found themselves moored to muddy, steep sloped hills, heavily wooded and laced with mud trails. The first action defined the defense's pattern. Unengaged commands sent tanks and halftracks racing laterally across the perimeter to deal with penetrations and infiltrators, with the engaged tanks and infantry holding their overextended lines as best they could. After two days of sporadic attacks, the German commanders attempted to concentrate forces to crush the defense. But with clogged roads German preparations for a coordinated assault encountered continuous delays.

Although the VIII Corps' northern flank had been at least temporarily anchored at St. Vith, its center was in great danger. There, the 28th Division's 110th Infantry was being torn to bits. After failing repeatedly to seize crossing on the Our, Manteuffel had passed some of the 116th Panzer Division's armor through the 2d Panzer Division to move up the Skyline Drive ridgeline and enter its panzer route. Thus by 17 December the 110th had elements of five divisions bulldozing through its strongpoints along the ridge, forcing back the 28th's northern and southern regiments that were attempting to maintain a cohesive defense. The 2d entered Clervaux, in the 110th's center, by a side road and rolled on westward toward Bastogne; holdouts in Clervaux continued to fight from within an ancient castle in the town's eastern end. To the south some survivors of the ridge battle had fallen back to join engineers defending Wiltz, about 4 miles to the rear, and the southern approach to Bastogne. Even though the 110th has suffered over 80 percent casualties, its stand had delayed the XLVII Panzer Corps for a crucial forty-eight hours.

The southern shoulder provided VIII Corps' only clear success. The 4th Division has absorbed the folded back defenses of the 109th Infantry and the 9th Armored Division's Combat Command A, thus effectively jamming the Seventh Army's attack. With the arrival of the 10th Armored Division, a provisional corps was temporarily formed to block any advance toward the city of Luxembourg.

The events of 17 December finally demonstrated the gravity of the German offensive to the Allied command. Eisenhower committed the theater reserve, the XVIII Airborne Corps, and ordered three American divisions training in England to move immediately to north-eastern France. Hodges' First Army moved the 30th Infantry and 3d Armored Divisions south to extend the northern shoulder of the penetration to the west. Although Bradley remained the least concerned, he and Patton explored moving a three-division corps from the Third Army to attack the German southern flank.

Allied intelligence now began to discern German strength objectives with some clarity. The enemy's success apparently was tied to gaining the Meuse quickly and then turning north; however, most of the attacking divisions were trapped in clogged columns, attempting to push through the narrow Losheim Gap and enter the two panzer routes then open. The area, still controlled by the VIII Corps, seemed to provide the key to stabilizing the defensive effort. Somehow the VIII Corps, whose center had now been destroyed, would have to slow down the German drive west, giving the Americans time to strengthen the shoulders north and south of the salient and to prepare one or more major counterattacks.

Middleton committed his only reserves, Combat Command R of the 9th Armored Division and seven battalions of corps and army engineers, positioning the units at critical road junctions. Teams formed from tank, armored infantry, and engineer units soon met the 2d Panzer Division's lead elements. Outgunned in a frontal fight and disadvantaged by the wide-tracked German tanks' cross-country capability in the drizzle-soaked fields, Middleton's armored forces were soon overwhelmed, even though the fighting continued well into the night. By dawn on the eighteenth no recognizable line existed as the XLVII Panzer Corps' three divisions bore down on Bastogne.

Late on 17 December Hodges had requested the commitment of SHAEF reserves, the 82d and 101st Airborne Divisions. Promised to Middleton by the morning of the nineteenth, the VIII Corps commander intended to use them at Houffalize, 17 miles south of St. Vith, and at Bastogne, 10 miles further south, as a solid block against the German advance to the Meuse. But until the airborne divisions arrived, the VIII Corps had to hold its sector with the remnants of its own forces, mainly engineers, and with an armored combat command from the 10th Armored Division, which was beginning to enter the battle for the corps' center.

Middleton's engineer ''barrier line'' in front of Bastogne slowed the German advance and bought critical time, but the arrival of Combat Command B, 10th Armored Division, at Bastogne was crucial. As it moved forward, Middleton dispatched three armored teams to the north and east during the night of the eighteenth to cover the road junctions leading to Bastogne. A key fight took place at Longvilly, just a few miles east of Bastogne, where the remnants of the 9th Armored Division's Combat Command R and the 10th's Team Cherry tried to block the Germans. Three enemy divisions converged there, trapping the CCR force west of the town and annihilating it and then surrounding Team Cherry. But even as this occurred, the lead elements of the 101st Airborne Division passed through Bastogne to defensive positions along the villages and low hills just to the east of the town. Joining with the CCB's three armor teams and the two battalions of engineers from the barrier line, the 101st formed a crescent-shaped defense, blocking the five roads entering Bastogne from the north, east, and south.

The enemy responded quickly. The German commanders wanted to avoid being enmeshed in any costly sieges. So when Manteuffel saw a hole opening between the American defenses at St. Vith and Bastogne, he ordered his panzer divisions to bypass both towns and move immediately toward

their planned Meuse crossing sites some 30 miles to the northwest, leaving the infantry to reduce Bastogne's defenses. Although Middleton had planned to use the 82d Airborne Division to fill the gap between Bastogne and St. Vith, Hodges had been forced to divert it northwest of St. Vith to block the Sixth Panzer Army's advance. Thus only the few engineers and support troops defending the road junctions and crossings along the narrow Ourthe River west of Bastogne lay in the path of Manteuffel's panzers.

COMMAND DECISIONS, 19–20 DECEMBER

Wacht am Rhine's timetable had placed Dietrich's and Manteuffel's panzers at the Meuse four days after the attack began. The stubborn American defense made this impossible. The Sixth Panzer Army, the designated main effort, had been checked; its attacks to open the Hohe Venn's roads by direct assault and airborne envelopment had failed, and Kampfgruppe Peiper's narrow armored spearhead had been isolated. To the south the Fifth Panzer Army's northern corps had been blocked at St. Vith; its center corps had advanced nearly 25 miles into the American center but was still meeting resistance; and its southern corps had been unable to break the Bastogne roadblock. The southern flank was in no better straits. Neither the Seventh Army's feint toward the city of Luxembourg nor its efforts to cover Manteuffel's flank had gained much ground. Hitler's key requirement that an overwhelming force achieve a quick breakthrough had not occurred. Six divisions had held twenty, and now the American forces, either on or en route to the battlefield, had doubled. Nevertheless, the Sixth Panzer Army's II SS Panzer Corps had yet to be committed, and additional divisions and armor existed in the German High Command reserve. The unspoken belief among Hitler's generals now was that with luck and continued poor weather, the more limited objectives of their small solution might still be possible.

Eisenhower's actions had also undermined Hitler's assumption that the Allied response would come too late. When ''Ike'' committed two armored divisions to Middleton on the first day of fighting and the theater reserve on the next, a lightning German advance to the Meuse became nearly impossible. Meeting with his commanders at Verdun on 19 December, Eisenhower, who had received the latest Ultra intelligence on enemy objectives, outlined his overall operational response. Hodges' First Army would break the German advance; along the southern flank of the German penetration Patton's Third Army would attack north, assuming control of Middleton's VIII Corps from the First Army; and Middleton's Bastogne positions would now be the anvil for Third Army's hammer.

Patton, content that his staff had finalized operational planning, promised a full corps attack in seventy-two hours, to begin after a nearly 100-mile move. Devers' 6th Army Group would take up the slack, relieving two of Patton's corps of their frontage. In the north Montgomery had already begun moving the British 30 Corps to backstop the First Army and assume defensive positions behind the Meuse astride the crossings from Liege to Namur.

Eisenhower began his Verdun conference saying, ''The present situation is to be regarded as one of opportunity for us and not disaster.'' That opportunity, as his generals knew, hung not on their own operational plans but on the soldiers on the battlefield, defending the vital St. Vith and Bastogne road junctions, holding on to the Elsenborn ridge, and blocking the approaches to the city of Luxembourg, as well as on the soldiers in numerous ''blocks'' and positions unlocated on any command post map. These men knew nothing of Allied operational plans or even the extent of the German offensive, but in the next days, on their shoulders, victory or disaster rested.

One unavoidable decision on overall battlefield coordination remained. Not one to move a command post to the rear, General Bradley had kept his 12th Army Group headquarters in the city of Luxembourg, just south of the German attack. Maj. Gen. Hoyt S. Vandenberg's Ninth Air Force headquarters, which supported Bradley's armies, stayed there also, unwilling to sever its direct ties with the ground forces. But three German armies now separated Bradley's headquarters from both Hodges' First Army and Simpson's Ninth Army in the north, making it difficult for Bradley to supervise a defense in the north while coordinating an attack from the south. Nor would communications for the thousands of messages and orders needed to control and logistically support Bradley's two northern armies and Vandenberg's two northern air commands be guaranteed.

Eisenhower, therefore, divided the battlefield. At noon on 20 December ground command north of the line from Givet on the Meuse to the high ground roughly 5 miles south of St. Vith devolved to Montgomery's 21 Army Group, which temporarily assumed operational control of both the U.S. Ninth and First Armies. Shifting the ground command raised a furor, given the strained relations Montgomery had with senior American commanders. Montgomery had been successful in attacking and occupying ''ground of his own choosing'' and then drawing in enemy armored reserves where they could be destroyed by superior artillery and air power. He now intended to repeat these tactics, planning to hold his own counterattacks until the enemy's reserves had been spent or a decisive advantage gained. The American generals, however, favored an immediate counteroffensive to first halt and then turn back the German drive. Equally disconcerting to them was Montgomery's persistence in debating command and strategy, a frequent occurrence in all coalitions, but one that by virtue of his personal approach added to the strains within the Allied command.

The British 2d Tactical Air Force similarly took control of the IX and XXIX Tactical Air Commands from Vandenberg's Ninth Air Force. Because the British air commander, Air Chief Marshal Sir Arthur ''Maori'' Coningham, had long established close personal relations with the concerned American air commanders, the shift of air commands passed uneventfully.

FIRST ARMY BATTLES, 20–27 DECEMBER

Eisenhower and Montgomery agreed that the First Army would establish a cohesive defensive line, yielding terrain if necessary. Montgomery also intended to create a corps-sized reserve for a counterattack, which he sought to keep from being committed during the defensive battle. The First Army's hasty defense had been one of hole-plugging, last stands, and counterattacks to buy time. Although successful, these tactics had created organizational havoc within Hodges' forces as divisional units had been committed piecemeal and badly jumbled. Complicating the situation even further was the fact that the First Army still held the north-south front, north of Monschau to Elsenborn, while fighting Dietrich's panzers along a nearly east-west axis in the Ardennes.

Blessed with excellent defensive ground and a limited lateral roadnet in front of V Corps positions, Gerow had been able to roll with the German punch and Hodges to feed in reserves to extend the First Army line westward. Much of the Sixth Panzer Army's strength was thus tied up in road jams of long columns of vehicles. But American success was still far from certain. The V Corps was holding four panzer divisions along the northern shoulder, an elbow-shaped 25-mile line, with only parts of four U.S. divisions.

To the west of the V Corps the 30th Infantry Division, now under Maj. Gen. Matthew B. Ridgway's XVIII Airborne Corps, marched south to block Kampfgruppe Peiper at Malmedy and, along the Ambleve River, at Stavelot, Stoumont, and La Gleize. To the south of Peiper the XVIII's other units, the 82d Airborne and 3d Armored Divisions, moved forward to the area between the Salm and Ourthe Rivers, northwest of St. Vith, which was still in danger of being isolated. By 20 December the Peiper force was almost out of fuel and surrounded. During the night of the twenty-third Peiper and his men destroyed their equipment, abandoned their vehicles, and walked out to escape capture. Dietrich's spearhead was broken.

North of St. Vith the I SS Panzer Corps pushed west. Part of the LVIII Panzer Corps had already bypassed the defenders' southern flank. Standing in the way of Dietrich's panzers was a 6-mile line along the Salm River, manned by the 82d Airborne Division. Throughout the twenty-first German armor attacked St. Vith's northwestern perimeter and infantry hit the entire eastern circumference of the line. Although the afternoon assault was beaten back, the fighting was renewed after dark. To prevent being trapped from the rear, the 7th Armored Division began pulling out of its advanced positions around 2130. The other American units around the town conformed, folding into a tighter perimeter west of the town.

Ridgway wanted St. Vith's defenders to stay east of the Salm, but Montgomery ruled otherwise. The 7th Armored Division, its ammunition and fuel in short supply and perhaps two-thirds of its tanks destroyed, and the battered elements of the 9th Armored, 106th, and 28th Divisions could not hold the extended perimeter in the rolling and wooded terrain. Meanwhile, Dietrich's second wave of tanks entered the fray. The II SS Panzer Corps immediately threatened the Salm River line north and west of St. Vith, as did the LVIII Panzer Corps circling to the south, adding the 2d SS Panzer Division to its drive. Ordering the St. Vith defenders to withdraw through the 82d Airborne Division line to prevent another Schnee Eifel disaster, Montgomery signaled them that ''they come back with all honor.''

Mud threatened to trap much of the force, but nature intervened with a ''Russian High,'' a cold snap and snowstorm that turned the trails from slurry to hard ground. While the Germans seemed temporarily powerless to act, the St. Vith defenders on 23 December, in daylight, withdrew across the Salm to reform behind the XVIII Airborne Corps front. Ridgway estimated that the successful withdrawal added at least 100 tanks and two infantry regiments to his corps.

The St. Vith defense purchased five critical days, but the situation remained grave. Model's Army Group B now had twelve full divisions attacking along roughly 25 miles of the northern shoulder's east-west front. Hodges' army was holding with thirteen divisions, four of which had suffered heavy casualties and three of which were forming in reserve. Montgomery had designated Maj. Gen. J. Lawton ''Lightning Joe'' Collins' VII Corps as the First Army's counterattack force, positioning its incoming divisions northwest of Hodges' open flank, hoping to keep them out of the defensive battle. He intended both to blunt the enemy's assault and wear down its divisions by withdrawing the XVIII Airborne

Corps to a shorter, defendable line, thus knitting together the First Army's fragmented defense. Above all, before launching a major counterstroke, Montgomery wanted to cripple the German panzers with artillery and with constant air attacks against their lines of supply.

The Russian High that blanketed the battlefield brought the Allies one tremendous advantage—good flying weather. The week of inclement weather promised to Hitler by his meteorologists had run out—and with it the ability to move in daylight safe from air attack. The Allied air forces rose to the occasion. Night bombers of the Royal Air Force's Bomber Command had been attacking those rail yards supporting the German offensive since 17 December. In the five days of good weather following the Russian High, American day bombers entered the interdiction effort. As Allied fighter bombers patrolled the roads throughout the Ardennes and the Eifel, the Ninth Air Force's medium bombers attacked targets west of the Rhine and the Eighth Air Force's heavy bombers hit rail yards deeper into Germany. Flying an average of 3,000 sorties daily during good weather, the combined air forces dropped more than 31,000 tons of bombs during the first ten days of interdiction attacks.

The effects on the ground battle were dramatic. The sluggish movement of fuel and vehicles over the Ardennes' few roads had already slowed German operations. The added strain on resupply from the bombing and strafing now caused halts up and down the German line, making coordinated attacks more difficult. Still, panzer and infantry units continued to press forward.

From Christmas Eve to the twenty-seventh, battles raged along the First Army's entire front. The heaviest fighting swirled around the positions held by Ridgway's XVIII Airborne Corps and Collins' VII Corps, the latter having been piecemealed forward to extend the First Army line westward. While the XVIII Corps battled the Sixth Panzer Army's last attempts to achieve a northern breakthrough, the VII Corps' 3d Armored and 84th Infantry Divisions held the line's western end against the LVIII and XLVII Panzer Corps. These units had become Model's new main effort, swinging wide of Dietrich's stalled attack, and they now had elements about 5 miles from the Meuse. Upon finding the 2d Panzer Division out of gas at the German salient's tip, Collins on Christmas Day sent 2d Armored Division, with heavy air support, to encircle and destroy the enemy force.

The First Army's desperate defense between the Salm and Meuse Rivers had stopped the Sixth and Fifth Panzer Armies, including six panzer divisions. The fierce battles—at places as Baraque de Fraiture, Manhay, Hotton, and Marche—were epics of valor and determination. Hitler's drive for Antwerp was over.

THIRD ARMY BATTLES, 20–27 DECEMBER

The 20 December boundary shift transferred Middleton's VIII Corps and its Bastogne garrison to Patton's Third Army, which was now moving forces from as far away as 10 miles to attack positions south of the German salient. Bastogne had become an armed camp with four airborne regiments, seven battalions of artillery, a self-propelled tank destroyer battalion, and the surviving tanks, infantry, and engineers from two armored combat commands—all under the 101st Airborne Division's command.

Manteuffel had ordered the Panzer Lehr and the 2d Panzer Divisions to bypass Bastogne and speed toward the Meuse, thus isolating the defenders. As the 26th Volksgrenadier Division and the XLVII Paner Corps' artillery closed in for the kill on 22 December, the corps commander's emissary arrived at the 101st Division's command post, demanding surrender or threatening annihilation. The acting division commander, Brig. Gen. Anthony C. McAuliffe, replied ''Nuts,'' initially confounding the Germans but not Bastogne's defenders. The defense held.

For four days bitter fighting raged in a clockwise rotation around Bastogne's southern and western perimeter, further constricting the defense within the low hills and patches of woods surrounding the town. The infantry held ground, with the armor scurrying to seal penetrations or to support local counterattacks. Once the overcast weather had broke, the defenders received both air support and aerial resupply, making it imperative for Manteuffel to turn some of his precious armor back to quickly crush the American defense, a large deadly threat along his southern flank.

Meanwhile, as Bastogne held, Patton's Third Army units streamed northward. Maj. Gen. John B. Millikin's newly arrived III Corps headquarters took command of the 4th Armored and 26th and 80th Infantry Divisions, in a move quickly discovered and monitored by the Germans' effective radio intercept units. In response, Brandenberger's Seventh Army, charged with the crucial flank guard mission in Hitler's offensive, rushed its lagging infantry divisions forward to block the expected American counterattack.

Jumping off as promised on 22 December some 12 to 15 miles south of Bastogne, III Corps divisions achieved neither the surprise nor momentum that Bradley and Patton had hoped. No longer a lunge into an exposed flank, the attack became a frontal assault along a 30-mile front against infantry holding good defensive terrain. With Bastogne's garrison totally surrounded, only a quick Third Army breakthrough could prevent the brilliant holding action there from becoming a costly disaster. But how long Bastogne's defenders could hold out was a question mark.

To the east, as Millikin's III Corps moved against hardening enemy resistance along the Sure River, Maj. Gen. Manton S. Eddy's XII Corps attacked northward on a front almost as wide as the III Corps'. Taking control of the 4th Infantry and 10th Armored Divisions and elements of the 9th Armored Division, all units of Middleton's former southern wing, Eddy met greater difficulties in clearing the ridges southeast of Bastogne. Meanwhile, the 35th and 5th Infantry Divisions and the 6th Armored Division moved northward to strengthen the counterattacks. Millikin finally shifted the main effort to the west, where the 4th Armored Division was having more success. Following fierce village-by-village fighting in frigid temperatures, the 4th linked up with Bastogne's defenders at 1650 on 26 December, lifting the siege but setting the stage for even heavier fighting for the Bastogne sector.

NORDWIND IN ALSACE, 31 DECEMBER–5 JANUARY

By 21 December Hitler had decided on a new offensive, this time in the Alsace region, in effect selecting one of the options he had disapproved earlier in favor of Wacht am Rhine. With the Fifteenth Army's supporting thrust canceled due to Dietrich's failure to break the northern shoulder, and with no hope of attaining their original objectives, both Hitler and Rundstedt agreed that an attack on the southern Allied front might take advantage of Patton's shift north to the Ardennes, which Wehrmacht intelligence had identified as under way. The first operation, called Nordwind (''Northwind''), targeted the Saverne Gap, 20 miles northwest of Strasbourg, to split the Seventh Army's XV and VI Corps and retake the Alsace north of the Marne-Rhine Canal. If successful, a second operation, called Zahnartz (''Dentist''), would pursue objectives westward toward the area between Luneville and Metz and into the Third Army's southern flank. Lt. Gen. Hans von Obstfelder's First Army would launch the XIII SS Corps as the main effort down the Sarre River valley, while to the southeast four divisions from the XC and LXXXIX Corps would attack southwesterly down the Low Vosges mountain range through the old Maginot Line positions near Bitche. A two-division panzer reserve would be held to reinforce success, which Hitler believed would be in the Sarre River sector. Reichsfuehrer Heinrich Himmler's Army Group Oberrhein, virtually an independent field army reporting only to Hitler, was to pin the southern flank of the Seventh Army with holding attacks. The new offensive was planned for the thirty-first, New Year's Eve. However, its target, the U.S. Seventh Army, was neither unready nor unwarned.

Lt. Gen. Alexander M. Patch's Seventh Army, part of Devers' 6th Army Group, which also included the French First Army, had been among the theater's unsung heroes. After conducting assault landings on the coast of southern France in August 1944, the small army had chased a significantly larger force northward; but, much to the chagrin of his commanders, Patch had been ordered not to cross the Rhine, even though his divisions were among the first Allied units to reach its banks. In November the Seventh Army had been the Western Front's leading Allied ground gainer. Yet, when Patton's Third Army found its offensive foundering, Patch, again following orders, had sent a corps northward to attack the Siegfried Line's southern flank, an operational lever designed to assist Patton's attack.

On 19 December, at the Verdun conference, the 6th Army Group was again relegated to a supporting role. Eisenhower ordered Devers to assume the front of two of Patton's corps that were moving to the Ardennes, and then on the twenty-sixth he added insult to injury by telling the 6th Army Group commander to give up his Rhine gains by withdrawing to the Vosges foothills. The switch to the defense also scrapped Devers' planned attacks to reduce the Colmar Pocket, the German foothold stretching 50 miles along the Rhine's western banks south of Strasbourg. Held in check by two corps of General Jean de Lattre de Tassigny's French First Army, this area was the only German bridgehead in Devers' sector. But by Christmas Eisenhower saw a greater threat than the Colmar Pocket opening on his southern front.

Allied intelligence had confirmed that a new enemy offensive in the Alsace region was imminent. Eisenhower wanted the Seventh Army to meet it by withdrawing to shortened lines to create reserves, essentially ceding northern Alsace back to the Germans, including the city of Strasbourg. Not surprisingly, Devers, Patch, and de Lattre objected strongly to the order. In the end, rather than withdraw, Devers shifted forces to create a reserve to backstop the key enemy attack avenues leading into his front and ordered the preparation of three intermediate withwrawal lines forward of the defensive line designated by Eisenhower.

By New Year's Eve, with two U.S. divisions withdrawn from the Seventh Army and placed in theater reserve, the 6th Army Group's front resembled the weakened defense that had encouraged the German Ardennes offensive. Patch's six divisons covered a 126-mile front, much of it along poor defensive ground. Feeling that the Saree River valley just north of the Low Vosges would bear the brunt of any attack, Patch assigned Maj. Gen. Wade Haislip's XV Corps a 35-mile sector between Sarreguemines and

Bitche, with the 103d, 44th, and 100th Infantry Divisions holding from northwest to southeast, backed by the experienced French 2d Armored Division. Maj. Gen. Edward H. Brooks' VI Corps took up the balance of Patch's front from the Low Vosges southeast to Lauterbourg on the Rhine and then southward toward Strasbourg. Brooks' corps had the veteran 45th and 79th Infantry Divsions and the 14th Armored Division in reserve. Patch inserted Task Force Hudelson, a two-squadron cavalry force, reinforced with infantry from the uncommitted 14th Armored Division at the boundary joining the two American corps.

The deployment of three additional units—Task Force Linden (42d Infantry Division), Task Force Harris (63d Infantry Division), and Task Force Herren (70th Infantry Division)—demonstrated how far Devers and Patch would go to avoid yielding ground. Formed from the infantry regiments of three arriving divisions and led by their respective assistant division commanders, these units went straight to the Seventh Army front minus their still to arrive artillery, engineer, and support units that comprised a complete division. By late December Patch had given the bulk of Task Force Harris to Haislip's XV Corps and the other two to Brooks, who placed them along the Rhine between Lauterbourg and Strasbourg.

Despite knowledge of the impending Alsace offensive, the exact location and objectives were unclear. Troop buildups near Saarbruecken, east of the Rhine, and within the Colmar Pocket pointed to possible thrusts either southwestward down the Sarre River valley or northward from the Colmar region, predictions made by the Seventh Army's G–2 that proved to be remarkably accurate.

On New Year's Eve Patch told his corps commanders that the Germans would launch their major offensive early the next day. Actually, first combat began shortly before midnight all along the XV Corps front and along both the southeastern and southwestern approaches from Bitche toward the Low Vosges. The XIII SS Corps' two reinforced units, the 17th SS Panzergrenadier and 36th Volksgrenadier Divisions, attacked the 44th and 100th Division, whose prepared defense in depth included a regiment from Task Force Harris. The Germans made narrow inroads against the 44th's line near Rimling during fighting characterized by constant American counterattacks supported by French armor and Allied air attacks during clear weather. After four days of vicious fighting the XIII SS Corps' initial offensive had stalled.

The XC and LXXXIX Corps attacked near Bitche with four infantry divisions abreast. Advancing through the Low Vosges, they gained surprise by forgoing artillery preparations and by taking advantage of fog and thick forests to infiltrate Task Force Hudelson. As in the Losheim Gap, the defending mechanized cavalry held only a thin line of strongpoints; lateral mobility through the rough snowladen mountain roads was limited. The light mechanized forces were soon overrun or bypassed and isolated by the 559th, 257th, 361st, and 256th Volksgrenadier Divisions. The Germans gained about 10 miles during Nordwind's first four days, heading directly for the Saverne Gap that linked the XV and VI Corps.

Both American corps commanders responded quickly to the threat. Haislip's XV Corps plugged the northwestern exits to the Low Vosges with Task Force Harris, units of the 14th Armored and 100th Divisions, and a regiment from the 36th Infantry Division, which Eisenhower had released from theater reserve. Brooks' VI Corps did the same, stripping its Lauterbourg and Rhine fronts and throwing in Task Force Herren, combat engineers converted to infantry, and units of the 45th and 75th Infantry Divisions to plug holes or block routes out of the Low Vosges.

While units fought for twisted roads and mountain villages in subfreezing temperatures, Obstfelder's First Army committed the 6th SS Mountain Division to restart the advance on the Saverne Gap. In response, Patch shifted the 103d Infantry Division eastward from the XV Corps' northwestern wing to hold the southeastern shoulder of the Vosges defense. By 5 January the SS troopers managed to bull their way to the town of Wingen-sur-Moder, about 10 miles short of Saverne, but there they were stopped. With the Vosges' key terrain and passes still under American control and the German advance held in two salients, Nordwind had failed.

Meanwhile, the original SHAEF withdrawal plan, especially the abandonment of Strasbourg, had created an Allied crisis in confidence. Supporting Devers' decision not to withdraw, the Free French government of General Charles de Gaulle enlisted British Prime Minister Winston Churchill's support to amend Eisenhower's orders. Fortunately, Patch's successful defense temporarily shelved the SHAEF withdrawal plan, but Alsace was not to be spared further German attacks. Hitler's armored reserve and Himmler's Army Group Oberrhein had not yet entered the battle.

ERASING THE BULGE

North of the Alsace region the Allied commanders were concerned with reducing the enemy's Ardennes salient, now called the ''Bulge.'' From the beginning of Wacht am Rhein they had envisioned large-scale counterattacks. The decisions as to where and how the attacks would be launched, however, underscored their different perspectives. The theoretical solution was to attack the salient at its base. Patton had in fact planned to have the Third Army's right flank corps, the XII, attack further eastward toward Bitburg, Germany, along what he referred to as the ''honeymoon trail.'' Bradley, however, as the commander responsible for the southern attack, wanted to cover the shortest distance to relieve Hodges' beleaguered First Army units. Overruling Patton, he designated Houffalize, midway between Bastogne and St. Vith, as a primary objective. Middleton's reinforced VIII Corps, the westernmost force, would drive on Houffalize; the middle force, Millikin's III Corps, would remain on Middleton's right flank heading for St. Vith; and Eddy's XII Corps would serve as an eastern hinge. Bradley's choice made the best use of the existing roads; sending Millikin's IIII Corps along advantageous terrain corridors avoided the favorable defensive ground on the successive ridges east of Bastogne. Once linked with the First Army, the 12th Army Group's boundary would revert to its original northern line. Only then would Bradley send the First and Third Armies east into the Eifel toward Pruem and Bitburg in Germany. Bradley further solidified his plan by committing newly arriving reinforcements—the 11th Armored, 17th Airborne, and 87th Infantry Divisions—to the west of Bastogne for Middleton's VIII corps.

Montgomery had eyed Houffalize earlier, viewing the approaches to the town from the northwest as excellent for a corps-sized attack. His own extended defensive line on the northern shoulder of the bulge and the piecemeal entry of Collins' VII Corps into battle further west did not shake his original concept. Much like Bradley, he saw an interim solution as best. Concerned that American infantry losses in Gerow's V Corps had not been replaced, and with the same terrain and roadnet considerations that had jammed the German assault westward, Montgomery ruled out a direct attack to the south at the base of the bulge. As December waned, Rundstedt's remaining armored reserves were centered near St. Vith, and the roadnet there offered inadequate avenues to channel the four U.S. armored divisions into an attack. Unwilling to weaken his western flank now that his reserve had been committed, Montgomery seemed more prone to let the VII Corps attack from its present positions northwest of St. Vith. Eisenhower raised the issue of committing the British 30 Corps. But having deactivated units to rebuild the corps for use in his projected Rhineland offensive, Montgomery agreed to move it across the Meuse to assume Collins' vacated front, a transfer that would not be completely accomplished until 2 January. From there, the 30 Corps would conduct limited supporting attacks. Although Hodges, as First Army commander, would select the precise counterattack axis, he knew Montgomery's repeated preference for the VII Corps to conduct the main effort and also Bradley's preference for a quick linkup at Houffalize. Hodges' decision was thus predictable. The VII Corps would constitute the First Army's main effort, aimed at Houffalize. Ridgway's XVIII Airborne Corps would cover the VII's northeastern flank, and, like Millikin's III Corps, its advance would be pointed at St. Vith. The Germans would thus be attacked head on.

Timing the counterstrokes also raised difficulties. The American generals wanted the First Army to attack immediately, claiming the Germans had reached their high-water mark. Montgomery demurred, citing intelligence predictions of an imminent offensive by the II SS Panzer Corps—an assault he welcomed as it fit his concept of weakening enemy armor further rather than conducting costly attacks. Contrary to Montgomery's tactics, Eisenhower preferred that the First Army attack immediately to prevent the Germans from withdrawing their panzers and shifting them southward.

Patton's renewed attacks in late December caused the Third Army to learn firsthand how difficult the First Army battles had been. In the Third Army sector the relief of Bastogne had not changed the intensity of combat. As Manteuffel received panzer reinforcements, he threw them into the Bastogne salient before it could be widened and extended northward toward the First Army. Patton's Third Army now encountered panzers and divisions in numbers comparable to those that had been pressing against the northern shoulder for the previous 10 days. In the week after Bastogne's relief the number of German divisions facing the Third Army jumped from three to nine around Bastogne and from four to five in the III and XII Corps sector of the front.

The fighting during the 9-mile American drive from Bastogne to Houffalize became a series of bitter attacks and counterattacks in worsening weather. Patton quickly added the 17th Airborne, the 87th and 35th Infantry, and the 11th and 6th Armored Divisions to his attacking line, which stretched 25 miles from the Ourthe River to the Clerf. While the III Corps continued its grim attacks northeastward against the forested ridges of the Wiltz valley leading toward German escape routes eastward out of the salient, VIII Corps forces added some width to the Bastogne salient but gained no ground northward before New Year's Day. Both sides reinforced the sector with every available gun. In a nearly week-long artillery duel Patton's renewed attacks collided with Manteuffel's final efforts to eradicate the Bastogne bridgehead.

During the same week German attacks continued along the First Army line near the Elsenborn ridge and in the center of the

XVIII Airborne Corps line before a general quiet descended upon the northern front. In many areas the fields, forests, and roads were now covered with waist-high snowdrifts, further impeding the movement of both fighting men and their resupply vehicles.

Climaxing Wacht am Rhein's efforts, the Luftwaffe launched its one great appearance of the campaign during the early morning hours of New Year's Day. Over 1,000 aircraft took off before dawn to attack Allied airfields in Holland and Belgium, with the objective of eliminating the terrible scourge that the Allied air forces would again become once the skies cleared over the entire battle area. The Germans destroyed roughly 300 Allied machines, but their loss of more than 230 pilots was a major blow to the Luftwaffe, whose lack of trained aviators was even more critical than their fuel shortages.

Casualties mounted, bringing on a manpower shortage in both camps. Although the Germans continued to commit fresh divisions until late December, the Americans, with only three uncommitted divisions in theater, were forced to realign their entire front. Many units moved from one combat to another without rest or reinforcement. December's battles had cost the Americans more than 41,000 casualties, and with infantry replacements already critically short, antiaircraft and service units had to be stripped to provide riflemen for the line. Black soldiers were offered the opportunity to fight within black platoons assigned to many white battalions, a major break from previous Army policy.

Despite the shortage of replacements, both Patton's Third Army and Hodges' First Army attacked on 3 January. Collins' VII Corps in the north advanced toward the high ground northwest of Houffalize, with two armored divisions in the lead. Meeting stiff opposition from the LXVI Corps, VII Corps infantry soon replaced the tanks as difficult terrain, icy roads, and a tenacious defense using mines, obstacles, antitank ambushes, and armored counterattacks took their toll. The XVIII Airborne Corps moved its right flank south to cover Collins' advance, and in the far west the British 30 Corps pushed eastward. Under intense pressure Hitler's forces pulled back to a new line, based on the Ourthe River and Houffalize, with the bulk of the SS panzer divisions withdrawing from the battlefield. Poor weather restricted Allied flyers to intermittent close support for only three days in the nearly two weeks that VII Corps units fought their way toward their juncture with the Third Army.

South of the Bulge the Third Army intensified its attacks northward to meet the First Army. Still counting on Middleton's VIII Corps to break through, Patton sent Millikin's III Corps northeastward, hoping to enter the roadnet and follow the terrain corridors to link up with Ridgway's XVIII Airborne Corps attacking St. Vith. Despite having less than fifty-five tanks operational, the I SS Panzer Corps counterattacked the III Corps' 6th Armored Division in ferocious tank fights unseen since the fall campaign in Lorraine. While the III Corps' 90th Division infantrymen broke through to the heights overlooking the Wiltz valley, the VIII Corps to the west struggled against a determined force fighting a textbook withdrawal. By 15 January Noville, the scene of the original northern point of the Bastogne perimeter, was retaken. Five miles from Houffalize, resistance disappeared. Ordered to escape, the remaining Germans withdrew, and on the sixteenth the Third Army's 11th Armored Division linked up with the First Army's 2d Armored Division at Houffalize.

The next day, 17 January, control of the First Army reverted to Bradley's 12th Army Group. Almost immediately Bradley began what he had referred to in planning as a ''hurry-up'' offensive, another full-blooded drive claiming the Rhine as its ultimate objective while erasing the Bulge en route. On the twenty-third Ridgway's XVIII Airborne Corps, now the First Army's main effort, and the 7th Armored Division took St. Vith. This action was the last act of the campaign for the First Army. Hodges' men, looking out across the Losheim Gap at the Schnee Eifel and hills beyond, now prepared for new battles.

In the Third Army sector Eddy's XII Corps leapt the Sure River on 18 January and pushed north, hoping to revive Patton's plan for a deep envelopment of the German escape routes back across the Belgian-Luxembourg-German borders. Intending to pinch the escape routes via the German tactical bridges on the Our River, the 5th Division crossed the Sauer at night, its main body pushing northward to clear the long Skyline Drive ridge, where the 28th Division had faced the first assaults. By the campaign's official end on the twenty-fifth the V, XVIII, VIII, III, and XII Corps had a total of nine divisions holding most of the old front, although the original line east of the Our River had yet to be restored.

NORDWIND REVISITED, 5–25 JANUARY

In early 1945, as Operation Wacht am Rhein in the Ardennes started to collapse, Operation Nordwind in the Alsace was revived. On 5 January, after Nordwind's main effort had failed, Himmler's Army Group Oberrheim finally began its supporting thrusts against the southern flank of Brooks' VI Corps, with the XIV SS Corps launching a cross-Rhine attack north of Strasbourg. Two days later, south of the city, the Nineteenth Army launched Operation Sonnenwende (''Winter Solstice''), attacking north, astride the Rhone-Rhine Canal on the northern edge of the German-held Colmar Pocket. These actions opened a three-week battle, whose ferocity rivaled the Ardennes fighting in viciousness if not in scope and threatened the survival of the VI Corps.

Sonnenwende sparked a new crisis for the 6th Army Group, which had too few divisions to defend every threatened area. With Brooks' VI Corps now engaged on both flanks, along the Rhine at Gambsheim and to the northeast along the Low Vosges mountain exits, Devers transferred responsibility for Strasbourg to the French First Army, and de Lattre stretched his forces to cover both the city and the Belfort Gap 75 miles to the south.

But the real danger was just northeast of Strasbourg. There, the XIV SS Corps had punched out a 10-miles bridgehead around the town of Gambsheim, brushing off small counterattacks from Task Force Linden. Patch's Seventh Army, reinforced with the newly arrived 12th Armored Division, tried to drive the Germans from the Gambsheim area, a region laced with canals, streams, and lesser watercourses. To the south de Lattre's 3d Algerian Division defended Strasbourg, while the rest of the French First Army kept the Colmar Pocket tightly ringed. But the fate of Strasbourg and the northern Alsace hinged on the ability of the American VI Corps to secure its besieged flanks.

Having driven several wedges into the Seventh Army, the Germans launched another attack on 7 January. The German XXXIX Panzer Corps, with the 21st Panzer and the 25th Panzergrenadier Divisions, attacked the greatly weakened VI Corps center between the Vosges and Lauterbourg. Quickly gaining ground to the edge of the Haguenau Forest 20 miles north of Strasbourg, the German offensive rolled along the same routes used during the successful attacks of August 1870 under Field Marshal Helmuth von Moltke. Moltke's successors, however, made no breakthrough. In the two Alsatian towns of Hatten and Rittershoffen, Patch and Brooks threw in the Seventh Army's last reserve, the 14th Armored Division. Assisted by a mixture of other combat, combat support, and service troops, the division halted the Germans.

While the VI Corps fought for its life in the Haguenau Forest, the enemy renewed attacks on both flanks. During an intense battle between units of the 45th Division and the 6th SS Mountain Division in the Low Vosges, the Germans surrounded an American battalion that had refused to give ground. After a week's fighting by units attempting its relief, only two soldiers managed to escape to friendly lines.

Although gaining ground, the enemy had achieved no clear-cut success. Hitler nevertheless committed his last reserves on 16 January, including the 10th SS Panzer and the 7th Parachute Divisions. These forces finally steamrolled a path along the Rhine's west bank toward the XIV SS Corps' Gambsheim bridgehead, over-running one of the green 12th Armored Division's infantry battalions at Herrlisheim and destroying one of its tank battalions nearby. This final foray led Brooks to order a withdrawal on the twenty-first, one that took the Germans by surprise and was completed before the enemy could press his advantage.

Forming a new line along the Zorn, Moder, and Rothback Rivers north of the Marne-Rhine Canal, the VI Corps commander aligned his units into a cohesive defense with his badly damaged but still game armored divisions in reserve. Launching attacks during the night of 24–25 January, the Germans found their slight penetrations eliminated by vigorous counterattacks. Ceasing their assaults permanently, they might have found irony in the Seventh Army's latest acquisition from SHAEF reserves—the ''Battling Bastards of Bastogne,'' the 101st Airborne Division, which arrived on the Alsace front only to find the battle over.

Even before Nordwind had ended, the 6th Army Group commander was preparing to eliminate the Colmar Pocket in southern Alsace. Five French divisions and two American, the 3d Infantry and the rebuilt 28th Division, held eight German infantry divisions and an armored brigade in a rich farming area laced with rivers, streams, and a major canal but devoid of significant hills or ridges. Devers wanted to reduce this frozen, snow-covered pocket before thaws converted the ploughed ground to a quagmire. General de Lattre's French First Army would write finis to the Germans in the Colmar Pocket, but it would be a truly Allied attack.

To draw the German reserves southward, plans called for four divisions from the French I Corps to start the assault. This initial foray would set the stage for the French II Corps to launch the main effort in the north. The defending Nineteenth Army's eight divisions were low on equipment but well provided with artillery munitions, small arms, and mines, and fleshed out with whatever manpower and materiel that Himmler, the overall commander, could scrounge from the German interior. Bad weather, compartmentalized terrain, and fear of Himmler's SS secret police strengthened the German defense.

On 20 January, in the south, Lt. Gen. Emile Bethouart's French I Corps began its attack in a driving snowstorm. Although its gains were limited by armored-infantry counterattacks, the corps drew the Nineteenth Army's armor southward, along with the arriving 2d Mountain Division. Two days later, in the north, Maj. Gen. Amie de

Goislard de Monsabert's French II Corps commenced its attack, led by the U.S. 3d Division. Reinforced by one of the 63d Infantry Division's regiments, the 3d advanced over the first of several watercourses and cleared the Colmar Forest. It met resistance on the Ill River but continued to fight its way forward through enemy counterattacks, subsequently crossing the Colmar Canal and opening an avenue for the French 5th Armored Division. The Allies pushed further eastward in deepening snow and worsening weather, with the 28th and 75th Divisions from the Ardennes following. On the twenty-fifth Maj. Gen. Frank W. Milburn's XXI Corps joined the line. Assuming control of the 3d, 28th, and 75th Divisions, the 12th Armored Division, which was shifted from reserves, and the French 5th Armored Division, the corps launched the final thrust to the Vauban Canal and Rhone-Rhine Canal bridges at Neuf-Brisach. Although the campaign was officially over on 25 January, the American and French troops did not completely clear the Colmar Pocket until 9 February. However, its successful reduction marked the end of both the German presence on French territory and the Nineteenth Army. And with the fighting finally concluded in the Ardennes and Alsace, the Allies now readied their forces for the final offensive into Germany.

ANALYSIS

Hitler's last offensives—in December 1944 in the Ardennes region of Belgium and Luxembourg, and in January 1945 in the Alsace region of France—marked the beginning of the end for the Third Reich. With these final attacks, Hitler had hoped to destroy a large portion of the Allied ground force and to break up the Allied coalition. Neither objective came close to being achieved. Although perhaps the Allies' victory in the spring of 1945 was inevitable, no doubt exists that the costs incurred by the Germans in manpower, equipment, supplies, and morale during the Ardennes-Alsace battles were instrumental in bringing about a more rapid end to the war in Europe. Eisenhower had always believed that the German Army on the Western Front had to be destroyed west of the Rhine River to make a final offensive into Germany possible. When added to the tremendous contributions of the Soviet Army, which had been fighting the majority of Germany's armed forces since 1941, the Ardennes-Alsace victory set the stage for Germany's rapid collapse.

With little hope of staving off defeat, Germany gambled everything on achieving a surprise operational decision on the Western Front. In contrast, the Allied coalition pursued a more conservative strategy. Since the Normandy invasion Eisenhower's armies had neither the combat power necessary to mount decisive operations in more than one sector nor the reserves; more importantly, their logistical capability was insufficient to fully exploit any major successes. The resulting broadfront Allied advance steadily wore away the German defenses; but, as in the case of the Ardennes and Alsace fronts, the Allied lines had many weak points that could be exploited by a desperate opponent. Moreover, once Hitler's attacking legions had been stopped, the Allies lacked the combat power to overwhelm the German divisions defending their recently acquiring gains. In the Ardennes, terrain and worsening weather aided the Germans in holding off Allied counterattacks for an entire month, ultimately allowing them to withdraw a sizable portion of their initial assault force with perhaps one-third of their committed armor.

The battle in the Alsace appeared to be less dramatic than in the Ardennes, but was no less an Allied victory. Hitler spent his last reserves in Alsace—and with them the ability to regain the initiative anywhere. Like the Normandy Campaign, the Ardennes-Alsace struggle provided the necessary attrition for the mobile operations that would end the war. The carefully husbanded enemy reserves that the Allies expected to meet in their final offensive into Germany had been destroyed in December and January.

Some thirty-two U.S. divisions fought in the Ardennes, where the daily battle strength of U.S. Army forces averaged twenty-six divisions and 610,000 men. Alsace added eleven more divisions to the honors list, with an average battle strength of 230,000. Additionally, separate divisional elements as well as divisions arriving in sector at the end of the campaign granted participation credit to three more divisions. But the cost of victory was staggering. The final tally for the Ardennes alone totaled 41.315 casualties in December to bring the offensive to a halt and an additional 39,672 casualties in January to retake lost ground. The SHAFE casualty estimate presented to Eisenhower in February 1945 listed casualties for the First Army at 39,957; for the Third Army at 35,525; and for the British 30 Corps, which helped at the end, at 1,408. Defeating Hitler's final offensive in the Alsace was also costly; the Seventh Army recorded its January battle losses at 11,609. Sickness and cold weather also ravaged the fighting lines, with the First, Third, and Seventh Armies having cold injury hospital admissions of more than 17,000 during the entire campaign. No official German losses for the Ardennes have been computed, but they have been estimated at between 81,000 and 103,000. A recently published German scholarly source gave the following German casualty totals: Ardennes—67,200; Alsace (not including Colmar Pocket)—22,932. Most of the figures cited do not differentiate between permanent losses (killed and missing), wounded, and non-battle casualties.

Analysts of coalition warfare and Allied generalship may find much to criticize in the Ardennes-Alsace Campaign. Often commonplace disputes over command and strategy were encouraged and overblown by newspaper coverage, which reflected national biases. Predictably, Montgomery inspired much American ire both in revisiting command and strategy issues, which had been debated since Normandy, and in pursuing methodical defensive-offensive tactics. Devers and de Lattre, too, strained coalition amity during their successful retention of liberated French terrain. But in both cases the Allied command structure weathered the storm, and Eisenhower retained a unified command. Preservation of a unit Allied command was perhaps his greatest achievement. In the enemy camp the differences between Hilter and his generals over the objectives of the Ardennes offensive were marked, while the uncoordinated efforts of Obstfelder's First Army and Himmler's Army Group Oberrhein for the Alsace offensive were appaling.

The Ardennes-Alsace battlefield proved to be no general's playground, but rather a place where firepower and bravery meant more than plans or brilliant maneuver. Allied and German generals both consistently came up short in bringing their plans to satisfactory fruition. That American soldiers fought and won some of the most critical battles of World War II in the Ardennes and the Alsace is now an indisputable fact.

U.S. DIVISIONS IN THE ARDENNES-ALSACE CAMPAIGN

1st Infantry Division, 2d Infantry Division, 3d Infantry Division, 4th Infantry Division, 5th Infantry Division, 9th Infantry Division, 26th Infantry Division, 28th Infantry Division, 30th Infantry Division, 35th Infantry Division, 36th Infantry Division, 42d Infantry Division, 44th Infantry Division, 45th Infantry Division, 63d Infantry Division,* 70th Infantry Division, 75th Infantry Division, 76th Infantry Division, 78th Infantry Division, 79th Infantry Division, 80th Infantry Division, 83d Infantry Division, 84th Infantry Division, 87th Infantry Division, 90th Infantry Division, 94th Infantry Division, 95th Infantry Division, 99th Infantry Division, 100th Infantry Division, 103d Infantry Division, 106th Infantry Division.

2d Armored Division, 3d Armored Division, 4th Armored Division, 5th Armored Division, 6th Armored Division, 7th Armored Division, 8th Armored Division, 9th Armored Division, 10th Armored Division, 11th Armored Division, Armored Division, 12th Armored Division, 14th Armored Division.

17th Airborne Division, 82d Airborne Division, 101st Airborne Division.

ARDENNES-ALSACE 1944–1945

Further Readings

A number of official histories provide carefully documented accounts of operations during the Ardennes-Alsace Campaign. U.S. Army operations are covered in Hugh M. Cole, The Ardennes: Battle of the Bulge (1965); Charles B. MacDonald, The Last Offensive (1973); and Jeffrey J. Clarke and Robert Ross Smith, Riviera to the Rhine (1991), three volumes in the United States Army in World War II series. Air operations are detailed in Wesley F. Craven and James L. Cate, eds., Europe: Argument to V–E Day, January 1944 to May 1945 (1951), the third volume in the Army Air Forces in World War II series, and the British perspective and operations are covered in L. F. Ellis, Victory in the West: the Defeat of Germany (1968). Among the large number of books that describe the fighting in the Ardennes are Gerald Astor, A Blood-Dimmed Tide (1992), John S. D. Eisenhower, The Bitter Woods (1969), Charles B. MacDonald, A Time for Trumpets (1985), S. L. A. Marshall, The Eight Days of Bastogne (1946), Jean Paul Pallud, Battle of the Bulge Then and Now (1984), Danny S. Parker, Battle of the Bulge (1991), and Robert F. Phillips, To Save Bastogne (1983). At the small-unit level Charles MacDonald's Company Commander (1947) is still the standard classic. Fighting in the Alsace region has been sparsely covered, but Keith E. Bonn's When the Odds Were Even (1994) is valuable.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. Shows).

Mr. SHOWS. Mr. Speaker, today I rise to address my colleagues and the American people about a moment in American history that stands out in my family as one of the most crucial there ever was. It is one of those moments in our history where the larger story of the American experience becomes intertwined with the personal legacy of an American family.

The Battle of the Bulge began on December 16, 1944, and ended on January 25, 1945. This enemy offensive was staged to split our forces in half and cripple our supply lines. Of course there were 600,000 American troops participating in the Battle of the Bulge, as we have heard awhile ago. 810,000 Americans were casualties, of whom 19,000 were killed; 33,400 were wounded; and there were 2,000 who were either captured or listed as missing.

*Elements only

One of these 2,000, I want to talk about this morning. My father, Clifford Shows, was one of those captured as a prisoner of war. Today in Mosselle, Mississippi, my father is a veteran. He stands tall when the national anthem is played, enjoys his family and neighbors, and lives out a most American life. It is hard for me to talk about it.

We must remember the actions of my father and the thousands of others who fought then that we might be free now. This year is the 55th anniversary of the Battle of the Bulge. Let us pause, let us remember, and let us be thankful. Please support H.J. Res. 65.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.J. Res. 65 which commends our World War II veterans who fought in the Battle of the Bulge. This is a great bill because it honors the determination and the courage of these veterans in stopping the last great Nazi counteroffensive of World War II.

History tells us that the fighting in Belgium sealed the victory for the allies in Europe. Without this victory, many additional months of fighting would have been necessary before Nazi Germany's surrender. Our troops overcame superior numbers of Nazi troops and harsh weather to repel and turn back this last great offensive of World War II.

Victory, however, came at a terrible price, with about 81,000 American casualties, 19,000 of which were killed. Each and every veteran of the Battle of the Bulge witnessed the horrors of war. One of those was my own father-in-law, Victor Gaytan, who today is a disabled veteran who lives with the wounds he suffered defending our freedom against that threat in Belgium that winter.

Today, my wife and I are honored to have him live with us. Yes, at 79 he walks a little slower, moves at times hesitantly and with great pain; but when you look into his eyes, there is no doubt about his role in saving our country and our way of life. He is a hero to us and was one of those great Americans that courageously turned back the last desperate attempt of the Nazis to stop Allied momentum toward Germany.

Mr. Speaker, I believe that we can never sufficiently express our gratitude to these veterans, America's greatest generation. But this legislation is a proper and fitting way to honor them and their service to their country. With this legislation, we honor these American soldiers and we ensure that future generations of Americans remember the price of freedom in Europe and around the world during World War II. I strongly support this legislation and urge the House to unanimously pass this great bill.

Mr. STUMP. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, just to point out during markup, and this was extraordinary, at least four Members came forward to speak as the gentleman from Texas just pointed out, his father-in-law, the gentleman from Mississippi, his dad, and so many others. Few battles have touched more people than the Battle of the Bulge. The gentleman from Arizona's uncle also fought. He is a combat veteran himself, but his uncle fought at the Battle of the Bulge, was there.

And Joe McNulty, one of our key staffers on the majority side, he just came up and whispered to me that his father got the purple heart, was wounded in both legs. There are few battles that have touched more people and few battles that have done more to save freedom and liberty than the Battle of the Bulge. It is amazing how many people in this Chamber have relatives and close relatives and perhaps themselves actually fought in that very, very famous battle.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me this time. I rise in support of House Joint Resolution 65. I want to pay special tribute to a man who was killed in that fight, Bob Kuehn of Rhinelander, Wisconsin. Bob Kuehn was raised in Rhinelander, Wisconsin. After graduating from high school, he attended St. Norbert College in De Pere, Wisconsin, where he was a member of the ROTC program. He graduated in June of 1944 and later that month was married to Gertrude Kuehn of Sturgeon Bay.

They traveled to Camp Fannin in Tyler, Texas; but he was called into Patton's Third Army, and he was killed December 17, 1944, leaving a 23-year-old widow back in Wisconsin. That widow was my mother. Fortunately, my mother was able to move on and attended school at the University of Wisconsin where she met my father, who also fought in World War II and earned the Distinguished Flying Cross for his service.

My father, of course, was fortunate to meet my mother, and my two sisters and I are fortunate enough to have them as parents. But Bob Kuehn has never been forgotten. I pay tribute to him and the thousands of other Americans who gave their lives to protect our freedoms.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, it is fitting that we pay tribute to those who gave of their lives and served at the Battle of the Bulge and to every soldier, every man and woman who participated in the Great War to protect our freedoms, protect the independence of this Nation, and to promote freedom and democracy in the world. I did not plan to speak on this resolution, but I do so now in honor of all of those who have served, to remind this Congress that the grave sacrifices they made to win the war, we may be losing the peace.

Last week, they celebrated 50 years of communism in China, parades, tanks, missiles, floats, parties. What bothers me is with a $70 billion trade surplus they enjoy from Uncle Sam, they paid for that parade last week with our cash. Ronald Reagan's great fight was to make sure that communism did not spread, and, by God, I am not so sure we are living up to the great task and challenge and the example set by those who fought in the Battle of the Bulge; I am not so sure we are passively turning our back and taking for granted our great freedoms that they protected. I think we better look at it. They won the war. Let us not lose the peace. I am proud to support this resolution. I commend the authors.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.J. Res. 65, a resolution commending our veterans of the Battle of the Bulge. I urge my colleagues to join in supporting this worthwhile measure.

This year marks the 55th anniversary of the German Ardennes offensive of December 1944, more commonly known as the Battle of the Bulge. In the weeks leading up to the Christmas of 1944, it appeared to the Western Allies that victory over the German army was near at hand. Many thought that one final push was all that was needed to force a total collapse of German resistance on the Western front.

What the Allied commanders were not aware of was the fact that the German dictator was planning one final, desperate offensive through the Ardennes Forest, in the hopes of splitting the Allied lines.

The German attack came as a total surprise, and achieved initial success. Poor weather prevented Allied air superiority from being brought to bear, and the German Panzers took full advantage of the respite. Yet, in the end, their offensive failed.

The offensive failed because American soldiers shook off their initial shock and fought with a stubborn tenacity to prevent a German breakthrough. The Allied lines gave way, hence the ''Bulge'' description, but refused to break. After several days, the weather cleared, and the overwhelming Allied advantage in tactical air power was finally brought to bear in a concentrated counterattack.

The resolution honors those courageous veterans who fought in the Battle of the Bulge, resulting in a tenacious defense, under horrible conditions, against an enemy with superior armored forces. Their success in halting the German Ardennes offensive preserved the Allied lines, and helped to maintain the offensive pressure on Germany.

The efforts of our veterans in the Battle of the Bulge, like those of all Americans who fought against tyranny in World War II, deserve our recognition and respect. Accordingly, I urge my colleagues to join in supporting this measure, which memorializes the significant contributions of the veterans of the Bulge to the ultimate victory of freedom over tyranny during the Second World War.

Mr. GEJDENSON. Mr. Speaker, I rise in strong support of House Joint Resolution 65

which commends United States Veterans for their heroism in the Battle of the Bulge during World War II. The resolution also reaffirms our bonds of friendship with our Allies we stood together with during that noble cause.

I commend the bill's sponsor, Mr. SMITH of New Jersey, and the Chairman and Ranking Members of the Veterans' Affairs Committee, Mr. STUMP and Mr. EVANS for their support. I am proud to be a cosponsor of this resolution.

I would like to take this time to pay tribute in particular to two of the 600,000 American troops who served in the German Ardennes offensive, known as the Battle of the Bulge. These two heroes who risked their lives to defend our freedom come from my home state of Connecticut.

One is Bob Dwyer of Vernon, Connecticut. After serving his country in World War II, he now continues to serve his nation in peacetime by working for the Veterans' Coalition in Connecticut. Mr. Dwyer plays a central role in this group which provides crucial services and assistance for veterans and advocates on their behalf.

Another hero is Gerald Twomey of Norwich, Connecticut. Mr. Twomey served in a World War II reconnaissance unit that had already fought in North Africa, Sicily, and Normandy before he made his way to this momentous battle. In an interview with Bob Hamilton of the New London Day last year, Mr. Twomey described his service in Africa and Italy as difficult but nothing like the organized resistance he and his comrades met in Ardennes. ''That was brutal,'' said Twomey. ''It was very, very cold weather, a lot of snow. It was tough. They kept bringing over replacements, and they were knocking them off as fast as they could bring them over . . . It was much worse than North Africa, much worse.''

Anyone who has studied the accounts of this battle is struck by the resilience and courage of our troops at the Battle of the Bulge. Their bravery withstood Hitler's last ditch offensive to prevent the Allies from closing in on Berlin. A passage from the book Citizen Soldiers by Stephen Ambrose serves as a testament to the courage of American fighting men in recovering from a withering German attack and summoning the strength to respond:

From the Supreme Commander down to the lowliest private, men pulled up their socks and went forth to do their duty. It simplifies, but not much, to say that here, there, everywhere, from top to bottom, the men of the U.S. Army in northwest Europe shook themselves and made this a defining moment in their own lives, and the history of the Army. They didn't like retreating, they didn't like getting kicked around, and as individuals, squads, and companies as well as at Supreme Headquarters Allied Expeditionary Force, they decided they were going to make the enemy pay.

Mr. Speaker, I have nothing more to add except to once again thank these American heroes on behalf of my constituents in Connecticut and citizens across this nation.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to join my colleagues in paying tribute to the courageous Americans who fought during World War II, especially those who fought at the Battle of the Bulge.

The Battle of the Bulge, as you and my colleagues know, Mr. Speaker, was a major German offensive in the Ardennes forest region of Belgium and Luxembourg that was fought from December 16, 1944 to January 25, 1945. Over 600,000 American troops participated in the Battle of the Bulge, sustaining 81,000 casualties.

I am proud of my many family members and constituents who served this country in the last world war. In so doing, I especially think about my cousin John Henry Woodson, Jr., who not only fought in World War II but was actually left for dead behind enemy lines. He was reported as missing in action for almost three weeks, before he found his way back to the American troops. Although he was fortunate to be among those who returned home, that terrible experience and others during the war left an indelible memory and mark on the rest of his life.

John served the Virgin Islands Community exceptionally for many years, first at the Department of Health and later as a public school science teacher and principal. He is remembered by the Virgin Islands through the Junior High School, on St. Croix, which bears his name.

Today, as we remember those veterans who fought at the Battle of the Bulge for their service and sacrifice, I lovingly remember my cousin Johnny, and the other Virgin Islanders who also served there.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, once again I would like to thank the gentleman from Illinois, the ranking member of the committee, for all of his assistance on this bill, as well as the gentleman from New Jersey who brought the bill to us in the committee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the joint resolution, House Joint Resolution 65, as amended.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SENSE OF CONGRESS IN SYMPATHY FOR VICTIMS OF HURRICANE FLOYD

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 322) expressing the sense of the House of Representatives in sympathy for the victims of Hurricane Floyd, which struck numerous communities along the East Coast between September 14 and 17, 1999.

The Clerk read as follows:

H. RES. 322

Whereas on September 16, 1999, Hurricane Floyd deposited up to 18 inches of rain on sections of North Carolina only days after the damaging rains of Hurricane Dennis;

Whereas Hurricane Floyd continued up the eastern seaboard, causing flooding and tornadoes in Virginia, Maryland, Pennsylvania, New Jersey, New York, and Connecticut;

Whereas Hurricane Floyd is responsible for 66 known deaths, including 48 confirmed dead in North Carolina alone, as well as 3 in New Jersey, 2 in New York, 6 in Pennsylvania, 4 in Virginia, 2 in Delaware, and 1 in Vermont;

Whereas hundreds of roads along the eastern seaboard remain closed as a result of damage caused by Hurricane Floyd;

Whereas waters contaminated by millions of gallons of bacteria, raw sewage, and animal waste have flowed into homes, businesses, and drinking water supplies due to septic, pipeline, and water treatment system damage caused by the flooding associated with Hurricane Floyd, a situation that poses considerable health risks for individuals and families in affected States;

Whereas areas in 10 States were declared Federal disaster areas as a result of Hurricane Floyd—Connecticut, Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia;

Whereas individuals registering for Federal assistance in States hit by Hurricane Floyd totalled 68,440 as of September 26, 1999, with 39,265 in North Carolina, 11,121 in New Jersey, 4,582 in New York, 3,222 in South Carolina, 3,153 in Virginia, 371 in Delaware, 6,479 in Pennsylvania, 173 in Connecticut, and 74 in Maryland;

Whereas thousands of individuals and families have been displaced from their homes and are now taking refuge in temporary housing or shelters;

Whereas over $2 million in temporary housing grants have been issued in New York and New Jersey and the residential loss estimates are over $80 million in North Carolina alone; and

Whereas the nature of this disaster deserves the immediate attention and support of the Federal Government: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its deepest sympathies to everyone who suffered as a result of Hurricane Floyd; and

(2) pledges its support to continue to work on their behalf to restore normalcy to their lives and to renew their spirits by helping them recover, rebuild, and reconstruct.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

In communities up and down the East Coast, including many in my own congressional district, Hurricane Floyd left a path of unprecedented destruction, hardship, and tragedy. It has been more than 3 weeks since the storm hit, and still thousands of families are unable to return to their homes. In communities throughout our area, downtowns have become ghost towns.

Several of the towns I represent have suffered through floods before, but past storms were nothing in comparison to what happened on the evening of September 16. In the small community of Bound Brook, New Jersey, flood waters as high as 12 feet turned the downtown

business area and surrounding neighborhoods into a raging sea of water. Residents had to be rescued by boats from trees as well as rooftops. Tragically, two people were unable to escape and died. In the neighboring community of Manville, the town literally became an island. The only way to get outside assistance into the flood-ravaged community was by helicopter.

In the days following the flooding, I toured the hardest hit communities and talked to the homeowners and businesses who had lost their life savings in a sudden surge of floodwater. We all need, Mr. Speaker, to extend a heartfelt thanks to the Red Cross, the rescue squads, the police departments, the fire departments, the National Guard, and the tens of thousands who volunteered their time to come to the aid of their neighbors in need.

In the midst of all the destruction, the flood victims found comfort in the compassion and generosity of strangers who held their hands, gave them a blanket or dry clothes to wear, cooked them a hot meal and gave them a roof over their heads. The road to recovery will be a long one for many of the flood's victims. Some may never be able to return to their homes. Others will have to wait for months before extensive repairs are made.

Today, we in Congress can do more than just express our deepest sympathies to the victims of Hurricane Floyd. We can pledge to do everything in our power to help them get back on their feet, rebuild and recover from their losses and restore their faith in the future.

Later this week, I will be joining with colleagues from across the East Coast in calling for the expansion of the current disaster aid program to address one significant unmet need. Our legislation would extend disaster aid grants to small businesses as well as to homeowners. Without this modest level of assistance, the heart of our communities, our small businesses, may never reopen.

□ 1115

We cannot allow Floyd or any other natural disaster to decimate a vitally important part of the United States, our small businesses.

Mr. Speaker, I hope our colleagues will join us in supporting this effort to help businesses, families, and communities fully recover from the devastation of Hurricane Floyd.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me, and I thank the gentleman from New Jersey (Mr. FRANKS) for cosponsoring this and providing the leadership for this particular bill.

Mr. Speaker, approximately 52,000 North Carolina citizens have called the FEMA telephone in-take line seeking assistance as a result of Hurricane Floyd. At the peak of the disaster more than 48,000 squeezed in make-shift shelters. Some 3 weeks after Hurricane Floyd struck, hundreds in North Carolina remained in temporary shelters. Emergency housing is needed. Home repair and replacement is a priority. Essential property has been lost. Many are out of jobs. Despair and hopelessness is setting in.

Imagine, if you will, Mr. Speaker, doing without the necessities all of us take for granted. Imagine fighting for a cot to sleep on in a strange shelter at night. Imagine waking in the morning without lights or running water, standing in line for food, clothing and drinking water. Imagine being lost in a tunnel with no end in sight. More than anything, the victims of Hurricane Floyd now need hope.

Imagine, Mr. Speaker, life as you have known it being swept away by rapid and rushing waters, unprecedented, unanticipated, and unforgiving. When Hurricane Floyd hit North Carolina, towns became rivers, and rivers became towns. Infrastructures built over lifetimes was destroyed. Losses that currently reach into the millions of dollars have been documented, and the numbers are growing.

More than 650 roads were impassable due to the flooding, and at least 10 bridges are severely damaged, and many more are structurally damaged. At the height of the flooding, Interstate 95, the roadway to Disneyland, was shut down. At least 600 pipelines were damaged. Electricity losses are nearly $100 million and growing. Millions in revenue has been lost. 1.2 million persons lost power due to the storm. Drinking water and wastewater treatment systems sustained untold damage. Bacteria, nitrates and other pollutants have contaminated many wells. Septic tanks are nonfunctional and due to the high water table will not be functional for some time.

Agricultural losses compounding previous losses from the drought and economic downturns and other natural calamities have reached close to $1.5 billion, and the number is growing. Small-farm life is seriously threatened in North Carolina. We have millions of dollars in forestry losses, unknown losses to homes of thousands, unknown losses of jobs because thousands of businesses were flooded, many ruined, and thousands have lost income entirely.

Thirty-one North Carolina counties were declared disasters in the wake of Hurricane Floyd. Fourteen of my 20 counties suffered severe flooding. Small towns, unincorporated municipalities, medium-sized cities like Pinetops, Trenton, Dodge Place, Kinston, Tarboro, Rocky Mount, Wilson, Greenville were substantially flooded. In Princeville, a town founded at the end of the Civil War by newly freed slaves, every business, every church, nearly every home and school has been destroyed. Mr. Speaker, the entire town has been destroyed. Fish and shellfish losses are countless; and if things could not be worse, there are millions of gallons of raw sewage and animal wastes. Contaminated waters have flowed into our water system. Disease-carrying insects, bugs, and rodent activity is on the rise.

Mr. Speaker, Hurricane Floyd left in its wake the worst flooding in the history of the State of North Carolina. Yet despite all the misery, there are bright spots. Many of the schools that were closed, opened yesterday. Thousands of students who had not been in school since September 15 were able to return. Help has come from thousands, and I recognized some of them during my last night's special order.

The sun is rising, the rivers are cresting, and the water is receding. The devastation of Hurricane Floyd will one day become history. It will become a mere memory in the minds of those who are suffering now through it. Possessions will once again be collected. North Carolina will rebuild, restore, and recover; but it is imperative that more help is provided by our Federal Government.

This resolution, Mr. Speaker, offers hope, and for that help I urge its adoption.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman from New Jersey for bringing this resolution to the floor, thank the gentlewoman from North Carolina for her commitment and energy in providing much needed help, and to all our delegation and Members up and down the East Coast who are affected, I am here today to speak on behalf of the many victims of Hurricane Floyd in North Carolina and also tornado victims in Stanley and Anson County who are looking to us for help.

As a member of the North Carolina delegation, I am going to work hard to make sure their needs are met, but I want to point out, Mr. Speaker, that one way we can assist the many people who are in distress in North Carolina is to not use the Federal Government to wipe out their local economy.

Mr. Speaker, the President went to eastern North Carolina recently and told farmers that he feels their pain, and he pledged his support in the wake of this disaster. However, as soon as he returned to Washington, we learned that he had instructed the Justice Department to do its best to wipe them all out with a Federal lawsuit. Mr. Speaker, the ultimate loser in this process will be the tobacco farmers, their families, workers and manufacturing facilities and others who work long, hard days to put food on the table and provide for their families. The fact that the administration has chosen to launch this action in the wake of a devastating natural disaster might be comical were it not so tragic.

Mr. Speaker, members of the North Carolina delegation and I have sent a letter and personally contacted the President asking him to reconsider his plan and drop this lawsuit against the very people we are here to express sympathy for today. I hope other Members of this body will join us in this effort to not penalize victims with an additional Federal lawsuit.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the honorable gentleman from Ohio for yielding me this time; and, Mr. Speaker, I rise in support of this resolution. We, the people of the United States, in order to form a more perfect union must provide for the general welfare of the people, the people in the Carolinas who have been devastated. I recognize the pain of the people who live there, who are affected by it on television. I saw where the waters had washed up the graves, and caskets were floating down the rivers, and saw where the hogs were on top of roofs trying to preserve what little life there was among the cattle.

America is busy doing things around the world. America needs to focus her attention on North Carolina and swiftly and surely, that the people in the Carolinas who have been affected so in such a devastating way by Hurricane Floyd get the kind of help and relief that they need expeditiously. I am willing to help; I know that most Members of Congress are willing to help. They need shelter, and I think that the apparatus we have in place like FEMA and all of these other disaster agencies that are in existence at this time in this country need to focus its full attention on North Carolina and ensure that relief is posthaste on behalf of those American citizens that we are here to represent.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank the gentleman from New Jersey for yielding me time; and, being from North Carolina, I of course am very much aware of the need there, but I think everybody in this country has seen the horrible devastation that has taken place.

As my colleagues know, we have so far done a good job relative to the disaster-relief part of this effort. The Federal Government has stepped in; FEMA, they have done a good job; the State government has done a magnificent job in meeting the immediate needs of the people. But now we move into a separate phase in this recovery effort.

Recovery is different than the immediate relief because we are talking long term. People have got to have a place to live. They need their homes rebuilt. They need their jobs again. And all of this is going to take place with the help of a lot of people across America because Government will do their job; we in the North Carolina delegation will see that everything possible is done from the government side. But then we have also got to have the help of all the people in this country who are willing not only to step up with dollars, but to step up with volunteer time. Who will come into North Carolina and help these people have some hope again, have a home in which to live?

I mean, think about it. One may have a home that has been destroyed in this flood, and then it has to be condemned because of the hog waste and the human waste and the gasoline and everything else. So, one had a mortgage on that home, they had no insurance because maybe they lived in the 500-year flood plain. They did not think they needed insurance. And all of a sudden here they are, no home, no insurance, a mortgage to pay, nowhere to go, maybe no job.

So I implore all the people across America, please come help us as a volunteer in North Carolina to give these people hope and to rebuild.

Mr. TRAFICANT. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me. I want to thank my colleague from New Jersey (Mr. FRANKS) for his leadership on this issue, and I urge all my colleagues to support House Resolution 322.

Over the past several weeks the people of northern New Jersey have learned what many victims of disaster have already learned, that rebuilding lives can be a long and painful process and that the Federal Government needs to be there to help them in their time of need.

My heart goes out to the people of my district and to North Carolina and around the country who have suffered so grievously given this natural disaster. From the Hackensack to the Saddle Brook to the Pasaic, the rains that spilled the waters of New Jersey's rivers onto our communities caused tremendous damage, heartache, and loss. Memories that were encased in family heirlooms and photographs and other priceless possessions were lost. In addition to the hundreds of thousands of dollars, millions of dollars in communities that were lost when the rains swept away literally a lifetime of savings and investment.

For the people of my district the effects of this disaster will continue to be felt for weeks, months, and years to come. I have been encouraged by the quick response of FEMA, the Federal Emergency Management Agency. Within hours teams arrived in New Jersey to start the difficult process of assessing the full extent of the damage and providing assistance.

☐ 1130

I also want to commend New Jersey's volunteers and those professionals, the police, fire, first-aid, emergency response personnel, phone, gas and electric company workers, local elected officials and all the volunteers who did such an outstanding job during the flooding and its aftermath to help their neighbors. These heroic men and women put their lives on the line many, many times, and made many, many sacrifices to help the people of our region.

But now that the winds and rains have subsided from Hurricane Floyd, the Federal Government must be there. People debate whether there is a role for government. Well, there surely is a role for the Federal Government in the case of a natural disaster no one could have predicted. And in New Jersey, where we are the second lowest in terms of returning dollars from Washington, we send our tax dollars to Washington and we are the 49th State, almost the lowest ranking, to get money back from Washington.

This is now when we need Congress' help. This is now when we need some of our Federal dollars back to us in New Jersey. I urge all my colleagues to support those efforts and to support House Resolution 322.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me time, and I congratulate him on offering this important resolution.

Mr. Speaker, as we all know, on September 16, Hurricane Floyd took an unexpected turn after ravaging North Carolina and Virginia and crashed into central and northern New Jersey. The State's capital county, Mercer County, along with eight others, were declared major disaster areas, and, as my colleagues know, such a declaration does trigger the release of Federal expertise and funds to help people recover from Hurricane Floyd.

To date, over 12,000 New Jersey residents have applied for assistance through FEMA. In the short term, we are looking for immediate relief for those who have been devastated, with loans and small grants; and, in the long term, we will be requesting FEMA's help for extensive mitigation projects to protect family and businesses in flood-prone areas such as in the City of Trenton and the Township of Hamilton.

I would just point out for the record, Mr. Speaker, that as a result of that hurricane, in the City of Trenton alone, 40 homes were completely devastated and 25 businesses completely flooded; and each of those people are looking for some help and some assistance.

When disaster strikes, as we all know, the U.S. Small Business Administration acts as the Federal Government's disaster bank. The SBA has

three types of low interest loans. Approximately 3.6 percent is the rate, for 30 years, available to qualified homeowners and non-farm businesses of all sizes. These loans include homeowner loans up to $200,000 to cover residential losses not fully compensated by insurance.

Homeowners and renters may also borrow up to $40,000 to repair/replace personal property such as clothing, property, and cars; nonfarm businesses of any size and nonprofit organizations may apply for up to $1.5 million to repair or to replace assets like inventory or machinery or equipment damaged by the disaster; and small businesses that suffer economic losses may apply for SBA's economic injury disaster loans.

Mr. Speaker, beyond the individual SBA loans, FEMA has a Hazard Mitigation Program to fund construction projects to protect either public or private property; and we will be pursuing that very aggressively as well.

Mr. Speaker, I just want to make one final point. When FEMA arrives on the scene, sometimes people feel that the cavalry has arrived and everything is going to be made whole. But FEMA is not a panacea. It provides a bridge, helps people get back on their feet, but the devastating losses that our friends throughout the country on the East Coast especially have experienced will not be fully compensated for, but we have to do the maximum effort to make sure they are back on their feet and their families are protected for the future through mitigation efforts.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. MCINTYRE.)

(Mr. MCINTYRE asked and was given permission to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. CLAYTON) and my other North Carolina colleagues on both sides of the aisle for bringing this resolution to the floor. The flooding with Hurricanes Dennis and Floyd is unprecedented in the history of North Carolina. This disaster met or exceeded the 500-year floodplain for many communities, and 500 years is before settlers had even arrived here in our country.

While the economic losses have been enormous, it cannot touch upon the loss of life that so many fellow Tar Heels have suffered. Hurricane Floyd resulted in 48 confirmed fatalities, and this figure could still rise as search and rescue teams continue to reach isolated communities and flooded homes, cars, and businesses.

Henry Wadsworth Longfellow once said that noble souls, through dust and heat, rise from disaster and defeat, the stronger.

Indeed, nature's actions have tested our patience, our souls, our will, but we should not break our resolve to recover from this horrific event. We will be stronger, now, more than ever, if we work with the sense of community.

After all, what are we here for? This is the People's House. Our first duty is to help the people of this country. If during this time of crisis, we cannot reach out to our countrymen and women, our children, our senior citizens, we do not have a future. Many of them do not even have today, if we do not unite together, reach across the aisle, not only in our expression of sympathy, but our expression of desire to help. That is our duty. That is our calling as the people who have been elected here to serve the people in this Nation.

Mr. Speaker, I ask that every one of our colleagues join us in expressing our deepest sympathy to those individuals and families who have lost loved ones and lost property. I want to thank all my colleagues on both sides of the aisle for standing together as we reach those who need help at life's most desperate hour.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in strong support of the resolution offered by my colleague from New Jersey. Throughout our history, Americans have always distinguished themselves and our Nation through their ability to persevere through trying times. This ability must be attributed in large measure to the faith that we have always had in our neighbors, in our fellow citizens, to help in times of need. The efforts of assistance, not only by those in government but also by those who simply cared, to the victims of Hurricane Floyd certainly stands in validation of this faith.

Having worked very closely with representatives of FEMA in New York State, New York State's Emergency Management Office and its extraordinary Director, Edward Jacoby, the Small Business Administration, and many of the fire departments, town supervisors and sheriff and police departments as we tried to clean up and understand the enormous devastation that hit my district, I know firsthand their selfless devotion and caring work to help people whose lives have been diminished by the fury of this hurricane.

Though lives have been lost and communities damaged and disrupted, the effort to recover and rebuild has generated a sense in many that better days will lie ahead.

So we rise today to reaffirm our fellowship to those affected by Hurricane Floyd. This House extends to these victims our sympathy and our continued commitment to assisting them as they work to rebuild their lives and their communities.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. ETHERIDGE. Mr. Speaker, I want to thank the chairman and ranking member for bringing this resolution to the floor, and the gentlewoman from North Carolina (Mrs. CLAYTON) and the other members of our delegation for working on it.

This expression of sympathy for the victims of this storm is an important symbol that expresses collectively many of our personal thoughts and prayers. And so many have shown genuine sympathy towards those injured and killed by the most destructive natural disaster to ever hit my home State of North Carolina.

Let me say from the outset, I am aware and sympathetic to those affected by the hurricane beyond the borders of North Carolina. My thoughts and prayers are also with you. But, folks, I have seen the suffering in my home State firsthand, and the word ''devastating'' just does not do it justice.

It is devastating when you lose your job. Those people in many cases have lost everything they own, everything they ever knew. They have lost more than their jobs. They have lost their possessions, their homes, their clothing, those sentimental items that we rarely think about until they are gone, wedding photographs, military awards, a child's first report card, love letters, and, for at least 48 families, a loved one. So much lost, washed away in the flooding not seen in our State in all of recorded history.

In some places entire towns, roads, infrastructure, schools, businesses will have to be rebuilt from scratch. Farmers have lost their crops and have suffered great to their barns, their homes and their equipment. These farmers were already toiling under the worst economic disaster prior to this flooding, and now they have been slammed by a storm.

The people who barely escaped the rushing floodwaters with their clothes on their back hailed from some of the poorest areas in the entire country. Some have said this storm will set back some parts of eastern North Carolina as much as 50 years.

No, ''devastating'' does not do this storm justice. Hurricane Floyd has been a catastrophe of the highest order.

But, folks, in every storm there is a silver lining. If this storm has proven anything, it has proven the determination, the resolve and the indomitable spirit of the people of North Carolina. Our people come by the name ''Tar Heels'' honestly, because they stand in the face of adversity, and today they are facing this adversity, but we need the help of this Congress and the people of America.

If something knocks us down, we get right back up to fight another day. And that's what is happening all over North Carolina. People are pulling themselves up by the bootstraps and putting their lives back together. Neighbors are helping neighbors. People all over North Carolina and around the country are

making donations, sending food and supplies and providing their letters and prayers of support.

I personally have felt great sadness at the suffering that has since Hurricane Floyd wreaked havoc on my state. However, I have also been inspired by the determination our people have shown as they struggle to survive. I have never been more proud to be a North Carolinian than I am today. Representing the hard-working, God-fearing and Floyd-surviving people of my district in Congress is one of the greatest honors of my life. The people of North Carolina will survive, as will all those that have been affected by this catastrophic storm. Please join me in expressing sympathy for the victims of Hurricane Floyd by passing this resolution unanimously. And then let us pledge to work together to pass a supplemental disaster relief package for the victims of Floyd that will help all the victims get back on their feet and that will bring honor and distinction on the United States Congress. And please keep the victims of this unprecedented disaster in your thoughts and prayers in the weeks ahead.

Mr. FRANK of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from New Jersey as well as the gentlewoman from North Carolina for introducing this resolution.

I must say, as many of my colleagues from North Carolina and also from New Jersey and Virginia and elsewhere have said, that this is probably one of the worst natural disasters that we have seen, certainly in my State, and I cannot speak for New Jersey and Virginia. But when you have a gentleman from the State of Maryland who was a volunteer during America's help in Turkey with the earthquake, and he comes back and he goes down to eastern North Carolina and he is quoted in the paper as saying that it reminded him of the Third World, that maybe tells you better than what I can say just how bad things are in eastern North Carolina.

But I will tell you that the resolve of the people in North Carolina and the people of eastern North Carolina is such that when they have been devastated by this natural disaster, they have come together and they take care of their brothers and sisters, as the Bible says, and I can assure you that the outpouring of help, not just sympathy, but help that has come from people within the State of North Carolina, as well as from all over America, is just what America is about. When people are hurting and when people are in need, we as Americans come to each other's aid. That is what makes this country what it is today.

I want to also say that FEMA I think has done an excellent job. It is a tough job. When you have people that are frustrated and stressed and have lost so much, and they are anxious for help, I do want to say that I think FEMA has done an excellent job. Certainly they are overwhelmed by this disaster, but, again, they are doing their very best to help the American taxpayer and the citizens of eastern North Carolina, as well as Virginia and New Jersey.

I do want to say, Mr. Speaker, that when farmers and business owners and individuals have lost everything, then, as I said earlier today in a morning speech, I think sometimes that we need to reconsider foreign aid. We need to reconsider, that the American taxpayer, the American that has been hurt, should come first.

In closing, I know that this Congress will do everything within its power to help its neighbors in North Carolina, as well as New Jersey and Virginia.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, if you live in a 5-year floodplain or a 10-year floodplain or even a 25-year floodplain, you can reasonably expect to have a flood every 5 years, every 10 years, every 25 years. But when you live in a 500-year floodplain, you cannot prepare for it. You do not buy insurance for a disaster that occurs every 500 years.

□ 1145

This is what has happened in North Carolina. People have been hit by an incident that can reasonably be expected never to occur again in our lifetimes, not again for 500 years. So we need the kind of response in this body to an incident and in a way that demonstrates that we are responding once every 500 years.

Mr. Speaker, I want to thank these colleagues for bringing this resolution to the floor, and talk about the resolution for a little bit.

The resolution is three pages long. Most of the first two pages talk about the devastation that has occurred. I want my colleagues to zero in on the last four lines of this resolution, because that is where we make our 500-year commitment to these people.

It says that we pledge to support to continue to work on the people's behalf to restore normalcy to their lives, and to renew their spirits by helping them to recover, rebuild, and reconstruct.

Now, we can express all the sympathy that we want to, and that is important in this context. But this is the four lines that we make our commitment in, and it would be a mistake for any of my colleagues to come and support this resolution simply out of a political motivation to get some brownie points if they are not serious about living up to the last four lines of the resolution.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. FOWLER).

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this very important resolution. As many of my colleagues know, I have over 100 miles of coastline in my Florida district. This makes us very susceptible to hurricanes like Floyd.

I never thought I would say that we were lucky to have category 1 hurricane force winds, but we were. However, Hurricane Floyd did cause substantial damage to the coast of Florida, enough to warrant a presidential disaster declaration. My thoughts and prayers are with all of those who are now struggling with rebuilding their homes and businesses. I am confident, however, if that same community spirit in the midst of this disaster continues through this rebuilding, we will all end up with stronger and better communities.

I want to particularly commend FEMA and the State and local and volunteer emergency management organizations that did such an excellent job in aiding our communities during this disaster, and are continuing to aid us as we rebuild.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today to join my colleagues in supporting today's resolution, and commend the gentleman from New Jersey (Mr. FRANKS) and the gentlewoman from North Carolina (Mrs. CLAYTON) for House Resolution 322, expressing sympathy for the victims of Hurricane Floyd.

We can all imagine how tragic and terrible and disheartening it must be to lose the very basics of life, to see your home and all your possessions lost because of uncontrollable acts of nature. In the wake of the havoc wreaked by Hurricane Floyd, however, there has been a silver lining. That is that people have been drawn together in a spirit of humanitarian concern as thousands of volunteers from churches and community organizations have come forward to offer assistance to those who are facing hurricane-related hardships. They have provided shelter and food and clothing, and most importantly, moral support during this time of crisis.

In my home county of Essex, we have had a serious problem with flooding and malfunctioning traffic lights which has endangered public safety. Fortunately, everyone pulled together with Federal and State support. We have been able to begin rebuilding and repairing the damage caused by Hurricane Floyd.

I am pleased that President Clinton responded favorably to the request by New Jersey and other States affected by the hurricane to be designated Federal disaster areas so we can obtain much needed relief from FEMA and other Federal agencies.

Again, Mr. Speaker, I want to extend my sympathy to the victims of Hurricane Floyd all across the Atlantic East

Coast who have been displaced from their homes or who have lost loved ones. They remain in our thoughts and in our prayers, and we will continue to offer our full assistance as the task of rebuilding gets underway.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, my district, which is located in inland North Carolina, was spared this very, very dreadful disease which now plagues eastern North Carolina. But even though we were spared, every time I go home, groups come to me and say, we cannot do enough for those victims down east, and also in New Jersey, but they are talking primarily about North Carolina.

I called on an old law school friend of mine from Rocky Mount, which is also inland, Mr. Speaker, just to inquire as to how things are progressing. He said, you cannot imagine how bad it is until you come to see it. He said, the television portrayals really do not bring you up to speed.

I guess about the only bright spot, Mr. Speaker, has been the East Carolina University football team. They played South Carolina. They could not return to their home in Greenville because the campus was under water. North Carolina State, which is their arch rival, loaned their stadium to them. There were signs, I noticed, in the East Carolina contingency thanking State, which is quite a landmark, the way those two schools battled each other football-wise. But East Carolina won that game and defeated Miami.

An account in the largest newspaper in my district gave a detailed report of the game, but the focus was on the flood and the people from East Carolina who drove the back roads to get to Raleigh just to escape the flood.

The concluding line of the story was that, oh, incidentally, East Carolina won the football game. But it was incidental, because keeping things in perspective, the news that day was the flood and how those people gathered in that parking lot in Raleigh to hold hands, to laugh, and to cry.

I thank those in this body who are concerned about them, those who are empathizing and sympathizing with the people who have suffered through this disease that plagues North Carolina.

A friend said, Howard, they do not need loans, they need grants. I concur. I hope we can come forward quickly and come to the aid of those people who desperately need it.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take this opportunity to thank the gentleman from New Jersey (Mr. FRANKS) and the gentlewoman from North Carolina (Mrs. CLAYTON) for coming together with all of our colleagues from New York and New Jersey, Pennsylvania, and North Carolina to bring this timely resolution to the floor.

This bipartisan measure represents the tragedy each of us have observed and experienced in our own congressional districts, and reflects the sorrow we feel for the thousands of individuals, families, businesses, and communities who continue to struggle in the wake of Hurricane Floyd.

Between September 14 and September 17, Hurricane Floyd struck countless communities along the East Coast, devastating homes and businesses. Responsible for at least 66 known deaths and millions of dollars in property and infrastructure damage, Hurricane Floyd is one of the most destructive natural disasters in the history of our Nation.

Accordingly, we have all joined together in introducing House Resolution 322, a resolution expressing the deepest sympathy for the victims of the hurricane, and pledging our support to continue to work on their behalf to restore normalcy to their lives and renew their spirits.

Mr. Speaker, the effects of Hurricane Floyd are continuing to have devastating affects on the State of New York. Numerous municipalities have sustained significant damage from flooding, power outages, and loss of vital public services. Rising waters forced individuals to leave their homes throughout our region, and particularly after the dam at Hyenga Lake burst, portions of the town of the Clarkstown in the State of New York were evacuated.

Presently the Federal Emergency Management Agency, the Small Business Administration, New York State Emergency Management Office, are working together to provide our injured communities with information, supplies, funding, and peace of mind. We commend them for their vital assistance.

However, the true heroes in this disaster are the people and their will to prevail. Citizens throughout the New York counties of Orange, Rockland, and Westchester are working together to overcome this tragedy. It is amazing to see how our communities have rallied around each other to rebuild their broken communities.

Hurricane Floyd was one of the worst disasters in our Nation's history. The Congress has the duty to recognize the challenges people engulfed in this tragedy are facing, and we must work together, as they have, to ensure our Federal agencies have the necessary support they require to deal with the level of disaster.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Finally, Mr. Speaker, I just want to thank all who have expressed their sympathy, and want to reemphasize the point that the gentleman from North Carolina (Mr. WATT) made; that, one, to empathize is also to support, not just to sympathize. This has been a mammoth, an enormous disaster. There has been none, I am told, in the history of this magnitude for floods in the United States, and never this devastation in North Carolina. Therefore, the response has to be accordingly.

Americans are at their best in disasters. I can tell the Members, if there is any redeeming grace out of this horrific loss, it has to be the generosity of the American people, neighbors helping neighbors.

Equally challenging, however, will be our governments collectively coming together and making the kind of response that is necessary, not for people to recover, but, indeed, for people to rebuild and for communities to be restored.

Again, I urge the support of Members and call for a vote.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentlemen from North Carolina, Mr. WATT and Mr. COBLE, sympathy is not enough. The Congress must help. This was a grave disaster. The carcasses of dead animals are still afloat in North Carolina. It is time for Congress to act.

I want to commend FEMA for a fine job, State and local governments for all the good work they are doing, and all the charitable and civic organizations and all the people of America for reaching out to help.

But I want to make this statement to all of the impacted citizens who experienced this great disaster. After the crisis is over and the media packs its bags and they desert, and we do not see it on the news anymore, the people despair and think maybe they have been forgotten. This is the time for the resolution, because it says the Nation has not forgotten, and more importantly, the Congress of the United States has not forgotten, and will help all of those impacted upon by this great disaster.

I want to commend the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from New Jersey (Mr. FRANKS), and urge everybody in this body to vote for this resolution.

Mr. Speaker, I rise in strong support of this resolution which expresses sympathy for the victims of Hurricane Floyd.

Hurricane Floyd dumped 20 inches of rain onto North Carolina alone. In fact, parts of North Carolina received nearly three feet of rain in September.

This resulted in the worst flooding in North Carolina history and the start of a recovery process that could take months, if not years, to complete.

In North Carolina, flood waters have destroyed or heavily damaged 3,000 homes and

forced 42,500 people to apply for state and federal assistance.

When the waters finally subside, Floyd is expected to be the most expensive natural disaster in North Carolina history, topping the $6 billion price tag from 1996's Hurricane Fran.

FEMA already has approved more than $4.3 million in direct aid to those affected by Floyd, and insurance companies are extending premium due dates an additional 60 days because so many are unable to return to their homes.

At least 1,500 people remain in shelters, spending nights huddled in sleeping bags and days monitoring media reports on the flooding. The American Red Cross has served hundreds of thousands of meals since evacuations for Floyd began, and the organization expects to remain in the region for months to come.

Panicked residents who have lost everything and have watched the media pack up and leave are afraid the Nation has lost interest in their problems.

This resolution is timely, Mr. Speaker, because it sends a message to the victims of Hurricane Floyd that the Nation has not forgotten them, and the Congress of the United States will make sure they get the aid and assistance necessary to rebuild their lives.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from North Carolina (Mrs. CLAYTON), Members from the region, Members from both sides of the aisle, for coming here to express their heartfelt sympathy, but also for us to collectively focus on the job that remains ahead.

This flood has caused enormous dislocation in our communities. Our neighbors will need our help in the weeks and the months ahead, and this institution needs to retain a commitment to make certain that these folks get back to a life as normal as possible.

I am looking forward to working with our colleagues to assure that that is the end of this event, a successful conclusion that will have the Federal Government working in partnership with the State and local governments and volunteer agencies to make sure our neighbors get back on their feet.

Mr. HOLT. Mr. Speaker, as record floodwaters receded across New Jersey only weeks ago, the damage toll from Hurricane Floyd inched upward in our state. Surging floodwaters caused several hundred million dollars in property damage and claimed four lives.

As officials struggled to cope with thousands of refugees, families were left to deal with contaminated drinking water, highway closures and lingering phone and power outages.

Nine of the counties hardest hit by Floyd have been declared federal disaster areas—including Hunterdon, Middlesex, Mercer, and Somerset counties in my district.

I was able to see firsthand the damage that the hurricane caused. In Lambertville, I toured the Middle School that only days before had 2–3 feet of water flowing through it. Mud covered floors, floating school supplies, and overturned desks scattered the building. Officials there told me they expect the clean-up effort may cost up to $1.5 million.

In Branchburg, I watched as families shoveled mud from their basements—their belongings ruined and homes permanently damaged.

In my Congressional District, there was water everywhere, but none to drink, as flooding contaminated drinking-water sources. More than 200,000 residents throughout the state were urged to boil tap water before using it.

From the scenes of devastation, tales of heroic rescues emerged.

In this time of devastation it gives me some comfort to think on those men and women of New Jersey who thought first of their fellow citizens.

The inextinguishable spirit of the citizens of New Jersey has burned brightly in the days since this horrible disaster. And it will continue to burn as an example for our nation.

However, this spirit alone cannot restore the damage caused by Hurricane Floyd.

While the federal disaster declaration is a substantial step forward in helping central New Jerseyans start to put their lives back together, more immediate assistance is necessary.

In cosponsoring this Resolution, I have pledged my support to continue to work to restore normalcy to the lives of the victims of the hurricane and to renew their spirits by helping them recover, rebuild, and reconstruct. I urge my fellow colleagues to join me.

Mr. FRELINGHUYSEN. Mr. Speaker, New Jersey suffered from some of the worst flooding in 200 years when Hurricane Floyd roared through Jew Jersey in September. Homes, corps, businesses and lives were destroyed.

Floyd is gone, and the flood waters have receded, but many New Jerseyans continue to suffer its effects. Lives were completely disrupted, and they continue to be. Our words here on the House floor have little impact on their suffering, yet they are important because we must ensure that America remembers the havoc Floyd wreaked on New Jerseyans, and the people of coastal North Carolina as well. Furthermore, we must continue to monitor the Federal government's response to this disaster and make sure none of our residents is overlooked.

I also want to take the opportunity to commend the countless men and women who contributed to relief efforts in New Jersey. Whether by wading into the waters to help rescue a stranded citizen, or by aiding with a contribution of time or money to help provide food and shelter for families, many of whom lost everything, New Jersey's volunteers have again demonstrated an admirable commitment to their fellow New Jerseyans, and to them I say, thank you.

To the people of my own district, in Morris, Essex, Somerset, Sussex and Passaic Counties, and elsewhere, and to the people of Bound Brook and Manville, and throughout New Jersey who have lost both their belongings and their faith, let me assure you that Congress has not, and will not forget you.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the resolution, House Resolution 322.

The question was taken.

Mr. FRANKS of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1200

## J.J. ''JAKE'' PICKLE FEDERAL BUILDING

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 559) to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''.

The Clerk read as follows:

S. 559

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal Building located at 300 East 8th Street in Austin, Texas, shall be known and designated as the ''J.J. 'Jake' Pickle Federal Building''.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''J.J. 'Jake' Pickle Federal Building''.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from West Virginia (Mr. WISE) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. COOKSEY), my good friend, for yielding me this time, and I rise in strong support of this legislation.

Mr. Speaker, Jake Pickle was a giant in this House. He was a personal friend of mine. He is so deserving of this honor. Some months ago, the gentleman from Texas (Mr. DOGGETT) introduced his resolution. I not only supported it, but I moved it very quickly through our committee. We brought it to the floor. I supported it here on the floor. We passed it, and we sent it over to the Senate in May, I believe.

It was my hope that the Senate would have taken it up and would have acted upon it. That is my preference. But, unfortunately, the Senate has chosen not to act upon it, but rather to pass an identical Senate resolution sponsored by Senator GRAMM from Texas.

As recent as last night, we called the Senate again and asked if they would

please consider the House resolution, the Doggett resolution. We were informed, again, in no uncertain terms, that they simply would not bring it up.

So, Mr. Speaker, we are faced with a choice here today, a choice which is not of my making and a choice which I wish we did not have to face. The choice is are we going to take the identical Senate resolution and honor Jake Pickle, or are we not going to pass any such legislation? That is the real choice.

Because Jake Pickle was such an outstanding Member of this body, a great American, I think that we should move ahead. Jake is in his 80's now. He is not in the best of health. He certainly brought great credit to this country and to his State of Texas. Indeed, I have on my coffee table at home his book entitled ''Jake,'' and I recommend it to all Members because it gives extraordinary insight into a very important time in our history.

Mr. Speaker, Jake Pickle is very deserving. I want to see this building named in his honor. The only way we are going to do it is by passing the Senate resolution which is identical to the House resolution. For those reasons that I have stated, I would urge all Members and particularly my Democratic friends because, of course, Jake is and is proud of being a Democrat, so this is a Democratic resolution. And, indeed, I support it and would urge all Members to support it.

Mr. WISE. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. DOGGETT), author of the House resolution.

Mr. DOGGETT. Mr. Speaker, with our action today, I am pleased that Congress will have finally completed its consideration of the naming of the Federal building in Austin after my predecessor and friend, J.J. ''Jake'' Pickle. This honor is long, long overdue.

For all of those who come to central Texas by air, there is a good chance when they first touch ground, they will land on the J.J. ''Jake'' Pickle runway at our new Austin-Bergstrom International Airport. And if one is interested in higher education or in high technology, one will likely be aware that at the University of Texas we have a J.J. Pickle Research Center on the J.J. Pickle Research Campus from which great ideas and great spin-offs have had much to do with the success of the high-tech industry which has really fueled our progress in central Texas and certainly represents our central Texas economic future.

In a joint project, the City of Austin and the Austin Independent School District have construction under way on the J.J. ''Jake'' Pickle Elementary School, Library, Health Clinic and Recreation Center. They are located in the St. Johns neighborhood and will be opening in the fall of 2001 as, I think, a living symbol and substantive statement about our commitment to equal educational opportunity in central Texas.

To these Austin memorials it is appropriate that we add the J.J. ''Jake'' Pickle Federal Building. This is the place where, from the time of the administration of President Lyndon B. Johnson, until his retirement in 1994, Congressman Pickle had his district office; and I am fortunate to have the very same rooms up on the 7th floor of the Federal building in Austin that we are naming today, a place from which most of the important operations of the Federal Government in central Texas are conducted.

Congressman Pickle is the only Congressman that I have really ever known during my life in Austin. He was elected when I was a senior at Austin High School, and he continued to serve until I was elected to succeed him in 1994.

And serve our community he certainly does and continues to do. It was with that service in mind that on February 12 of 1998 I introduced H.R. 3223, the bill that the bill before us today copies verbatim. Unfortunately, even I was surprised at the way this Republican Congress handles such matters. For months last year the Republican leadership permitted consideration of few, if any, bills if they had the misfortune of having a Democratic sponsor.

Finally, on July 14, 1998, with a bipartisan tribute, joined by Democrats and Republicans on this floor, we paid tribute to Congressman Pickle for his service and unanimously passed this bill through the House. My goal in filing H.R. 3223 early in 1998 was to have this bill signed into law by President Clinton in time for a ceremony in Austin, Texas, about October 11 of last year when Congressman Pickle happily celebrated his 85th birthday. My office was assured from the staff of the Senate sponsor of this measure, Senator GRAMM, that we would get this done; that the President would be able to sign it last year; and, of course, this was not done.

So on January 6, the first day of this session when I came down to swear my oath of office along with my colleagues, immediately after doing so, I refiled H.R. 3223 that the House had approved unanimously in 1998, and this year it was H.R. 118. Like most everything in this House this year, progress was painfully slow. But finally, finally on May 4 of this year, we had another bipartisan tribute which I hope Congressman Pickle enjoyed again, colleagues, Republican and Democrat, coming to tell some stories and to pay tribute to his excellent service. And the House again unanimously approved the bill.

On June 16 of this year, my office received a call indicating that the Senate was at last about to approve H.R. 118. So we turned on C–SPAN to watch the happy moment; and, indeed, we learned that at the last minute, apparently at the request of the sponsor of S. 559, that H.R. 118 would not be approved, but S. 559 would be.

Such action is highly unusual, even in this often too contentious Congress. During this year of 1999, three House naming bills of this type with Senate companions where both the House and Senate sponsor filed bills, three House bills have been sent over to the Senate first and each one of them is already law. The same has occurred with the naming bills that have come the other direction where the Senate acted more promptly than the House and the House paid courtesy to the Senate and approved those bills which have been signed into law along with these House naming bills that had no Senate sponsor originally, but were also signed into law.

The Pickle bill is thus the first and the only lone exception from the Lone Star State to the courtesy and the bipartisanship that is normally associated with such matters.

After more than a few unreturned phone calls to staff, I spoke personally with our senior Senator from Texas in August to courteously and respectfully request prompt approval of my House bill. About one month later a Senate staffer again assured my staff that we would get Senate approval of the House bill and that it would be done shortly. During the last month, however, we are back to largely the old unreturned phone call routine.

Now this morning's Republican Whip Notice for this very morning indicates that, like Senator GRAMM's original S. 559, they are designating 33 East 8th Street in Austin to be named for Congressman Pickle. If that address actually represents any place, it is part of a sidewalk in downtown Austin; and I think this error probably results from a Senate author who knows as little of Austin and Austinites, unfortunately, as that measure suggests. Mr. Speaker, I think that Congressman Pickle deserves far better from both the Senate and the House.

A number of strange arguments were advanced yesterday for the belated rush and enthusiasm to approve S. 559, the copycat version of the House bill. Yesterday's Congress Daily quoted a spokeswoman for the majority leader, Mr. ARMEY, as saying the House had to schedule S. 559 this week because it was a way to save time and avoid a House-Senate conference committee. Of course that was phony because there were no differences between the House bill and the copycat version from the Senate for a conference committee to adjust.

Then other stories were circulated, apparently Mr. Shuster heard one of them, suggesting that Congressman Pickle was in grave health. Well, I talked to him personally just after he returned from his morning jog, and I am pleased to report to the Members of the House this beloved former Member of our body is alive and kicking.

Indeed, our community finds Congressman Pickle still mighty hard to keep up with because of the fact that he is no longer a formal Member of Congress, and only a former Member has not slowed him down a bit. We appreciate his energy and vigor, and we

say thanks with the approval of this measure for what he has done.

I have tried to gain some understanding of why it is that we would go through the kind of unprofessional conduct associated with the way this bill has been considered. First I think in this do-little Congress approving naming bills and commemoration of the Leif Ericson Millennium Medal is about all that is getting done, so it is not surprising why Republicans would want to sponsor as many of these measures as possible.

Second, it is not unusual for Republicans to adopt good Democratic proposals. It is said that imitation is the sincerest form of flattery, and who could help but be flattered by Senator GRAMM's enthusiasm for my proposal? Republicans, even in this Congress, rely on the wisdom of FDR, Truman and JFK; and it is hard to hear a quote from Mr. Nixon or Mr. Hoover.

But I think finally it is plain old arrogance. For one form of that arrogance we years ago coined a new word in Texas. It is called ''grammstanding,'' which usually describes the fine art of claiming credit in Texas for what you voted against in Washington.

But I think this silliness is not grammstanding. It is certainly not ''Profiles in Courage.'' I call it ''Profiles in Pettiness.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that it is inappropriate to characterize or cast reflections on the Senate or Members of the Senate either individually or collectively.

Mr. DOGGETT. Mr. Speaker, this is a good bill for a great man, Jake Pickle, whose career stood above the kind of deceit and pettiness associated unnecessarily with the process that results in the approval of this very good bill. I urge the House to approve it.

Mr. COOKSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 559 designates the Federal building in Austin, Texas, as the J.J. ''Jake'' Pickle Federal Building. One may recall this body passed H.R. 118, the House companion to S. 559, a few months ago. We are here today once again to honor our former colleague from Texas. Action on the Senate version will create a more equitable balance between the House and Senate versions of naming bills. Passage today will clear the measure for the President's signature.

Congressman Pickle began his long career in public service by serving 3½ years with the United States Navy in the Pacific during World War II. Following the war, Congressman Pickle returned to Austin, Texas, and held positions in the private and public sectors.

He served his political party ably as executive director of the Texas State Democratic Party. In 1963, he was elected to the United States House of Representatives in a special election to fill a vacant seat.

□ 1215

He was then reelected to the next 15 succeeding Congresses until his retirement on January 3, 1995.

During his tenure in Congress, Jake Pickle was a strong advocate for civil rights. He vigorously advocated and supported such legislation as the Civil Rights Act of 1964 and the Voting Rights Act. For over 30 years, Congressman Pickle continuously worked for equal opportunities for women and minorities. As chair of the Committee on Ways and Means Subcommittee on Oversight and the Subcommittee on Social Security, he helped shape the system of Medicare to assure that it fulfilled its intended purpose of bringing basic health care for those in need and timelessly fought for the future of Social Security.

Congressman Pickle was a dedicated public servant who remained close to his Texas constituents. This is fitting legislation that honors him. I support this bill, and I encourage my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I am personally disappointed that the leadership has chosen to make the naming of a Federal building in Texas, my home State, a partisan issue. There is something ironic about that, because I have known very few Members of this Congress in my service here that were more nonpartisan, that were more bipartisan than J.J. ''Jake'' Pickle.

But, nevertheless, I come to this floor for the primary purpose of saying thank you to my friend, our friend, Jake Pickle.

Let me say, Mr. Speaker, at the outset that it takes a great deal for a Texas Aggie to come to this well of the House to compliment a University of Texas graduate. In this case, I will make an exception. No one deserves accolades better than our friend, J. J. ''Jake'' Pickle.

I love Jake Pickle. To me, he represents the very best of public service, truly committed to helping people for all the right reasons. He epitomizes the very best of public service, someone who has served his country in time of war, someone who continued to serve it in time of peace.

There are a lot of people today, Mr. Speaker, on both sides of the aisle claiming to be the saviors of the Social Security system. We will be debating that issue in the weeks and months ahead.

But in the 1980s, and particularly in the 1983 Social Security bill, Jake Pickle, through his leadership position on the Committee on Ways and Means, truly did help save the Social Security system. Millions of senior citizens, past, present, and future have been and will be the beneficiaries of Mr. Pickle's strong far-sighted leadership in that effort.

We could go on and on about all his many accomplishments, but it is not the accomplishments. It is the character of Jake Pickle that I most admire and love.

I think the Bible verse that says, ''This is the day the Lord hath given us, let us rejoice and be glad in it.'' is basically the verse that, to me, represents what Jake Pickle is all about.

When he walks in the room, he brings light and life into that room. He has brought light and life to all of us who have known him. I honor Mr. Pickle today along with my colleagues.

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, it is sad to hear that there is a squabble going on about naming this building. Quite frankly, we should keep our eyes on the prize, and that is to make sure that we do name this Federal courthouse after the great Member that we shared some common goals with here, Jake Pickle. I hope that gets worked out.

I would just like to take to the floor to thank Jake Pickle, because I worked for years on trying to change the burden of proof in a civil tax case, and Jake Pickle carried on a strong mantra with the Committee on Ways and Means.

But in the final analysis, he became a pragmatic friend and supporter and ultimately played a key role in the ultimate passing of that in last year's reform bill, even though he was not here.

So I want to say thank you, Jake Pickle. Many of us here love Jake Pickle. I hope we get beyond the partisanship. Keep our eyes on the prize and name that courthouse after our great former Member.

Mr. WISE. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I want to rise and support enthusiastically this legislation, S. 559, as a bill to designate the Federal building on 8th Street in Austin, Texas in honor of Jake Pickle.

The gentleman from Texas (Mr. DOGGETT) who has previously spoken now represents Jake's district. He has twice introduced similar legislation, and he has been a steadfast advocate and supporter of this designation. House Members extend their thanks and gratitude to the gentleman from Texas (Mr. DOGGETT) for his diligence in this effort.

Now, honoring Jake in this manner is particularly appropriate because, for 28 of his 31 years in Congress, Jake Pickle had his office in this Federal building on 8th Street in Austin.

Jake Pickle was extremely proud of his Texas heritage, a native of Texas, born in Big Spring in the northwest part of the State. He attended public schools and graduated from the University of Texas in 1938. He was a Federal worker during the Roosevelt administration and then entered the Navy during World War II, serving 3½ years in the Pacific.

Coming to Congress after a special election in 1963, and, of course, he then succeeded President Lyndon Johnson, that was LBJ's District, Jake wasted little time in establishing himself as a congressional leader. He joined only five other southern leaders in voting in favor of President Johnson's Civil Rights Act of 1964. Jake has acknowledged that the civil rights vote was a vote of which he is most proud.

A few months later, Jake Pickle again courageously voted for the Voting Rights Act and then worked for 30 years to ensure equal opportunity for minorities and women.

Jake's committee assignments, including chair of the Committee on Ways and Means Subcommittee on Oversight and chair of the Subcommittee on Social Security. He devoted his time and energies to the well-being of his constituents and developed a reputation for selfless work and tireless advocacy for his fellow Texans.

Those of us who had the privilege of knowing and working with Jake Pickle are happy that this bill is finally here and that he will receive the honor to which he is entitled. It is with great pride that I support the gentleman from Texas (Mr. DOGGETT) and urge my colleagues to join me in honoring Jake Pickle with this designation.

Mr. WISE. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I very much appreciate the gentleman yielding me this time.

Mr. Speaker, I want to rise as someone who had the great honor and privilege of serving with Congressman Pickle. He served with great distinction, with great commitment to this country, obviously outstanding service to the State of Texas.

But he was a national legislator and brought credit to himself and to our country and to this House as a Member. I am privileged and honored to be among his friends, his former colleagues, and supporters of this legislation.

Mr. WISE. Mr. Speaker, I yield 1¼ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time and rise in strong support of this bill.

Jake Pickle was a great leader from Texas, served in this House with distinction for many years, and has been followed ably by the gentleman from Texas (Mr. DOGGETT). We have had this discussion many times. I must say that both Jake and his wife Beryl are two true great Texans.

There is a story, and if the gentleman will bear with me on this, there is a great story that is similar to how this bill is being handled, though. There was a dispute in the Democratic Party some years back when it was a split party, and there was an issue of dollars for Democrats, but not a nickel for Pickle because Jake was on the other side of the issue.

It is ironic that today we are considering the Senate bill offered by our senior Senator from Texas, a former Democrat, now a member of the Republican Party when really the bill we ought to be considering is the bill by the gentleman from Texas (Mr. DOGGETT) who introduced it first, who is the successor of Mr. Pickle.

I think Jake and Beryl are probably sitting back in Austin watching this on C–SPAN and chuckling to themselves that, even after 30, 40 years of these types of disputes, the House of Representatives today can go back and have the same internecine and warfare that the Texas Democratic Party was capable of doing many years ago.

Jake is a great man. He was a great leader from Texas. This is a good bill, even if it is not the Doggett bill. We ought to pass it.

Mr. COOKSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to my colleagues on the other side of the aisle that I, too, lived in Austin. I was actually stationed at Bergstrom Air Force Base during the Vietnam period while my colleagues were in school there.

I, too, know Jake Pickle. There is no question that Jake Pickle is a gentleman and a scholar and was truly a credit to this great institution. But today I think that we should keep focus on what we are here about. We are here to name a building after a great man who was a great congressman and a credit to this Nation and to the great State of Texas.

So I urge my colleagues to proceed with this, and we will indeed facilitate naming this building for Congressman Jake Pickle.

Mr. WISE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. FROST).

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, there is no more appropriate person to name a Federal building after than Jake Pickle. Jake has a long and distinguished connection with the city of Austin where this building will be located. Jake was president of the student body at the University of Texas. He went on to work many years in Austin in politics before coming to this Congress. Jake was, in fact, one of the most distinguished Members from our State in the last 30 years.

No person worked harder on making sure that the Social Security system would be strong and would survive well into the next century than Jake Pickle. No person worked harder on behalf of the high-tech industry of Austin authoring and fathering the semi-tech legislation that really created the new Silicon Valley in Texas.

No person served with greater humility, greater humor, and greater distinction than my friend Jake Pickle. I look forward to being with Jake and seeing the name go up on the building.

Mr. WISE. Mr. Speaker, I yield 1¾ minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. COOKSEY. Mr. Speaker, I am delighted to yield 1 additional minute to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, it is unfortunate that action we take today is marred by process. But I do want to express my great appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for recognizing the impasse that occurred when the other body refused to take up a House version of this legislation and made it clear that the only way to do it is to act on the Senate bill. That is just realism, and I appreciate his desire to, as the gentleman from Pennsylvania (Chairman SHUSTER) expressed himself so eloquently, his depth of appreciation for Jake Pickle for the service in this body, and it shows what a distinguished leader our committee chairman is and his willingness to act as we have always done on our committee, in a bipartisan manner.

The gentleman from Texas whom we honor with this building naming is a very unusual person, a great Member of this body, and a very unorthodox Member. He did not go along to get along. But he pursued his own beliefs and pursued them vigorously and advocated on this floor and in the Democratic Caucus what he believed in. He was a very rare article in the House of Representatives.

He always, as our colleagues from Texas have noted, always considered himself President Lyndon B. Johnson's congressman, and frequently would tell us stories about calls he had received, well I can recall this as a member of the staff at the time, calls from the President and later, after Lyndon Johnson's presidency, calls that he would receive from the former President, giving him advice on one or another action.

□ 1230

And Jake was also always very responsive to that advice.

He was a very close friend of my predecessor in Congress, John Blatnick, for whom I was administrative assistant, and I got to know Jake quite well. He served on the Committee on Public Works prior to going to the Committee on Ways and Means and we got to know each other very well. So well that after I was elected to Congress Jake Pickle always referred to me as John. I considered it a compliment. I never corrected him because I thought being associated with John Blatnick was just fine by me.

Naming this Federal building in Austin, I think, will be just as enduring a compliment to this great public servant, and I am really delighted we are

taking the action today, finally, to give Jake Pickle the recognition he so richly deserves.

Mr. COOKSEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Louisiana for yielding me this time and allowing me to say a few words about Jake Pickle.

I have known Jake literally all my political life, I guess for over 25 years, having served in the Texas legislature since 1973 up until coming to Congress, and Jake was always the Congressman for Austin, Texas.

Having served with Jake from 1993 until he retired, I cannot think of any other Member that deserves this honor of having a courthouse named after him more than Jake, because Jake was such a great Member. He served on the Committee on Ways and Means and he served his community well.

I know in the past, when we have talked about Jake Pickle, I talked about his book, ''Jake,'' and it is a great compilation of stories of his service in Congress. And I was proud a few years ago, for Father's Day, that my daughter, who was at the University of Texas at that time, went over and bought the book and asked Jake to just sign it for me.

Again, I want to congratulate not only the gentleman from Louisiana (Mr. COOKSEY), but also the House for doing this for Jake Pickle.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to strongly support this bill. This measure designates a federal building in Austin, Texas as the J.J. ''Jake'' Pickle Federal Building. This edifice will truly stand as a striking and fitting monument to Jake Pickle's long and proud legacy of service to Texas.

J.J. ''Jake'' Pickle is a Texas icon whose shadow looms large across the territory from the Rio Grande to the Texas Panhandle. His presence is still runs deep throughout my home State of Texas.

J.J. Pickle is one of the last of the Great Society's old guard of Lyndon Johnson's administration. ''Jake,'' as his friends affectionately call him, put himself through college during the Depression, worked for President Roosevelt's National Youth Administration, served in the Pacific during World War II, founded a Central Texas radio station right after the war, and represented Texas' Tenth Congressional District from 1963 to 1995. He's a Yellow Dog Democrat who never forgot his West Texas roots, and a superb raconteur.

The following anecdote, as told by Mr. Pickle, reveals his strength of character:

Even today, it's hard to believe that just thirty years ago people of color couldn't patronize many of the restaurants, hotels, public rest rooms, or water fountains in America. In retrospect, it's almost inconceivable that those conditions existed just a generation ago. I believe that in 1964 a strong Civil Rights Bill could have passed only under the leadership of Lyndon Johnson.

Nobody else knew how to manipulate Congress so effectively, or hammer through legislation by sheer force of will. And because Johnson was from Texas, he could look fellow Southerners in the eye and say, ''I know what it will take for you to support this.'' He understood the risk.

A week after the vote, I was visiting with President Johnson and Jack Valenti at the White House. Jack commented that he was glad to see me vote for the bill.

I told Valenti it was a hard vote, and then added with feeling, ''I'm sure glad to get that one over with!'' President Johnson was listening and he said, ''Jake, that was a tough vote. But you'll be in Congress for another twenty years (I surprised everybody—it was thirty-one years!) ''and you'll probably have a civil rights vote every year from now on. We've just started civil rights reform, and we're two hundred years behind. We got a long way to catch up. So don't think for a second that you've got this vote behind you!''

As, usual, President Johnson was right. And the fight continues.

Elected to the Eighty-eight Congress by special election, December 21, 1963, JJ Pickle served his constituents for 30 years in the House of Representatives after being re-elected to fifteen succeeding Congresses. He was a leader in the fight for civil rights issues and equal opportunity for women and minorities. During his tenure, J.J. Pickle became chairman of both the Ways and Means Oversight and Social Security Subcommittee. It is my pleasure to support this legislation to designate the federal building located at 300 East 8th Street in Austin, Texas as the J.J. ''Jake'' Pickle Federal Building.

Mr. FROST. Mr. Speaker, I am pleased to support S. 559, a resolution naming the federal building in Austin, Texas after my fellow Texan and friend, retired Congressman J.J. ''Jake'' Pickle.

From his election to the House of Representatives in 1962 to his retirement in 1995, Congressman Pickle was the ideal public servant. I know firsthand how hard Congressman Pickle worked on behalf of his constituency in Central Texas. For over thirty years, Congressman Pickle had pivotal roles in legislation from civil rights to the protection of the environment. Naming the federal building in Austin after Congressman Pickle is an appropriate symbol of our admiration, our respect, and our appreciation for his true public service to us all. It's an honor to take this opportunity recognize a man of great integrity and valor, Congressman J.J. ''Jake'' Pickle.

Mr. COOKSEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the Senate bill, S. 559.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 322 and Senate 559, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 1663, by the yeas and nays; H.J. Res. 65, by the yeas and nays; H. Res. 322, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## NATIONAL MEDAL OF HONOR MEMORIAL ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1663, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 1663, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 9, as follows:

[Roll No. 474]

YEAS—424

| | | |
|---|---|---|
| Abercrombie | Bonior | Condit |
| Ackerman | Bono | Conyers |
| Aderholt | Borski | Cook |
| Allen | Boswell | Cooksey |
| Andrews | Boucher | Costello |
| Archer | Boyd | Cox |
| Armey | Brady (PA) | Coyne |
| Bachus | Brady (TX) | Cramer |
| Baird | Brown (FL) | Crane |
| Baker | Brown (OH) | Crowley |
| Baldacci | Bryant | Cubin |
| Baldwin | Burr | Cummings |
| Ballenger | Burton | Cunningham |
| Barcia | Buyer | Danner |
| Barr | Callahan | Davis (FL) |
| Barrett (NE) | Calvert | Davis (IL) |
| Barrett (WI) | Camp | Davis (VA) |
| Bartlett | Campbell | Deal |
| Barton | Canady | DeFazio |
| Bass | Cannon | DeGette |
| Bateman | Capps | Delahunt |
| Becerra | Capuano | DeLauro |
| Bentsen | Cardin | DeLay |
| Bereuter | Carson | DeMint |
| Berkley | Castle | Deutsch |
| Berman | Chabot | Diaz-Balart |
| Biggert | Chambliss | Dickey |
| Bilbray | Chenoweth-Hage | Dicks |
| Bilirakis | Clay | Dingell |
| Bishop | Clayton | Dixon |
| Blagojevich | Clement | Doggett |
| Bliley | Clyburn | Dooley |
| Blunt | Coble | Doolittle |
| Boehlert | Coburn | Doyle |
| Boehner | Collins | Dreier |
| Bonilla | Combest | Duncan |

Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Berry
Blumenauer
Hill (MT)
LaHood
Mascara
McKinney
Meeks (NY)
Metcalf
Scarborough

□ 1255

Mr. HEFLEY changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to recognize National Medal of Honor sites in California, Indiana, and South Carolina.''.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional motion to suspend the rules on which the Chair had postponed further proceedings.

## COMMENDING VETERANS OF THE BATTLE OF THE BULGE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 65, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the joint resolution, H.J. Res. 65, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 475]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)

Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Berry
Bilbray
Blumenauer
Hill (MT)
Jefferson
LaHood
Mascara
McKinney
Meeks (NY)
Metcalf
Scarborough

☐ 1303

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, I was unavoidably detained for rollcall votes 474 and 475. Had I been present, I would have voted ''yes'' on rollcall vote No. 474, and ''yes'' on rollcall vote No. 475.

## SENSE OF CONGRESS IN SYMPATHY FOR VICTIMS OF HURRICANE FLOYD

The SPEAKER pro tempore (Mr. THORNBERRY). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 322.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the resolution, H. Res. 322, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, answered ''present'' 1, not voting 15, as follows:

[Roll No. 476]

YEAS—417

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
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Holden
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Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
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Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
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Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—15

Abercrombie
Bereuter
Blumenauer
DeLay
Hill (MT)
Hilleary
LaHood
Manzullo
Mascara
McKinney
Meeks (NY)
Metcalf
Rangel
Royce
Scarborough

☐ 1311

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1315

## WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 307 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 307

*Resolved,* That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 307 is the standard rule waiving points of

order for the conference report to accompany H.R. 2606, the foreign operations appropriations bill for fiscal year 2000. The rule waives points of order against the conference agreement and its consideration and provides that the conference report shall be considered as read.

I support this rule, and I support the underlying conference report as well. There are many important programs which are being funded in this conference report, and because there are no country earmarks, the President and the Secretary of State are afforded great flexibility to conduct foreign policy as they see fit in this area.

I thank the gentleman from Alabama (Chairman CALLAHAN). I think he has done an extraordinary job, as has the ranking member, the gentlewoman from California (Ms. PELOSI). They have done a lot of hard work on this important conference report, and I urge both the adoption of the rule by our colleagues, as well as passage of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, this rule makes in order consideration of the conference report to accompany H.R. 2606, a bill that makes appropriations for foreign aid and export assistance in fiscal year 2000. The rule waives all points of order against the conference report.

Mr. Speaker, foreign aid is part of the price we pay to be the political and the moral leader of this world, and, just as it is our duty as individuals to help others less fortunate than we are, it is our duty as a Nation to help those countries which are struggling. There are more direct benefits. Foreign aid creates jobs here in the United States, increases exports and opens markets overseas for American businesses.

A report several years ago by the Washington polling firm of Belden & Russonello concluded that Americans strongly support humanitarian assistance to developing countries, which is part of foreign aid. In one poll, the average American thinks that almost one-third of the Federal budget is spent on foreign aid. However, in reality, less than 1 percent of the Federal budget goes to foreign aid. The evidence suggests that the more people think about foreign aid, the more likely they are to support it.

There are good provisions in this conference report. It provides a $65 million increase for the Child Survival and Disease Programs Funds. This includes a $5 million increase for UNICEF, which is so important to helping children throughout the world.

The report also contains favorable language for microenterprise development, which has proven to be a cost effective way to help people become economically self-reliant.

Unfortunately, the overall funding levels for the bill are insufficient to support America's leadership role in the world, and the bill cuts the administration's request for foreign aid programs by about 13 percent. This has been consistent over the past 10 years. Our foreign aid, especially on development assistance, continues to go down. As a matter of fact, it has been cut 50 percent in the last 10 years.

The Peace Corps is cut by $35 million below the administration's request, which will cause the reduction of 1,000 volunteers in the next 2 years. As a returned Peace Corps volunteer myself, I am disappointed in the funding level of this important people-to-people aid program which enjoys broad support among American citizens.

There are no funds to implement the Wye River agreement, which is a tremendous agreement between our President, Jordan, and Israel in the Middle East. The President is considering a veto of the bill largely on the grounds of inadequate funding.

But, despite my concerns about the bill, I am willing to support this rule, which is the standard rule for conference reports, and it will allow for further debate of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as with so many other of the appropriations bills this year, we are hearing opposition from our good friends on the other side of the aisle because of the fact that they wish that more money was being spent. There is no doubt that proposals to spend money in myriad ways will be heard, and will continue to be heard, some of which, I am sure, make a lot of sense.

We made a decision on this side of the aisle, and I think it is important to commend the gentleman from Alabama (Chairman CALLAHAN), the gentleman from Florida (Chairman YOUNG), and the leadership, the Republican leadership, the Speaker, the majority leader, the whip, the conference chairmen, the entire leadership. They made a decision, on our side of the aisle we made a decision, that we will not in these appropriations bills tap, we will not get into the Social Security trust fund. And we are sticking to that decision. So we are going to see a lot of opposition based on the fact we are not spending enough money on these appropriations bills.

This is the foreign aid bill. It is a very important bill. But we believe we are doing a good job, and we are doing the job within the existing resources that we have, while not tapping into, not going into, the Social Security trust fund.

Mr. Speaker, I have no further requests for time on the resolution bringing the conference report to the floor. The distinguished chairman of the subcommittee is ready, the gentleman from Alabama (Chairman CALLAHAN), to explain the details of this legislation in great depth.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), who is an expert and our ranking minority member on the Subcommittee on Foreign Operations.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time and for his leadership internationally and domestically on behalf of people in need, especially our children.

Mr. Speaker, our distinguished colleague, the gentleman from Ohio (Mr. HALL), very clearly has pointed out some of the good things that are in this bill, and as I rise to talk about the rule, I am really rising in opposition to the bill.

My colleague, our distinguished chairman, the gentleman from Alabama (Mr. CALLAHAN), deserves credit for how he balanced the allocation that he had in the bill, and, again, the gentleman from Ohio (Mr. HALL) pointed out some of the positive initiatives that are in the bill. But the bill does not measure up even in the slightest way to our leadership role in the world.

I think it really is a disservice to the debate on the foreign aid bill to say that if we honor our commitments throughout the world, that that money will be taken out of Social Security. The fact is when these allocations were made, the foreign aid allocation was given very little priority.

This bill is not only about cooperation between the United States and other countries. This bill is about our assistance for our own trade. We have financed in this bill the Ex-Im Bank, OPIC, as well as the Trade Development Administration, which assists in promoting U.S. exports abroad. So the allocation, as small as it is, is not even all about assistance overseas; it is about promoting U.S. products. In order for those products to be sold, we have to develop markets for them. So it is in our interest to cooperate with countries to help develop their economies.

It is necessary for us in our foreign policy, which is an essential part of what we do here in the Congress, to honor the pillars of our foreign policy, to stop the proliferation of weapons of mass destruction, to promote democratic freedoms so that the world is a more peaceful place as we deal with democracies rather than authoritarian regimes who might invade their neighbors or oppress their people, and, again, to promote our economy by promoting U.S. exports abroad.

All of those goals are served very well, in addition to the broader issue of our national security, by our investments in this bill. These are investments that will pay off for us. We would not have to be so involved in sending our young people off and putting them in harm's way abroad if we were more successful in promoting the

pillars of our foreign policy through funding this bill.

Mr. Speaker, I just want to say that I hope that our colleagues will not say that the Social Security trust fund is at risk because we want to honor our commitments abroad.

Let me just show you this chart, Mr. Speaker. In it you see this big yellow pie. That is the national budget. This sliver here, this little blue, less than 1 percent of the national budget, less than 1 percent, 0.68 percent of the national budget, is spent on international cooperation.

We are a great country. I come from a city where our patron saint is St. Francis. The song of St. Francis is the anthem of our community, and that is praying to the Lord to make us a channel of God's peace. Where there is darkness, may we bring light; where there is hatred, may we bring love; where there is despair, may we bring hope.

We cannot solve all of the problems of the world, but we can bring hope to people, and that is what we try to do in this bill. This is a small price for us to pay to prevent putting our young men in harm's way and to honor the commitment of our country.

Mr. Speaker, I have been fond of quoting President Kennedy on this bill, because everybody in the world who was alive at the time and those who study history know of his clarion call to the American people, the citizens of America, ''Ask not what your country can do for you, but what you can do for your country.'' But the very next line in that inaugural address, which I heard myself as a student here so many years ago, the very next line says, ''To the citizens of the world, I say ask not what America can do for you, but what we can do working together for the freedom of mankind.''

That is what this bill strives to do. We cannot have that freedom, promote democratic values, stop the proliferation of weapons of mass destruction and build our economy by promoting our exports on the cheap.

So I would hope that our colleagues would oppose the bill when it comes up. I have no objection to the rule. I urge our colleagues to vote no. Let us come back with a good bill we can have consensus on, that is worthy of a country as great as ours.

□ 1330

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and congratulate my friend, the gentleman from Miami, Florida (Mr. DIAZ-BALART) for his superb handling of this issue and the very important input that he has had in structuring this and working closely with the distinguished Cardinal Callahan in helping to move this measure forward.

There is, obviously, some controversy around it. But frankly, it is a measure which falls right in line with our commitment to fund our national priorities, and to do so under the very tight spending constraints with which we are forced to live.

At the same time we are doing that, the conference report utilizes our scarce resources to ensure our successful and very important leadership abroad. A previous speaker mentioned the fact that we are committed to recognizing the importance of global trade. That is something that is underscored here.

Another issue that is very important is for us to, obviously, address the spread of communicable diseases in the developing world, and especially among children. Legislation we are going to be dealing with later today also focuses on children. This conference report itself provides $715 million for child survival and disease programs that are highly effective in fighting diseases out there, such as tuberculosis, malaria, and yellow fever.

We can all agree that the drug abuse issue is no longer simply a domestic concern, it is a global concern. The bill of the gentleman from Alabama (Mr. CALLAHAN) addresses that by providing $285 million to fight international drug traffickers. We recognize in doing so that wiping out that scourge of drugs must be a top priority for all nations throughout the world.

The conference report also is very, very key to dealing with that continued challenge we face in the Middle East. This report maintains our commitment to Israel and Egypt, as laid out in the Camp David accords. Nearly half of the funding is devoted to peace in the Middle East, so this vital region will continue down the path towards democracy and prosperity and stability.

So I urge my colleagues to join in support of this rule and the very important conference report.

The easy issue which is often demagogued around here is to oppose foreign assistance. It is something that frankly I have done in years past. I have done it because in many instances we were spending much more than we should. But the gentleman from Alabama (Mr. CALLAHAN) and other members of his subcommittee and the conference itself have dealt with these spending constraints which have been imposed on us appropriately, and they have established priorities. The priority for us is to maintain our Nation's leadership position in the world.

We all recognize that the United States of America is the world's only complete superpower militarily, economically, and geopolitically. Responsibility goes with that, so providing this assistance is really a very, very small part of that.

It is important to note that much of this assistance benefits the United States of America directly in dollars that are expended here. So I urge support of the rule, support of the conference report, and look forward to what probably will be a reasonably close vote, but I think we will be successful.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio (Mr. HALL), a member of the Committee on Rules, for yielding time to me, and I thank my colleagues.

I do want to add my appreciation to the cooperative efforts of the gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI) for their knowledgeable leadership.

Right out of the box, I want to thank them for the $180 million increase in support of fighting worldwide AIDS, and in particular, the emphasis on Africa. I want to note the work of my colleague, the gentlewoman from Michigan (Ms. KILPATRICK). She and myself and the gentlewoman from California (Ms. LEE) went on an AIDS mission to Africa. We know this is not enough, but we are very grateful for the step that has been made.

Mr. Speaker, let me say that I have no concern with the rule, but unfortunately, I cannot support this final legislation. Let me say that I think the chart that the gentlewoman from California (Ms. PELOSI) had is very telling. It shows the sliver or the mere amount of monies we expend as a country for foreign aid. It does not, however, show that when we poll Americans, they frankly think it is higher, and would accept higher, because they understand the responsibilities that come with world leadership.

So here are my concerns in this bill. First of all, we made a commitment in supporting and encouraging the Israelis and Palestinians to get together on the peace accord, in the Wye accord, to significantly work and fund that accord. The bill provides no funding, to my knowledge, to support the Wye accord. This funding is essential to support the renewed dedication of the Israelis and Palestinians to implement the Wye agreement and achieve an historic permanent status agreement over the next year. We must ensure that the framework of peace is stabilized by the resources. So I would hope that we would reach that point.

I am also concerned about the cuts to development assistance and economic support fund, the multilateral development banks and debt reduction. The $87 million cut from debt relief programs for poor countries will damage the ability of the United States to contribute to the HIPC trust fund, which already is in jeopardy or may not be the best.

Last week or 2 weeks ago, with a number of my colleagues, I joined the gentleman from Vermont (Mr. SANDERS) and others to challenge the IMF

for their hypocritical structure of debt relief for undeveloped nations. If we want to give them a fish, as opposed to giving them the opportunity to rebuild themselves, then we will continue to have poverty. Undeveloped nations want us to teach them how to fish, rather than give them a fish. All this so-called debt reduction and helping them with their debt relief keeps them needing fish, as opposed to relieving them of the burdens by providing more infrastructure and support that would help bring down their debt.

The Heavily-Indebted Poor Countries initiative is supported by a wide range of religious and charitable groups, and was recently agreed to by the G–7 in Cologne, and mentioned by our president. We must help bring down the debt of these developing nations so that they can take the lead on social issues in their countries like HIV-AIDS, like education, like health care, like housing.

I supported vigorously the African Growth and Opportunity Act, which provides an opportunity for trade to be used as a tool to economic advancements, but cannot have the intended effect unless the debt burden of these countries is adequately addressed.

The African Growth and Opportunity Act is a trade bill. I support it. The African Growth and Opportunity Act will change how America does business with Africa. African countries want an equal trading relationship, but we at the same time must deal with the enormous amount of debt they must service.

I have in that provision, the African Growth and Opportunity Act, a sense of Congress for corporations to develop an AIDS fund to compliment what we are doing in the Federal Government. But I can tell the Members that if we do not have debt relief, we are going to see these countries go down, down, down into a hole of no return.

I would ask that we send this bill back and have it fixed, though I support the family planning efforts, and get us a real foreign operations bill. I thank Members for their work.

Mr. Speaker, I rise to express my concern regarding the Foreign Operations Appropriations Conference Report. This legislation simply does not provide enough funding to carry out an effective foreign policy. It cuts American assistance to those who most urgently need it throughout the world and ignores some of our most pressing foreign policy priorities.

Since the mid-1980's the resources devoted to our foreign assistance programs have steadily declined. Some of these decreases have been prudent reductions as we examined our international and multilateral commitments. However, these massive cuts in funding currently are threatening America's ability to maintain a leadership role in a rapidly changing world.

The Wye accord between Israel and the Palestinians was a significant diplomatic effort on behalf of our country. The credibility of our country should not be put in a compromising position by this Congress. The bill provides no funding to support the Wye accord.

This funding is essential to support the renewed dedication of the Israelis and Palestinians to implement Wye and achieve a historic permanent status agreement over the next year. This is not the time for the United States to renege on its commitments in support of a historic opportunity for peace in the Middle East.

Implementation of the Wye agreement resumed immediately, with the first round of prisoner released, followed by the next stage of Israeli redeployments in the West Bank, and the assumption of permanent status negotiations. The Israelis and Palestinians have committed to achieve a framework agreement on the most difficult permanent status issues by February 2000 and a final permanent status agreement by later that year. I strongly oppose the lack of funding for the Wye agreement in this measure or any efforts that would impede progress in Middle East peace.

I am concerned about the cuts to Development Assistance and Economic Support Fund, the Multilateral Development Banks and debt reduction. The $87 million cut from Debt Relief programs for poor countries will damage the ability of the United States to contribute to the HIPC Trust Fund, which is an essential component of current debt reduction programs as well as of the Cologne debt initiative. This massive reduction equates to a 72% cut from the Debt Relief programs. The developing nations of the world have developed strategies and plans to alleviate some of the debt burden of poorer countries. The expanded Heavily Indebted Poor Countries (HIPC) initiative is supported by a wide range of religious and charitable organizations, and was agreed to by the G–7 in Cologne. It is critical that the United States demonstrate its leadership by providing the necessary funding support for the first year of this initiative, which enjoys bipartisan and international support.

The debt issue is one that cannot be ignored as the United States establishes a more mature trade relationship with Sub Saharan Africa. The African Growth and Opportunity Act provides an opportunity for trade to be used as a tool to economic advancement but cannot have the intended effect unless the debt burden in these countries is adequately addressed. African Growth and Opportunity will change how America does business with Africa. It seeks to enhance US-Africa policy to increased trade, investment, self-help and serious engagement. It seeks to move away from the paternalism which in the past characterized American dealing with Africa by encouraging strategies to improve economic performance and requiring high level interactions between the U.S. and African governments on trade and investment issues. The debt burden must be addressed.

Payments on unsustainable debt have left many poorer countries facing the tough decisions of making debt payments or delaying necessary social, health, education or other programs designed to improve quality of living. Humanity is less than ninety nine days short of the year 2000. Yet, poorer countries are still faced with 80 percent illiteracy rates, lack of food security, diseases affecting their children that are nonexistent in developed countries, and other malaise that should be eliminated.

Debt reduction must be fully funded. The Congress must not ignore the historic opportunity presented by the Cologne debt reduction initiative to reduce the unmanageable debt burdens of the poorest countries, the majority of which are in Africa. By not funding this initiative, which is supported by a wide range of faith based and other private sector organizations, the Congress will ensure not only that the U.S. does not contribute its fair share, but also that the worldwide initiative does not succeed.

I must oppose the $212 million or 31% cut from democratization and economic recovery programs in Latin America, Africa and Asia. This reduction in the Economic Support Fund would significantly constrain the United States' ability to respond to a host of threats and new crises around the world.

These cuts would force the reduction of programs intended to increase political stability and democratization in Africa; support democracy efforts in Guatemala, Peru and Ecuador, and bolster democratic and economic reform in Asia, as well as sustain implementation of the Belfast Good Friday Accord. Cuts to these accounts will not permit the United States to provide sufficient funds for numerous priorities in Africa. I am concerned that as we applaud democracy, we are not willing to support it. I am concerned that during their critical transition periods, we may not be able to support emerging democracies like Nigeria.

At a time when natural disasters and man-made conflicts are causing unprecedented damage throughout the world, Congress has cut the International Disaster Assistance and Voluntary Peacekeeping requests by over 25 percent. This dramatic reduction in funding for Voluntary Peacekeeping operations would decrease funds available for the Organization for Security and Cooperation in Europe mission Bosnia and Croatia, significantly reduce assistance for the African Crisis Response Initiative and African regional peacekeeping operations, such as ECOMOG, and eliminate funding for Haiti.

Such a substantial reduction would raise international concern that the United States may not support its fair share of the international police force that will help to implement the Kosovo peace settlement, for which new resources will be needed. The conference initiative cuts funding for international peace by 41%. Adequate funding its critical for support of regional peacekeeping activities such as ECOMOG that has helped to maintain stability and avert the kind of humanitarian disasters that require much greater expenditure of resources.

The severe cuts in the conference bill to provide assistance to the NIS will make it impossible to implement the Enhanced Threat Reduction Initiative (ETRI). The primary objective of the ETRI is to reduce the threat of weapons of mass destruction falling into the hands of rogue states. The bill effectively provides no resources to continue ETRI and reduces U.S. ability to prevent and terminate international security threats in Russia and the NIS.

I thank my colleagues for increased funding to combat HIV/AIDS. Of 5.8 million adults and children newly infected with HIV during 1998, 4 million live in sub-Saharan Africa. AIDS in sub-Saharan Africa is a growing disaster. UNAIDS has declared HIV/AIDS in Africa an ''epidemic out of control''.

Each and everyday, more than 16,000 additional people become HIV positive, and most live in sub-Saharan Africa where in South Africa alone, 1500 people become HIV+ each

day. Among children under 15, the proportion is 9 out of 10. To date 82% of all AIDS deaths have been in the region and at least 95% of all AIDS orphans have been in Africa. It is estimated that by the year 2010 AIDS will orphan more than 40 million children, with 95% in sub-Saharan Africa.

Additional funds to combat HIV/AIDS are always welcome and I urge my colleagues to acknowledge this threat to mankind by addressing the international crisis.

I thank my colleagues for funding the United Nations Population Fund (UNFPA), a vital program, which provides valuable voluntary family planning and other services in over 160 countries.

I oppose the use of U.S. funds to lobby for or against abortion. U.S. funds should not be used in such a political debate. Governments should address those issues independently of U.S. appropriated monies.

In closing, I must urge my colleagues to join me in opposing H.R. 2606. Low funding levels translate to bad policy choices. At such funding levels, there will be no choice other than to keep considering supplemental appropriation request and budget amendments.

Mr. DIAZ-BALART. Mr. Speaker, I am honored to yield 5 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee on the Committee on Appropriations who has done superb work on this bill.

(Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this bill is always a difficult bill. It requires some difficult negotiations. But for the past 5 years, with my handling of this bill, we have worked in a very bipartisan manner to satisfy or to attempt to satisfy the needs of both sides of the aisle.

I think this year is certainly no different, because not one Member on the other side at any point in this debate has ever come to me and said, ''Sonny, I think there is something wrong in your bill.'' They did not say, ''You left out Colombia, because we put Colombia's needs in there. They did not say, ''You left out Africa,'' because we responded to those who were interested in Africa. We did not leave out Israel, we did not leave out Jordan, we did not leave out many of the foreign countries that so many of the Members are interested in, because we worked in a bipartisan spirit to draft a bill.

So the only problem we have here is this insatiable desire on the part of the President to give away American taxpayer money. They talk about revenue enhancement programs. I think the President calls it offsetting receipts. In Alabama we call it taxes, but the President says he wants some offsetting receipts, so let me suggest one. Maybe we could charge every foreign dignitary that comes into the White House $1 million, because every foreign dignitary who walks into the White House comes out with a commitment from anywhere from $1 million to $50 million. Maybe we ought to consider that.

Maybe we ought to limit the ability of the President and the Vice President and the First Lady to travel. Number one, his trip to Africa cost the taxpayers $47 million because he took so many people with him. But that is not our problem. Our problems are the commitments that he makes.

Every time the President meets with a foreign dignitary, they have a toast, which is appropriate. But every time they make a toast, the President of the United States says, here is my commitment to you. I am going to give you some more money. Then they run over here and say, this is an obligation of the United States. How can we possibly not fulfill our obligations?

Mr. Speaker, this does not mean it is an obligation of the United States when the President of the United States raises his glass of wine to some foreign leader and says, I am going to send you $50 million. We do not have the money.

The gentlewoman from California and I have worked so very well together. She told me not to mention social security. I am not going to say, even though it is a reality, if we give the President $2 billion more that he is asking for, it is going to impact social security.

I apologize to the gentlewoman from California for saying that, and I will not say it anymore until the bill comes up. But let me tell the Members, in this bill no one, no one in this debate, no one in the Committee on Rules, no one on the floor of the House, no one by telephone call has called me and said, ''Sonny, you did not treat Lebanon right, you did not treat Armenia right, you did not treat Georgia right, you did not treat Africa right,'' because we worked in a bipartisan fashion to make absolutely certain that we did have a bipartisan bill.

So we have a bipartisan bill, and it is $2 billion less than the President requested at this point. He just came last week and asked for another $100 million for another of his pet projects. In addition to that, he wants $2 billion more to give to Israel and to Jordan and to the Palestinian authority because of the Wye agreement.

He is going to need some additional money, he says, for Kosovo, even though we responded to the wishes of this House on Kosovo by saying, we are not going to participate in reconstruction in Kosovo unless the European community puts up 85 percent of the money.

We have done everything they asked. We have responded to all of our subcommittee members, our full committee members, and to every Member in this House who has come to me and said, we think you ought to do something. We have done every responsible thing we can do except satisfy this insatiable appetite for money that President Clinton has that he wants to hand out as he makes his travels, as I would do if I were in his position, during this last year and a half of his presidency. He wants to travel around the world. He wants more money to hand out.

We do not have more money. The only way to get more money is through new taxes, through possibly jeopardizing social security or breaking the budget caps. I urge Members to bring this bill up, vote for this rule, and let us indeed debate this. If it fails and the President wants to veto it, let him veto it.

I talked to the President the other night. I promise the Members, I think I had him convinced that I was right, that this is as much as he is going to get. The President said, ''Well, Sonny, maybe you are right. Maybe you are right. But,'' he says, ''I need to talk with my people.'' I said, ''I will tell you what, Mr. President, I will let you go at this point if you will invite me in the same room when you talk to your people, to let me tell them what I have just told you about the merits of this bill. And the President said, ''Well, maybe you are right. I will do that.''

But unfortunately, at 9 o'clock that night, Sandy Berger called back and said they did not think it was wise for me to get into the same room with Madeleine Albright, with Sandy Berger, and Bill Clinton, because they knew that logically, and I say to the gentlewoman from California (Ms. PELOSI), they knew that logically I was correct, and that if indeed I were able to get them all in the room, no one could convince the President otherwise of the merits of this bill at this particular time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding time to me, Mr. Speaker, and I appreciate very much the leadership of the gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI).

I rise on the rule, and I am speaking in opposition to the outrageous underlying bill, although there are many positive initiatives, like increasing funding for security at our embassies abroad.

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There is zero funding for the important Wye agreement, the Middle East peace agreement. I must say that I applaud the conferees for their bipartisan agreement to restore funding for the United Nations Family Planning Assistance and for the bipartisan agreement to strip out any antichoice riders. These are two important policy initiatives that are precedent setting that will be part of the underlying bill that returns to this House.

Mr. Speaker, next week, our world reaches 6 billion in population and the decisions that we make on UNFPA and on other policy decisions will determine whether this number quickly doubles or whether we move more slowly.

Funding UNFPA will save lives, maternal health, child health, and I applaud the conferees for their bipartisan support of putting UNFPA in and taking Mexico City out.

Mr. GILMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from New York (Mrs. Maloney) for yielding to me. She raised the issue about the Wye agreement, and I am pleased to note we have just received a letter from AIPAC dated October 5, and it was sent to the gentleman from Alabama (Chairman CALLAHAN).

It reads, ''Chairman CALLAHAN, we are writing to express our support for the conference report on H.R. 2606, the fiscal year 2000 Foreign Operations Appropriations Bill which contains funding for Israel's regular aid package, including provisions for early disbursal, offshore procurement and refugee settlement. The Middle East peace process is moving forward. Both Israel and the Palestinians are committed to resolving issues between them within a year. It is important that Congress support Israel as this process moves ahead. And we therefore also hope and urge that Congress find a way to fund assistance to the Wye River signatories before the end of this year.''

The gentleman from Alabama (Mr. CALLAHAN) has assured us that he will be working in the conference to try to obtain sufficient funding for the Wye River agreement. This is a very complicated measure, but it covers many of our concerns, and I want to commend the gentleman for working out a very difficult foreign operations measure, and it deserves the support of our entire House.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to reiterate something very important that the gentleman from Alabama (Chairman CALLAHAN) said. The gentleman pointed out that obviously there could always be more requests for more money. But he explained what was done within the resources available, not doing three things which we refuse to do. Raise taxes. We refuse to raise taxes. Bust the balanced budget. We refuse to bust the balanced budget. Or go into the Social Security Trust Fund. We refuse to go into the Social Security Trust Fund.

So not doing those three things, we are doing a good job of funding the Government's needs, including the very important programs that our friends on the other side of the aisle have pointed out.

So, Mr. Speaker, this is very important work that the subcommittee has brought forward in the context of this conference report. We need to get it passed.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, first of all, I want to thank my colleagues on both sides of the aisle who have worked so hard on this bill. Unfortunately, although it is a difficult bill, there are many reasons to oppose it. We have had the gentlewoman from New York (Mrs. MALONEY) indicate some of them.

Some will oppose it because of the Mexico City provisions. Some will oppose it because of various foreign aid proposals in here. I am going to oppose it because it took out the language which the House voted, in which it stopped money from going to keep the School of the Americas program.

In 1980, four U.S. churchwomen were brutally murdered in El Salvador. One of them was a good friend of mine, Sister Dorothy Kazel from Cleveland. In 1989, six Jesuit priests were massacred in El Salvador. Archbishop Oscar Romero and Bishop Juan Gerardi of Guatemala were assassinated. Almost 100 of the El Mozote community in El Salvador were massacred. In 1992, nine students and a professor were killed in Peru. In 1997, 30 peasants in the Colombian village of Mapiripan were massacred.

Mr. Speaker, these people were innocent civilians and missionaries working for peace and justice, and they were brutally killed by officers who received their training from the United States Government at the School of the Americas, and the rule of the House should have stayed. We should have eliminated those funds, and no one who cares about peace and justice should vote for the rule or the bill.

Furthermore, another reason to oppose this bill, American tax dollars have been used to blow up water systems, sewer systems, bridges, railroad trains, buses, tractors, hospitals, libraries, schools and homes, killing and maiming countless innocent women and children. In Yugoslavia, Serbia was wrong to wage war on the Kosovar Albanians. NATO was wrong to bomb Belgrade, and we are wrong to further punish Serbia by making them a terrorist nation which stops any opportunity for democratic opposition to grow to Milosevic. If we want to get rid of Milosevic and give the Serbian people an opportunity to grow a democracy, do not make it a terrorist nation.

This Congress has messed up the policy in Iraq by not forcing the administration to come to an accounting on that, and we are going to do the same thing in Serbia by letting this legislation pass which puts them as a terrorist nation. It is time that we stand up for what is right and for a future where we really can have peace.

Mr. Speaker, I urge my colleagues to vote against the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the fiscal year 2000 foreign operations bill, but I do want to indicate support in the way this legislation affects U.S. policy towards Armenia and India.

First, I want to express my appreciation to the conferees, particularly the gentleman from Alabama (Chairman CALLAHAN) and the gentlewoman from California (Ms. PELOSI), the ranking member, for their continued attention to Armenia, Nagorno Karabagh, and the entire South Caucasus region.

This year's legislation provides somewhat more assistance to Armenia than we provided in the last fiscal year, $89.67 million or 12.2 percent of the total of $735 million for the New Independent States of the former Soviet Union. The conference report also specified that 15 percent of the funds available for the South Caucasus region be used for confidence-building measures and other activities related to regional conflicts including efforts to achieve a peaceful resolution of the Nagorno Karabagh conflict.

The House version of the legislation contains several report language provisions that would contribute greatly to peace and stability in the South Caucasus region. The administration should follow through on the policy directives contained in the House report which are now incorporated in the conference report. The House report specifically directs the Agency for International Development to expedite delivery of $20 million to the victims of the Nagorno Karabagh conflict. The people of Nagorno Karabagh suffered during their war of independence with Azerbaijan, and their need for help continues to be significant. They should not be discriminated against in terms of receiving humanitarian assistance simply on the basis of where they live.

The administration should also heed the House report language regarding the peace process for Nagorno Karabagh, stating that assistance to the governments of the region should be proportional to their willingness to cooperate with the Minsk Group. And finally, I want to applaud the conferees from both bodies who have maintained section 907 of the Freedom Support Act.

Turning to India, I want to thank the conferees and particularly the gentlewoman from California (Mrs. PELOSI), the ranking member, for not adopting a provision in the Senate version of the legislation singling out India as one of a handful of nations that would have to receive special congressional approval before the allocation of foreign aid. Section 521 of the Senate bill talked about special notification requirements for countries such as Colombia, Haiti, Liberia, Pakistan, and also included India in this list; but the House conference report does not, and I want to thank the conferees for making that change.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished

gentleman from California (Mr. BILBRAY).

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I would like to at this moment actually praise the gentleman from Cleveland, Ohio (Mr. KUCINICH), who came up and says he is going to oppose this bill. And I am praising him because at least he is going to oppose this bill for a concept and a reasonable concept that I think the American people could understand, and that is we are spending money on something that he has some concerns about. But at least the gentleman from Cleveland is standing up and saying that the bill is spending money that he does not want spent.

In a time to where we are struggling to try to make sure we do not continue the crime of raiding the Social Security Trust Fund, at a time that we are trying to finally address the national debt, at a time to where we are finally trying to bring some fiscal credibility and live within a budget, at least the gentleman is coming forward and saying, ''I am opposing this bill because it is spending money.''

But there are speaker after speaker after speaker who will oppose this rule and then justify it because we are not spending enough money all over the world. The gentleman from Ohio at least is consistent at saying let us protect Social Security and stop spending here. The gentleman from Alabama (Mr. CALLAHAN), chairman of this committee, has come forward with a proposal that is moderate and reasonable. Let me say this to the gentleman and to the ranking member, thank you for taking the abortion issue out of this debate. It is something that a lot of us really hate every year.

But now to oppose this bill and oppose this rule because we are not spending enough American money overseas is absolutely absurd. And some of my colleagues may not think the American people understand it, but it is their money. Can we not have a foreign aid policy that does not require us to take from our grandparents' Social Security or take from our children's future to be able to be an international leader? Do we have to buy our way into our standard as the world's superpower?

Is this something that comes with a slip of paper and a little bill that says, Excuse me, American taxpayer, if you want to claim to be the greatest Nation in the world, you have to buy it year by year by sending your money out of Social Security or your money out of your children's savings account to another country that then God knows what happens to this money?

Everybody knows that. Some may not believe that the American people understand foreign aid. And I think they respect a reasonable aid for a reasonable amount of time. But I think the American people are saying enough is enough. The time has come that we allow the world to grow up and start paying some of their bills and quit looking to Washington and quit looking to the United States to be the sugar daddy to pay for everything. We may be Uncle Sam, but we are not Mom and Dad to the world. But we are Mom and Dad to our children and our grandchildren, and we are the children of our parents who want our Social Security Trust Fund to be left alone.

So, Mr. Speaker, I ask those who stand up to oppose this bill, I ask them to stand up and point up, as the gentleman from Ohio (Mr. KUCINICH) did, where they want the money taken out of this bill. But do not stand up and talk about how we need to spend more money overseas and then stand up tomorrow and talk about what are we going to do to protect the Social Security Trust Fund.

There is an obligation here that when we come to oppose something that we also provide the answers. If we are not spending enough money where my colleagues want to spend it in this bill, show us where we take it out of somewhere else to move it over. I ask that we all have the fiscal responsibility that goes along with the privilege of being a representative of the House of Representatives.

If Members want to spend the money, tell us where it is going to go, which committee it is going to come out of, whose trust fund it is going to come out of, and will the seniors or the children of America be asked to pay for a debt that we are incurring overseas because we do not have enough guts to tell the rest the world enough is enough. We are going to take care of our own first.

□ 1400

Charity starts in America. Commitments start in America. Then and only then, after we have paid for our domestic commitments to our seniors and our children, will we be talking about making any new commitments to the rest of the world.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman, and I really do not think that the Chamber needs to be lectured by the Republican majority about fiscal responsibility. They cannot even come up with a budget. We still have not passed a budget. Every budget they come up with raids the Social Security Trust Fund.

They came up with an irresponsible huge tax break for the wealthy, which would have destroyed the Social Security tax fund, which would have dipped into the Social Security tax fund. Then they get up on the floor and attempt to portray themselves as the party of fiscal responsibility. They have busted the budget caps.

They have just been devious about it and have gone around it by declaring the census an emergency when we all know that this country has had a census for hundreds and hundreds of years. That was a way they could bust the budget caps and go around it. Perhaps by the same nonsense, we could declare foreign aid an emergency.

So let us not be lectured by the Republicans about fiscal responsibility because the tax break for the rich that the President was courageous enough to veto would have killed Social Security for us, for our children, and for our grandchildren for many, many years to come.

Now, I am a big supporter of foreign aid, and I am embarrassed by this bill. I am embarrassed by it because there is an isolationism bent in the Republican Party where, every year, we provide less and less monies for foreign aid.

Now, we can all get up and give a great speech about how we need the money for home and we need to build housing and build schools, and we need all that. But the United States is also the leader of the world. We used to say the leader of the free world when we had the Soviet. Now we say the leader of the world.

Unfortunately, our friends on the other side of the aisle, the minute the Soviet Union collapsed, most of them saw no further need for the responsible foreign aid. The fact of the matter is, no one made us the leaders of the world. We chose to pick up and take the mantle.

With leadership comes responsibility, and we do not have enough money to fulfill our foreign aid obligations in this bill. I have gone around to foreign capitals and seen our embassies and seen our hard-working Americans do the best they can with what they have had, and I am embarrassed by it. Because there is not enough money to have embassies and to have fully staffed embassies and to have the types of programs that the United States as the leader of the free world needs.

This bill is $1 billion less than last year. It is $2 billion less than what the President asked for. It has no money for the Wye Accords. We talk about a fight with the Soviet Union. We won the Cold War. Now we are going to throw it all away.

Developmental funds for Africa are cut. All these emerging Nations, we say we want them to have democracy and free market economy; and then we do not put our money where our mouth is where a little bit of money would just go a long, long way.

Foreign aid, 75 to 80 percent of the foreign aid that we give comes back to the United States in terms of purchasing American goods and services. So it stimulates our economy, and it is good as well.

Now, this is such a terrible bill that the Republican leadership prepared for days and days and weeks and weeks have been putting this bill on and pulling it back. They do not have the votes to pass this bill. I say we should let them go back to the drawing boards, come up with a responsible bill that we can be proud of so America can lead again.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important to point out just a few things. The essence really of the debate today is whether, as the gentleman from California (Mr. BILBRAY), the previous speaker, pointed out, more money which, except for one speaker on the other side of the aisle, insufficient amount of money is the reason for their opposition to the bill. That is a legitimate discrepancy. We refused to go into the Social Security Trust Fund.

Now, with regard to what the distinguished gentleman from New York (Mr. ENGEL) just stated, U.S. embassies and consulates, they are in another appropriations bill in the State Department; Commerce, State, Justice, that bill, not in this one.

Now, it is important to point out again, and I reiterate it, we made a decision, the leadership, and we are standing firm behind our leadership on this. We are not going to go into the Social Security Trust Fund. We are not going to do it. We made that decision. We are sticking to it. Obviously, it subjects us to pressure. We see argument after argument after argument that they want more and more and more money.

Many of the programs that they talk about are probably good programs. But we are going to stick to our commitment. We are not going to go into the Social Security Trust Fund. We are not going to do it.

This is a good work product. We want to bring it to the floor. This rule does so. We deserve to get into the details of the debate. The gentleman from Alabama (Mr. CALLAHAN), our chairman, the prime author of this legislation is ready to provide the details and go into the details of this debate in depth.

But we need to pass this rule in order to get that debate. It is a procedural rule. It is a standard procedural rule, bringing forth the negotiation between the House and Senate known as the conference report that is finalized for foreign aid.

So we are ready to go, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

(Mr. CROWLEY asked and was given permission to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I do not necessarily oppose the rule before us, but today I am forced to cast a very difficult vote against the conference report to the Fiscal Year 2000 Foreign Operations Appropriations bill.

It is unfortunate that strong supporters, like myself, of foreign assistance to countries such as Israel, Columbia, Armenia, India, and Egypt are being placed in a position where it is necessary to vote against assistance for those priority countries.

This legislation also has important contributions to UNFPA and other international programs, which I fully support and have urged my colleagues to support. In fact, I thank the conferees and the gentleman from Alabama (Chairman CALLAHAN) for fulfilling the will of the authorizers and the intent of the House by including funding for UNFPA, which I offered as an amendment earlier this year. However, a no vote on this bill is a vote in favor of a strong U.S. foreign policy and a vibrant foreign assistance program.

Mr. Speaker, the numbers in this report are clear. They speak for themselves. This legislation is nearly $2 billion below the President's request for foreign assistance. Almost every major account is underfunded.

The conference report does not include the $87 million for debt relief initiatives for the poorest countries, and it cuts $200 million from economic development and democracy-building programs in Africa, Asia, and Latin America, to name just two important initiatives which will be hampered by this report.

Additionally, this legislation has no money, not one single dollar, to fulfill our commitment to the Wye agreement to the Middle East Peace Process. I have a great deal of respect for the gentleman from New York (Mr. GILMAN) and APAC, and I am sorry to disagreewith my Chairman, but as the gentleman has stated there is no Wye funding in this bill at this time, and it ought to be there.

Mr. Speaker, the President has made his position crystal clear; increase funding for foreign assistance and include the Wye funding or he will veto the legislation. I know it. My colleagues know it. The Republican leadership knows it. Yet, here we are, with legislation that fails to fund U.S. foreign policy priorities and threatens stability in the Middle East.

Mr. Speaker, this conference report is bad for America, it is bad for the Middle East peace process, and it is just plain bad policy. I urge my colleagues to live up to our commitments, support the President and vote against this antiforeign aid bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in vigorous opposition to this rule and to this bill. I would like to alert the Members of this chamber of something they may not have heard; and that is, buried in this bill is yet another one of the insidious repeated antienvironmental riders that have so infected our appropriations process.

Because hidden in this bill is an amendment that would prevent the United States of America from engaging, engaging in a discussion with the developing world on how to get them to start help dealing with the problem of climate change.

There is no reason in this bill or any other bill to shackle our ability to discuss with other Nations of the world how we are going to move forward and how we are going to deal with climate change. This has been infecting other bills. We should stop it right here.

In the last few days, we have debated other antienvironmental riders. This is one dealing with perhaps the most insidious environmental problem that we have. Because, while 15 of the hottest years in human history have been in the last 15 years, while the temperature has risen so that we are having droughts in the Midwest and places of Antarctica breaking up and places in the Tundra changing. While we are doing this, the majority puts in another antienvironmental rider that tells us we should do nothing about this problem.

Well, the one thing I can be sure of about climate change is that we cannot lead in the position of the ostrich. We cannot lead the world in solving this problem by sticking our heads in the sand and allowing other places of anatomy to be out and exposed to the wind. We have got to start leading to a solution of climate change.

If we kill this rule today, and it might be a close vote, so I hope Members may consider this, if my colleagues want to stand up against an antienvironmental rider, cast a no vote on this rule. Let us show some leadership.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I assume that the distinguished gentleman from Washington (Mr. INSLEE) was referring to the Kyoto Treaty, which has to be, pursuant to our constitutional system of advice and consent of the Senate, has to be given consent by the Senate. So that is an issue obviously that is of great importance and is a decision that the Senate will have to make.

Mr. Speaker, we have no further speakers at this time with regard to the rule. It is a procedural rule. This is a procedural rule. We seek to bring the conference report to the floor. That is why we have to pass the rule first.

Once we pass the rule, the gentleman from Alabama (Mr. CALLAHAN), the prime author of the conference report who has provided a tremendous amount of leadership, as well as hard work on this issue, is ready.

The gentleman from Alabama (Mr. CALLAHAN) is ready to delve into the details. He has pointed out how any and all requests that were made of him by our distinguished friends on the other side of the aisle, he did his utmost to comply with. Yet, we are seeing now systematic opposition generally because our friends on the other side of the aisle want more money. But they want more money for everything.

So what we are trying to do, Mr. Speaker, is to bring forth, get to the debate on this foreign aid conference report. But in order to get to the debate on the foreign aid conference report, we have to pass the procedural

rule to do so. That is what we would like to do.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say that I do not have a problem with this rule. I do not think many people over here do either. I am not going to ask for a roll call on the rule. I think the rule is in good shape. It is the proper order for a conference committee to have a rule like this.

I will oppose the bill when the bill comes up for a vote. The reason why I oppose the bill is that I do not really have a problem with what the gentleman from Alabama (Mr. CALLAHAN) has done and his staff. I think they spent money they were given. They made the proper choices as to the allocation and some of the earmarks, especially relative to child survival funds and basic education.

The problem that I have had in the last 10 years with the foreign budget or the foreign appropriation budget is, and I testified before the gentleman from Alabama (Mr. CALLAHAN) is that there are so many areas of this foreign aid budget that are lacking.

We have cut the development assistance fund by 50 percent in the last 10 years. If there is one thing that the American people have said, when we invest money overseas, invest it in a way in which people can start to take care of themselves and be self-sufficient. But the very thing that they want we have cut by 50 percent.

We have cut Peace Corps this year. We have cut a lot of programs relative to humanitarian aid of which we could be a leader, and we have been the leader for years. There are so many things to do in this world and our own country that we have the ability to do it.

One does not have to be a rocket scientist to figure out how to feed people, how to give medicines to people, how to immunize people. We have eradicated smallpox in the world. With just a little bit more money, we could start to eradicate polio and TB and those kinds of diseases that are easy. This is not a hard thing to do.

We know logistically how to get food to people. We know how to immunize people. We know how to feed people. At the same time, we should not be giving it from government to government. We should be giving it through our NGOs, the nonprofit organizations, the CARES, and the World Visions, and the Catholic Relief Services, and the Oxfams, and all of the great NGOs in the world, because we get good value for our dollar.

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Another thing. This is a practical thing that produces jobs. For every dollar we invest overseas, we get $2.37 back. We do not lose money on this deal; we gain, and yet year after year it gets more and more frustrating that we continue to cut back on these funds that are so invaluable to our own workers and that would help the world so much.

We do have a responsibility. It is interesting that when we ask Americans how much they think of the Federal budget we spend on foreign aid, every poll will show that the American people believe that we spend somewhere between 18 and 22 percent of our total budget on foreign aid. And the fact is that is wrong. We spend less than 1 percent of our total budget on foreign aid, and it is going down.

The area that I care so much about, humanitarian aid, is less than one-half of 1 percent. Maybe someday we should separate political and diplomatic aid from humanitarian aid and really fund it and solve some of these problems like polio and TB. We know how to lick this. We know how to feed people, and yet we do not do it.

I know the leadership has taken a position on this of no more money for these programs. But they are wrong, and we disagree with them, and that is why so many of us are going to vote against the bill. So I say the rule is okay, vote for the rule, but when this bill or this conference report comes up, vote against it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

We heard multiple speakers on the other side of the aisle with regard to the issue, and all but two said that their opposition to this foreign aid bill was because there was not enough money. I just want to be clear that even though we on this side of the aisle are standing firm behind our leadership in not raising taxes, in not busting the balanced budget, in not going into the Social Security Trust Fund, despite that, on this bill for foreign aid we have $12.617, that is almost $13 billion. That is almost $13,000 million for foreign aid.

I want to commend the gentleman from Alabama (Mr. CALLAHAN) for his extraordinary job. I think this has been a very good example of the underlying difference that separates the two sides of the aisle. With only two exceptions, every single speaker on the other side of the aisle got up and opposed this legislation because there is not enough money in it. And so there is a fundamental difference, but a very good job has been done by our side, our leadership, the chairman of the subcommittee, and so I support not only this rule but the underlying legislation.

Mr. Speaker, this is important, we need to get it passed, and that is why at this point I support the rule and urge my colleagues to vote for it.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 764, CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 321 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 321

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 4 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 321 is an open rule providing for the consideration of the Child Abuse Protection and Enforcement Act, also known as the CAPE Act. The rule provides for 1 hour of general debate equally divided

and controlled by the chairman and ranking member of the Committee on the Judiciary. And as the sponsor of this legislation, I would like to take this opportunity to thank the members of the Committee on the Judiciary, especially the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, for all of their work on the bill and their efforts to move this legislation forward.

The rule waives all points of order against consideration and against certain provisions of the bill. The bill will be open for amendment at any point, and under this open rule any Member who seeks to improve upon the legislation may offer any germane amendment. However, priority recognition will be given to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Additionally, the rule offers an opportunity to change the bill through the customary motion to recommit with or without instructions.

Finally, to ensure timely and orderly consideration of the bill, the rule allows the chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes as long as the vote follows a 15-minute vote.

As the sponsor of this legislation, I am pleased that the House will have the opportunity to fully debate this important issue surrounding the tragedy of child abuse under a fair and open process.

It is hard for most of us to fathom a rage so blinding that it could compel an adult to attack a helpless child, much less their own child. It may shock my colleagues to realize that every 3 minutes a child will be reported abused or neglected. And, sadly, that is just in my own State of Ohio. Nationwide, the crisis of child abuse is even more staggering. An estimated one million violent crimes involving child victims are reported to police annually. And on top of that, another 1.1 million cases of child abuse are substantiated by child protection agencies annually.

This is a national crisis, and as leaders, we have the responsibility to take a stand and fight back against the cruelty that robs children of their innocence and produces troubled and violent adults.

As a former prosecutor and judge, I have seen firsthand the manifestation of child abuse in the criminal behavior of adults. Breaking this cycle of violence in our society begins with child abuse prevention.

But the most compelling case for child abuse prevention is not found in these troubled adults but in the eyes of children who live in constant fear. Children should be focused on school, little league, piano lessons, not reeling from punches or cowering from the adults who should be embracing them.

The CAPE Act focuses on two critically important fronts: child abuse prevention and improved treatment of the victims of child abuse.

The bill has a host of bipartisan cosponsors and has been endorsed by a wide variety of groups from every ideological background, including the National Child Abuse Coalition, Prevent Child Abuse America, National Center for Missing and Exploited Children, and the Family Research Council.

The CAPE Act would make three changes to current law: first, the bill expands a Department of Justice grant program that helps States provide equipment and personnel training for closed-circuit television and video taping of children's testimony in child abuse cases. Under the CAPE Act, these grants could be used to provide child protective workers and child welfare workers access to criminal conviction information and orders of protection based on claims of domestic or child abuse. Or the grants could be used to improve law enforcement access to custody orders, visitation orders, protective orders, or guardianship orders.

Second, the CAPE Act expands the use of the Byrne law enforcement grants to improve the enforcement of child abuse and neglect laws, and, more importantly, child abuse prevention.

Finally, the bill allows additional dollars from the Crime Victims Fund to be used for child abuse assistance programs, increasing the earmark from $10 million to $20 million. This increase reflects a growth in contributions to the fund since the set-aside for victims of child abuse was first established.

Mr. Speaker, all of these changes will funnel more resources to the State and local level, where the individuals who are on the front lines in the fight against child abuse are best equipped to help our children. And I know my colleagues will be pleased to know that the CAPE Act draws on existing resources instead of creating a new Federal program that requires more taxpayer financing.

The CAPE Act has bipartisan support and was favorably reported by the Committee on the Judiciary without controversy or amendment. So while we do not expect numerous amendments to be offered today, this issue is simply far too important to deny a full and fair debate. That is why the Committee on Rules has reported this open rule, which I hope my colleagues will support.

I look forward to today's debate, which I hope will not only be a prelude to the passage of legislation that gives hope to millions of children, but also an effort to raise awareness about the horrors of child abuse and the steps we can take to end it.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my friend and colleague, the gentleman from Ohio (Ms. PRYCE), for yielding me this time, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, the rule for H.R. 764 is an open rule, and I am pleased to support its consideration.

Mr. Speaker, every year, millions of children are the victims of child abuse or are witnesses to terrible violence. The repercussions of this violence is often felt for the rest of that child's life. Study after study suggests that children who are victims of child abuse or neglect are far more likely to run afoul of the law either as adolescents or adults. Statistics show that most people who are abusers were abused as children themselves.

Even as the crime in some areas is going down, experts tell us the number of crimes against children is going up. This bill is an important effort aimed at child abuse treatment and prevention. It was passed just a few days ago by a voice vote in the Committee on the Judiciary and is now here on the floor for consideration by the full House.

□ 1430

Several important amendments have been identified, and I look forward to the thoughtful debate concerning this most important issue.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I hope my colleagues will join me in participating in today's debate and strengthening the voice of millions of children who live each day with terror and in pain.

Raising awareness is the first step toward ending the living nightmare of child abuse. The next step is providing the resources to eradicate this scourge on our society. Today, happily, we can do both.

I urge my colleagues to vote for this fair and open rule and the Child Abuse Prevention and Enforcement Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 764.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

The SPEAKER pro tempore (Mr. JENKINS). Pursuant to House Resolution 321 and rule XVIII, the Chair declares

the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 764.

□ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 764, the Child Abuse Prevention and Enforcement Act.

The bill was introduced by the gentlewoman from Ohio (Ms. PRYCE) and has 54 cosponsors and bipartisan support. The Crime Subcommittee of the Committee on the Judiciary held a legislative hearing on the bill on May 12, 1999; and last week, the full Committee on the Judiciary ordered the bill favorably reported by a voice vote.

The purpose of the bill is to increase the funds available for the investigation of child abuse crimes and programs designed to prevent child abuse and other domestic violence. It will do this by amending existing grant programs that provide funds to States for crime-related purposes so that funds can also be used to provide child protective workers and child welfare workers access to criminal conviction information and orders of protection.

These workers often do not have access to criminal history records and information and may be unaware that when they place a child in foster care or return a child to a parent, that they are placing the child in the custody of a person with a criminal history. Allowing these Federal funds to provide child protective and child welfare workers with access to State records will help alleviate this problem.

This bill would accomplish this purpose by doing two things. First, section 2 of the bill would amend a small Justice Department grant program that currently helps States provide equipment and personnel training for closed circuit television and videotaping of the testimony of children in criminal child abuse cases.

H.R. 764 would permit the Department to make grants for an additional purpose, namely, to provide child protective workers and child welfare workers in public and private agencies access to criminal conviction information and orders of protection based on the claim of domestic or child abuse or to improve law enforcement access to judicial custody orders, visitation orders, protective orders, and guardianship orders.

Section 3 of the bill would modify the federal crime control assistance program known as the Byrne Grant Program. This program authorizes the Federal Government to award both block grants and discretionary grants for specified activities. Block grants are allocated to the State on the basis of population and are to be used for personnel, equipment, training, technical assistance, and information systems to improve criminal justice systems. The discretionary program funds are distributed to non-federal public and private organizations undertaking projects that educate criminal justice personnel or that provide technical assistance to State and local governments.

The Byrne Grant statute specifies 26 permissible uses for these funds. This bill proposes to amend the Byrne Grant program to add an additional permissible use for these funds, namely, ''to enforce child abuse and neglect laws and programs designed to prevent child abuse and neglect.''

Third, Section 4 of the bill would amend the Victims of Crime Act of 1984. This law was passed to assist States in directly compensating and providing support services for victims and families of victims of violent crimes. Funding for this purpose comes from the Federal Crime Victims Fund, into which are deposited criminal fines, penalty assessments, and forfeited appearance bonds of persons convicted of crimes against the United States. In fiscal year 1998, $363 million was deposited into this fund for distribution in FY 1999.

There are two principal programs established under the act. The victims' compensation program provides funds to States which have in place their own programs to compensate victims of crime. The Federal funds are used by States to reimburse victims of violent crimes or their survivors for non-reimbursable medical costs, lost wages and support, and funeral expenses arising from a crime-related injury or death.

The victims' assistance program also provides grants to States which are then authorized to distribute the funds to support public and nonprofit agencies that provide direct services to victims of crime, such as 24-hour crisis hotlines for victims of sexual assault and shelters for victims of spousal abuse.

Under current law, the first $10 million of the funds deposited in the fund each year are to be expended by the Secretary of Health and Human Services for grants relating to child abuse prevention and treatment. Of the remaining funds, 48.5 percent are to be used for grants to State crime victims' compensation programs, 48.5 percent for victims' assistance programs, and 3 percent for grants for demonstration projects and training in technical assistance services to be eligible for crime assistance programs.

H.R. 764 would increase the earmark for child abuse and domestic assistance programs from $10 million to $20 million. Doubling this earmark would, therefore, result in a $10 million reduction in the funds that would otherwise be available for grants to victims' compensation programs and victims' assistance programs.

Mr. Chairman, we all know that much more needs to be done to reduce the incidence of child abuse and neglect across the country. It is a very serious problem, and Congress has an important role to play by assisting the States to do all they can to reduce the incidence of such abuse. It is vitally important for child care and protective agencies working in concert with law enforcement to have access to criminal history information. Getting timely and complete information to these agencies will save lives.

I want to commend the gentlewoman from Ohio (Ms. PRYCE) for her work in making this bill possible and for working with the Crime Subcommittee to improve it.

Later today, I will offer an amendment in the nature of a substitute to address the two concerns that I have with this bill.

Mr. Chairman, I include the following Congressional Budget Office Cost Estimate for the RECORD:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 1, 1999.*

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 764, the Child Abuse Prevention and Enforcement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 1, 1999

H.R. 764: CHILD ABUSE PREVENTION AND ENFORCEMENT ACT, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON THE JUDICIARY ON SEPTEMBER 28, 1999

CBO estimates that implementing H.R. 764 would not result in any significant cost to the federal government. Because enactment of H.R. 764 could affect direct spending, pay-as-you-go procedures would apply to the bill. However, CBO estimates that any impact on direct spending would not be significant. H.R. 764 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Under current law, the first $10 million available for spending from the Crime Victims Fund is earmarked for grants for child abuse victims; H.R. 764 would increase this allotment to $20 million. The bill also would permit recipients of certain grants from the Department of Justice to use those funds for various child protection programs. Because these provisions would reallocate federal

funds among similar activities, CBO estimates that enacting H.R. 764 would not significantly change the net direct spending from the Crime Victims Fund or the net discretionary spending from the affected grant programs.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleagues very much for the very hard work that they have put in for this legislation. I say to the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from Ohio (Mrs. JONES), the very difficult job of focusing on something so sensitive to be able to help us bring to the floor the Child Abuse Prevention and Enforcement Act, this is a good day for many of us.

Mr. Chairman, so many of us have had a tragic story to talk about in our State as it relates to child abuse. I can call off the names of so many children in the State of Texas. As a convening chairperson of the Congressional Children's Caucus, one of the issues we have debated here in the United States Congress is the access of our children to mental health services.

Many times our children are in need of counseling because they have suffered abuse in their homes. We are well aware of the very famous case in Colorado, JonBenet. Her murder is still unsolved, but we know that she met a very tragic death; and, as well, we know that the perpetrator is still at large.

In addition, we are quite familiar with a case that I saw just last evening, the case of little Collin in Florida, where time after time those who are responsible for protecting her life, taking her away from an abusive father, failed to see the abuse in the home until ultimately, out of anger of the parent, little Collin was killed.

The problem of child abuse and neglect is disturbing and far-reaching. The U.S. Department of Health and Human Services, in a report issued in April of this year, indicated that there were over 950,000 documented cases of child abuse and neglect in 1997.

Further, in an earlier report, HHS indicated that while the number of child abuse and neglect cases has increased since 1986, the actual number of cases investigated by State agencies has remained about the same. As a result, the proportion of cases investigated has decreased from 44 percent in 1986 to 28 percent in 1993.

Mr. Chairman, this is a failure on our part. This is again not holding to our responsibility to be the protectors of our children. The failure to adequately address the problem of child abuse and neglect is costly in many ways. First and foremost, there is a human tragedy related to the victimized child.

How many of us, Mr. Chairman, have cried at the television and newspaper reports of the abused and sometimes mutilated bodies of dead and/or badly injured children? Obviously, abused and neglected children carry physical and emotional scars with them forever affecting every aspect of their life.

Might I note that many times murderers who are murderers as adults, when we begin to look into their background, it has been determined, although the murder is of course no less horrible, that they were abused as children in their childhood.

In addition, the National Committee to Prevent Child Abuse estimated in 1993 that the annual cost of child welfare health care and out-of-home care for abused and neglected children totaled $9 billion. I must add that this is a conservative estimate in light of the fact that it does not include every related cost, such as long-term physical and mental impairment, emergency room care, lost productivity, special education services, and costs to adjudicate child abuse cases.

That is why the Congressional Children's Caucus has focused on greater mental health access to children so that maybe in counseling some of those who have been heretofore afraid of talking about being abused will be able to tell an adult about their abuse.

Yet another cause of child abuse is in the area of increased criminal activity. According to a 1992 U.S. Department of Justice report entitled the Cycle of Violence, 68 percent of youth arrested had a prior history of abuse and neglect. The study also indicated that childhood abuse increased the odds of future delinquency and, as I said earlier, in adult criminality by approximately 40 percent.

On the positive side, we know how to address this problem. The National Child Abuse Coalition reports that family support programs and parental education have demonstrated that prevention efforts work. And as we have seen in the other areas, such as drug treatment programs, community-based programs, supporting families can be implemented to prevent child abuse for far less than the dollars it now costs to treat and manage a child abused and neglected.

The legislation being considered today is a step in the right direction. I congratulate the proponents. This bill provides increased grant authority for services to abused or neglected children. It also provides an increase in the existing set-aside for child abuse and neglect services from the Crime Victims Fund, in which I hope that we will not cap it so that we will not be able to get those funds.

The McCollum amendment provides for a formula which will tie the increased set-aside for child abuse and neglect services to the overall increase in the Crime Victims Fund. I support the amendment.

I will offer an amendment to specify that this bill also covers children's sexual abuse, as noted by the evidence that suggests that JonBenet was sexually abused. It is clear that prevention and early treatment for child abuse and neglect victims benefits everyone. This bill represents a positive step in that direction and, as a result, I support H.R. 764, as amended, offered by the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from Ohio (Mrs. JONES) and as amended by the gentleman from Florida (Mr. MCCOLLUM).

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio (Ms. Pryce) the author of this bill.

(Ms. PRYCE of Ohio asked and was given permission to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Chairman, I thank the gentleman from Florida for yielding me the time.

Mr. Chairman, this morning, in coordination with today's House consideration of the CAPE Act, I and a number of my colleagues from both sides of the aisle toured the D.C.'s Children Advocacy Center, otherwise known as Safe Shores.

For those who are not familiar with the children's advocacy centers like Safe Shores, they provide child abuse victims with a child-friendly environment where they can seek initial treatment and examination under one roof in one visit.

□ 1445

This is far superior to the more traditional method which subjected children to a cold bureaucratic maze of probing and prodding that often have the unintended consequences of re-victimizing them.

Mr. Chairman, like most children's advocacy centers, Safe Shores has a toy room which is where the cruel reality of child abuse really comes to life. I think we would all agree that toys should represent happy times in children's lives, but at Safe Shores they are merely temporary distractions from the nightmare inflicted upon them by adults who should be loving them. It is for those children at Safe Shores and all abused children around our Nation that I introduced the CAPE act and why we must pass it today.

The CAPE Act focuses on two critically important aspects of child abuse, prevention and improved treatment of child abuse victims. Moreover, the bill recognizes that it is those on the front lines in our communities who are in the best position to make a difference for our children, the child protection workers, the police, the judges, the court-appointed special advocates, the doctors and nurses, the foster families, and the volunteers, just to name a few.

In a nutshell, this bill takes three important steps to help children, and they have already been described by the gentleman from Florida (Mr.

MCCOLLUM), so I will not go into the technical aspects; but suffice it to say that all the money for this bill comes from forfeited assets, forfeited bail bonds, fines paid to the Government, not taxpayers' dollars.

So, without tapping the U.S. Treasury, the bill will increase the amount of funds which can be used for such things as training child abuse investigators, training child protection workers, and the development of children's advocacy centers like the one I toured this morning in Washington and the one which is evolving at Children's Hospital in my own hometown of Columbus, Ohio.

In fact, I am very proud that Children's Hospital soon will be embarking on a brand new state-of-the-art children's advocacy center on its campus in Columbus, building on its 10 years of experience and success in its existing location inside the hospital.

Also, this bill gives State and local officials the flexibility to use existing grants to provide child protection agencies access to criminal history records. This will help ensure that abused and neglected children are placed in safe foster and adoptive homes as expeditiously as possible so that they do not languish any longer than necessary in bureaucratic limbo.

The bill will make a difference in the lives of children without any additional cost to the taxpayer. It removes federally imposed straight-jackets on Federal funds and gives local folks the flexibility to invest in our children as they know best how to.

Quite appropriately, Deborah Sendek, Director of Columbus Children's Advocacy Center at Children's Hospital is with me today in Washington, for she is on the front lines in the fight to protect our children. It is heroes like this that the bill is designed to empower in their tireless efforts to bring care and comfort to our children to make sure that they are protected from their abusers.

In closing, I want to thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, and the chairman, the gentleman from Illinois (Mr. HYDE), for all their perseverance in helping me bring the CAPE Act from the Committee on the Judiciary, to the House floor. I also want to express my gratitude to the original cosponsors of this bill, the distinguished majority whip, the gentleman from Texas (Mr. DELAY), who is a devoted foster parent and a tireless champion of the CAPE Act, to the gentleman from Illinois (Mr. EWING), to the gentleman from Pennsylvania (Mr. GREENWOOD), and last but not least, to the gentlewoman from Ohio (Mrs. JONES), my fellow colleague from the Buckeye State, who has so much experience in this issue.

Finally, I want to tip my hat to all the child advocates around the Nation in our communities, some of whom are here today, for all they do to nurture and treat victims of child abuse.

Mr. Chairman, abused children do not have high-priced lobbyists in Washington, nor are they a powerful voting block; but they are counting on us to act on their behalf, and the CAPE Act is for them. I urge adoption of this CAPE Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES), the original Democratic cosponsor of this legislation.

Mrs. JONES of Ohio. Mr. Chairman, first of all I would like to thank my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), my colleague, the gentlewoman from Ohio (Ms. PRYCE), and all the other persons that were original sponsors and cosponsors on this piece of legislation.

Mr. Chairman, I will not repeat what has been said by the other presenters as to what the CAPE Act will do. What I want to speak to is why the CAPE Act is so necessary.

I served for 8 years as the prosecutor from Cuyahoga County, Ohio. In Cuyahoga County I had 180 assistants, and many of them were responsible for prosecuting child abuse cases. One of the things that I realized as prosecutor was the need to specially train prosecutors who worked in that area. They needed to be able to speak to a young child witness; they needed to be able to understand and see when that child was drawing back and understand the behavioral manifestations from child abuse. They needed to be able to speak with a child-protection worker and have a worker who was as well trained as they were. They needed police officers who were also specially trained in dealing with child abuse victims.

Ultimately, we made a determination that we had to come up with an organization or interagency group that could handle these types of cases, and that is why what the CAPE Act will be able to do is so very important. Many of the child protection workers who work throughout this country need additional training. Many of them come right out of school into child protection work. Many of them find that because of the type of job that they are involved in, burnout comes quickly; and there are very few opportunities for reward or encouragement. Through providing dollars through the Byrne grant for training, we will be able to say to these child-protection workers, You are important to us. You are important to us not only because of who you are, but who you work with.

They will be working with young people, young abuse victims and providing dollars for their training is of particular importance. We were able to, through the work that we did and ads at the advocacy center that we visited today, to see that there were joint interviews being done with a one-way mirror so that in the course of being interviewed or handled as a young person or a child victim, they were not abused over and over again by so many interviews. That takes special technique, that takes great experience, and the funds that we are proposing from the Byrne grant will also be able to be used for training in that area.

It is very important also to understand that the work that forms the basis of the child-protection workers' work becomes the basis or foundation of the prosecutor's case as we go to trial; and very often we find ourselves in Cuyahoga County not being able to win some of our cases because early work done in those cases was not appropriately done, and it was not because the people working in the area were not able to do the job. It was because they were overwhelmed or maybe not specially trained in the area of child abuse and child sexual and physical abuse.

So these dollars are good, could be used for that training area. I want to salute all the child-protection workers, police officers, prosecutors who work out in this area and tell them that we really need them to continue to work hard, and by working to pass the Child Abuse Prevention and Enforcement Act, we are saying to them, we know you're important, and you're important enough for us to set aside an allocation specifically in the Byrne grant funds for you to be trained and you to be saluted for the work that you do.

I want to thank all of my colleagues who are here and in support of this legislation.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. DELAY) who is our majority whip.

Mr. DELAY. Mr. Chairman, I too want to thank the gentleman from Florida (Mr. MCCOLLUM) for bringing this very important piece of legislation to the floor, and I particularly want to thank the two gentlewomen from Ohio for all the hard work in putting this together; but I particularly want to thank one of my staff members, Autumn Hannah, whose tireless work and her work in raising the visibility of the abused and neglected children in this country has been so exemplary, and we greatly appreciate all her hard work.

Mr. Chairman, abuse against children is one of the unpardonable sins we must all work to end in this country. The Child Abuse Prevention and Enforcement Act takes a big step towards making America safer for all of our most vulnerable youngsters. There is no topic more important and no issue more pressing than the welfare of our Nation's children. But for far too long the tragedy of abuse has been swept under the rug. The result is that the culture of abuse continues because we, as a Nation, have at times been afraid to admit our own failings.

It is time for the silence to end. It is time for the years of relative inactivity to be turned into humane action. After all, the health of a society is easily reflected in how it treats its most vulnerable.

Today, too many of our young ones are having their innocence stripped

away. Two years ago there were three million cases of child abuse and neglect in this country. Today, as I speak, there are at least a half a million American kids in foster care because it is not safe enough for them to live with their own families.

These numbers are as staggering as they are hard to comprehend. The sheer sadness that poisons so many little lives must move us all to action. There are many ways that we can help, though the task is complicated. At the Federal level we have to help lift our children out of despair while simultaneously giving more flexibility to States to deal with their own local concerns. In other words, we must take action and get out of the way and not interfere with the good work that is already taking place.

Nationally, billions upon billions of dollars have been spent on child welfare programs, but this is not just a question of dollars and cents because it would be worth every dime if money was the solution to ending abuse and neglect. But money is not the solution, and a one-size-fits all Federal program often allows too many children to fall through the cracks.

Such failure directly translates into trouble for our communities in the future as children with a bad formation predictably make bad choices in life. No one is surprised to learn that there is a correlation between adolescent crime and child abuse, but this is a cycle of trouble that we can beat. CAPE is the first step towards that goal.

This legislation allows State and local officials to take advantage of existing Byrne law enforcement grants for child prevention work. It also allows localities to use the identification technology act to provide criminal history records to child protection agencies. These measures simply make use of resources that already exist while cutting out wasteful repetitive action from different agencies and different levels of government.

Along with these steps, CAPE also increases the set-aside for child abuse services and the crime victim fund, all of which comes from nontaxpayer dollars. In short, this bill expands services, cuts red tape, and works within already existing programs. It is good for government at the Federal level, better for State governments and most importantly, it is great for victims of abuse that it seeks to protect.

Just one example of the good work CAPE assists is the court-appointed special advocate, a group of volunteers who provide millions of hours to have courtroom support for abused children. In Texas alone, these programs save the Federal Government an estimated $80 million a year at least, all while maximizing support services for children and minimizing their time in foster care, but this is just one program of so many. The point is that there are no shortage of ways and no lack of ideas in the fight to prevent child abuse and neglect; there is only a lack of involvement.

Mr. Chairman, too many Americans sit on their hands idly while others raise their hands in silence; but in most cases, Mr. Chairman, people simply do not know how they can make a difference in the lives of children. One easy way is to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentlewoman for yielding this time to me and I want to thank her for all her hard work in this area and the sponsors of this legislation, I thank them too. As lawmakers and human beings we have an obligation to care, to care that every 12 minutes in my home State of Maryland one child is reported abused or neglected.

□ 1500

To care that currently 50 out of 1,000 children are reported maltreated, and to care that 2,000 children die each year as a result of abuse or neglect. But our higher duty is to transfer this care into prevention. H.R. 764 does this by providing for increased funding for prevention training, child advocacy and treatment, and increased access by protective service workers to criminal conviction records.

The Children's Defense Fund logo, written by a child, states quite succinctly: ''Dear Lord, be good to me; the sea is so wide and my boat is so small.''

Mr. Chairman, if we do not demonstrate that we care, this child and all others abused and neglected across this land will drift away in their small boats and eventually sink and die.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am pleased to rise in strong support of H.R. 764, the Child Abuse Prevention Act. And I thank the sponsor of this important legislation, the gentlewoman from Ohio (Ms. PRYCE); and the distinguished subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM); for bringing the measure before us today; and the ranking minority member, the gentlewoman from Texas (Ms. JACKSON-LEE); the gentlewoman from Ohio (Mrs. JONES); and our distinguished whip for supporting this measure.

The U.S. Advisory Board on Child Abuse and Neglect reports that 2,000 children die each year as a result of abuse or neglect. Moreover, it has been reported by the U.S. Department of Health and Human Services that there has been a 1.7 percent increase over the prior year of substantiated cases of child abuse and neglect. As we begin to enter the next century, it is imperative that we make certain that we take care of our Nation's children. Our future as a Nation and as a caring people depend on that.

History will not look kindly upon a society that chose to ignore the plight of its children over issues of politics, wealth, or new technology. Accordingly, it is imperative that Congress provide our local communities and our States the tools needed to end child abuse and neglect.

This measure, H.R. 764, will permit the Department of Justice to provide the kind of grants to States for the enforcement of laws to prevent child abuse and will provide technical assistance to local law enforcement to help in that battle.

Accordingly, I urge all of my colleagues to fully support this important measure.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

(Ms. ROS-LEHTINEN asked and was given permission to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Chairman, they say that home is where the heart is, but where is the home of a child whose heart beats rapidly in fear that he will be beaten black and blue because dad has had a bad day at work today? What about the child who avoids his drunk mother for fear that he may irritate her?

Because of the alarming statistics of child abuse today, at least 500,000 children in the United States are making foster care, group shelters, and other institutions their permanent homes. As responsible legislators, it is imperative that we work to ensure safety for all of our children. We must do everything within our power to foster healthy environments where children can learn, can play, and can prepare to be the future of our country.

With statistics on child abuse ever increasing, it is evident that CAPE, the Child Abuse Prevention and Enforcement Act, is very needed. This legislation will help to improve conditions faced by at-risk children by expanding technology and enabling child protecting agencies to access criminal history records.

I challenge our colleagues to commit themselves to finding a solution for child abuse and take the first step by voting to pass the Child Abuse Prevention and Enforcement Act.

I congratulate our colleague, the gentlewoman from Ohio (Ms. PRYCE), for her leadership in sponsoring this bill that was also a legislative priority for our mutual friend, former Congresswoman Sue Molinari. I especially want to acknowledge the hard work of the gentleman from Texas (Mr. DELAY), who has made fighting child abuse a key legislative priority for all of us through our Shine the Light on the Children in the Darkness project.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my distinct pleasure to yield 4 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I first of all want to thank the gentlewoman from Texas (Ms. JACKSON-LEE), who chairs the Children's Caucus, for yielding me time. I also want to commend the gentleman from Florida (Mr. MCCOLLUM), who will be offering a floor manager's amendment to this bill, who chairs the Subcommittee on Crime of the Committee on the Judiciary who helped this bill through. The gentlewoman from Ohio (Mrs. JONES) on one side, the gentlewoman from Ohio (Ms. PRYCE) on one side, and the gentleman from Texas (Mr. DELAY). Boy, if this is not a good example of bipartisan cooperation on an issue that is so very important.

Mr. Chairman, I rise obviously in strong support of the Child Abuse Prevention and Enforcement Act, the CAPE Act, introduced by the gentlewoman from Ohio (Ms. PRYCE), to be amended by a floor manager's amendment. It expands the Byrne grants to allow the States flexibility in programs for child abuse protection services and also for programs to prevent the incidence of child abuse.

Just citing some of the statistics, the National Committee to Prevent Child Abuse reports that in 1994, over 3 million children were reported to child protective service agencies for child abuse and neglect. This is in the United States, and the numbers continue to increase. Currently about 47 out of every 1,000 children are reported as victims of child mistreatment, and overall child abuse reporting levels have increased 63 percent between 1985 and 1994.

Well, based on these numbers, more than 3 children die each day as a result of child abuse or neglect or a combination of neglectful and physically abusive parenting, and approximately 45 percent of these deaths occur to children known to child protective service agencies as current or prior clients.

Prevention, early intervention, and protection are the three components of child abuse programs that the Interdisciplinary Report on At-Risk Children and Families recommended. Prevention efforts build on the resources presented in local communities by encouraging residents to participate in awareness programs. Special outreach components are recommended to ensure early intervention by establishing at-risk behaviors for educators and parents. The third component, protection services, focuses on protecting the child while keeping the family together by providing in-home services. These three principles, so needed, are all examples of grant funded programs increased by H.R. 764.

This bill, the Child Abuse Prevention and Enforcement Act, expands a key element of preventing child abuse and neglect by providing access to services that address specific needs of local communities. Services must be responsive to the range of ongoing and changing needs of both children and families. The bill allows individual States and communities to develop and update their programs to meet these changing needs.

Mr. Chairman, I conclude with something that I think exemplifies it all. It was once stated that if you touch a rock, you touch the past, and if you touch a flower, you touch the present, and if you touch a child, you touch the future.

This bill is critically important. I urge my colleagues to support this urgently needed legislation.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise today in support of the Child Abuse Prevention and Enforcement Act, and I give my great appreciation to those who have brought this act to the floor of the House, the gentleman from Florida (Chairman MCCOLLUM), the gentlewoman from Ohio (Ms. PRYCE), and the gentlewoman from Texas (Ms. JACKSON-LEE).

I do so because I believe a society is measured in large part by how it treats the young and the most vulnerable. This bill seeks to help communities to help themselves by giving them the tools to stop and prevent child abuse.

The bill would give local and State officials the flexibility to use the Byrne Law Enforcement Act for Child Abuse Prevention, and increase the earmark for child abuse victims out of the crime victims fund.

These simple steps are not earth shattering, but they could actually be life saving. By giving our States and local communities increased resources, we decrease the chances of losing our children to the predators of child abuse. Now, that is an investment worth making, and that is legislation I am proud to support.

I urge my colleagues to support the Child Abuse Prevention and Enforcement Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am delighted to yield 3 minutes to the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the chairman and the ranking member and all of those who are associated with this very important piece of legislation, and like to commend my colleague, the gentlewoman from Ohio (Mrs. JONES) for her amendment.

Mr. Chairman, as a mother of five and a grandmother of four and a former teacher, I know the importance of bringing up children in healthy environments that protect them from abuse and neglect. According to the Children's Defense Fund, in my home State of California every minute a child is reported as being abused or neglected. That translates to 60 children being abused and neglected during the 1 hour of debate that has been allotted for this bill. That is why it is evident that we need H.R. 764. The CAPE Act would allow additional grant monies to enhance services related to child abuse and neglect cases. Also it would expand the definition of abuse under existing law to include the taking of a child in violation of a court order.

These are just but two, Mr. Chairman, of the great provisions of this CAPE Act. I am indeed happy to be standing here in a bipartisan effort to pass such an important bill.

As a member of the Missing and Exploited Children's Caucus and the Co-Vice Chair of the Women's Caucus, I urge all of my colleagues to join us in voting ''yes'' to H.R. 764. We need to do more to prevent abuse and neglect and protect our children, which are, of course, our future.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

(Mr. EWING asked and was given permission to revise and extend his remarks.)

Mr. EWING. Mr. Chairman, my association with the sponsor of this bill goes back to the last Congress when Susan Molinari, Congresswoman Molinari from New York, introduced a similar piece of legislation, and I was a cosponsor of it.

I am very pleased this time to be a cosponsor, along with our good friend and colleague, the gentlewoman from Ohio (Ms. PRYCE). The need here is really great, and this bill, while it does not spend a lot of extra money, I think we are going to get a lot more bang for our buck if we pass this bill.

Each day there are 9,000 reports of child abuse in America. That totals out to over 3 million cases in a year. Since 1987, the total number of reports of child abuse nationwide have gone up 47 percent. Of the cases of abuse, 54 percent result in a fatality, and over 18,000 children were permanently disabled as a result of physical abuse. Finally, those who are abused as children, when they become adults, are more apt to abuse their own children.

This is a problem in our society of enormous magnitude. It gets at the very basis of the next generation and future generations, and is something that we must do all that we can to address.

I think this is an excellent piece of legislation, and we should overwhelmingly pass it.

□ 1515

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the chairman and the gentleman from Florida for yielding time to me.

Mr. Chairman, childhood is the time of life that should be treasured and protected. The truth is, many children are robbed of their innocence or even worse at the hands of abuse.

Even while our overall national crime statistics have declined dramatically, child abuse continues to rise. The U.S. Advisory Board on Child Abuse and Neglect reports that 2000

children die each year as a result of abuse and neglect. In the State of Florida alone, a child is reported abused or neglected every 3 minutes. With these statistics, it is clear our Nation needs to do more to protect our children from abuse. We need to do everything we can to prevent it from happening in the first place.

Child abuse and prevention not only help protect the child, it also helps protect society in the long run, since statistics show that abused children are more likely to commit future acts of child abuse and domestic violence.

Last year the Volunteers for Children Act, a bill that I sponsored, was signed into law by the President. Volunteers for children will help protect children in after-school activities from being in the care of people with dangerous criminal records. This is an important step, but it is certainly not enough. We must attack child abuse at every opportunity, by investigating reported abuse thoroughly, by ensuring that children are not returned to abusive environments they have been taken out of, and by making penalties for convicted abusers much tougher.

Furthermore, we must ensure that children have safe places to go whenever they are in danger. As such, we need to continue empowering those on the State and local level in their efforts to prevent child abuse and treat victims.

That is what the CAPE Act is designed to do, to give local and State officials the flexibility to use law enforcement grants for child abuse prevention. It would increase the earmark, currently $10 million for child abuse victims, out of the Crime Victims Fund. This funding can be used by the States for important things such as training child protective service workers; training court-appointed special advocates; and child advocacy centers, which are one-stop child-friendly places where all parts of an abused child examination and treatment are brought together under one roof.

Among others, the CAPE Act is supported by the National Child Abuse Coalition, which includes the Children's Defense Fund and the Child Welfare League, Prevent Child Abuse America, the Christian Coalition, the Family Research Council, and the National Center for Missing and Exploited Children.

I urge my colleagues to join these groups in supporting the bill. I thank the gentlewoman from Texas (Ms. JACKSON-LEE), and I thank again the chairman, the gentleman from Florida (Mr. MCCOLLUM), for being part of this great legislation.

I urge adoption by the Members.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I would like to thank the gentlewoman for yielding time to me, and those who have sponsored this critically important legislation.

Mr. Chairman, I am here today to address one of the most ugly, horrific crimes and experiences that can befall children, physical and sexual abuse. Before coming to Congress I spent more than 23 years of my life working as a psychologist in the mental health field helping to heal and counsel people who were the victims of child abuse and other terrible experiences.

I can tell Members that as ugly as it is, child abuse cannot be wished away. It is something we have to face square on, and the bill we are addressing today will help us do precisely that.

Earlier today I spoke with folks back in my own district, back in Vancouver, Washington. They told me some very frightening and troubling statistics. Referrals for child abuse were actually up in 1998 by 2 percent from the previous year. In one year we had over 3,957 referrals. Those are not just numbers, those are children whose lives have been harmed and damaged, and who will perhaps pass that harm on to others if we do not help them and intervene early on.

Some might say, what is the big deal, it is just a 1 or 2 percent increase? But this is happening in the best of economic times. We know that child abuse goes up when economic times go bad, but if we are having this many cases in good times, we have to act now to stop that before it gets worse.

My home State actually does a very good job of trying to prevent child abuse. I have visited many of the treatment centers myself. They do an outstanding job. They make use of scarce resources, and they put together innovative and effective programs to combat the problem, but they need help. They need additional resources and they need H.R. 764.

The legislation before us today puts more resources in the hands of the folks who need them most. This bill will expand the grant authority to provide funds to enhance services related to child abuse prevention programs. It will help fund the prevention and early intervention programs that have been shown to work, and it will help communities make sure those who commit these horrible crimes are prosecuted to the full extent of the law.

We need to provide more opportunities to prevent, to investigate, and to prosecute child abuse and neglect cases. We need this bill, and I urge my colleagues to give it their full support.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. OXLEY).

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I want to first thank the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), and particularly my colleague, the gentlewoman from Ohio (Ms. PRYCE), for their leadership in this legislation. I have had numerous discussions with her particularly about this important legislation.

The U.S. Advisory Board on Child Abuse and Neglect reports that 2,000 children die each year as a result of abuse or neglect. In my home State of Ohio alone, a child is reported abused or neglected every 3 minutes of every day. With these statistics, it is clear our Nation needs to do more to protect our children from abuse and prevent it from happening in the first place.

That is why this legislation is so important, because it focuses in on prevention. Child abuse prevention is true crime prevention, and all of us, I am sure, support that concept.

We needed to recognize that on the State and local level, the child protective workers, the police, prosecutes, judges, doctors, the nurses, are in the best position to prevent child abuse and find ways to treat those who have been abused.

We need to empower those on the State and local level in their efforts to prevent child abuse and treat victims. That is what the CAPE Act is designed to do. The bill would give State and local officials flexibility to use Byrne law enforcement grants for child abuse prevention, to increase the earmark currently at $10 million for education out of the crime victims fund, and the best news of all is, it does not cost taxpayers' dollars because it comes from forfeited assets, forfeited bail bonds and fines paid by the government.

This funding can be used by the States for important things such as training child protective service workers, training court-appointed special advocates, and child advocacy centers. Child advocacy centers help provide treatment and examination for abused children in a way which will not revictimize the child.

We are fortunate in this country to have the assets necessary to carry out this important function. This act is supported by the National Child Abuse Coalition, Prevent Child Abuse America, the Christian Coalition, the Family Research Council, and the National Center for Missing and Exploited Children.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I first of all would like to thank the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) for her efforts on this bill, and also the gentlewoman from Ohio (Ms. PRYCE), and the gentleman from Florida (Mr. MCCOLLUM), for their good work on this legislation as well.

Mr. Chairman, in another life prior to entering politics, I used to work as a probation officer, and worked with juvenile delinquents. I worked in a youth home as an attendant there and also as a caseworker, and had some experience as an adoption caseworker. In that work, I had the occasion to witness situations in homes that cried out for attention.

Over the years, we have watched as governments at all levels have done

relatively little to address this need. This need is quite extensive. Over 1 million cases of child abuse were committed in 1997. A child is abused or neglected in Michigan every 5 minutes, every 5 minutes, and about 300 cases are reported a day. That is according to a nonprofit group called Michigan's Children's Trust Fund.

Sixty-eight percent of youths arrested had a prior history of abuse and neglect, 68 percent. So what we have here is a vicious cycle of abuse, neglect, crime, violence, more abuse and neglect from generation to generation.

Lest we think of this as statistics, let me cite an example that was recently reported in the press, in the Detroit papers, and in other papers throughout Michigan about a mother who beat her 10-year-old and 13-year-old with an electrical cord and burned them with an iron. I know these are graphic pictures that I am creating for Members here, but it is what happens. The children escaped the house, they wandered the city, it was dark, at night, looking for their friend's house somewhere near what they said was Tiger Stadium. They were found cold and scared in the middle of the night; scarred, certainly physically, but more importantly, mentally for the rest of their lives. This is what happens on a regular basis.

So Mr. Chairman, I just rise in support of this bill. I rise in support of the efforts of the gentlewoman from Ohio (Mrs. JONES) on this bill. She has done an excellent job. She knows this issue from the perspective of one elected local law enforcement officer and other activities in her community.

Mr. Chairman, this is a good bill because it will start to address the issues of child abuse and neglect. It will take a positive, preventive step in addressing this issue. Groups like Covenant House, which have 15 shelters throughout this country, and other groups in my district, child welfare agencies, will hopefully receive the support they need to continue their good work and to expand it so we can get at the root of these problems, and address them in a humane way so we can break the cycle and we can develop the love that is needed for our children to succeed.

In conclusion, I just want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Ohio (Mrs. JONES) for all of their efforts, and my colleague from Florida, as well as my colleague from Ohio.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, there is a Jesuit expression that says, let us have the children for the first 7 years, and then the world can have them. What that means is that when children in their earliest years are loved and nurtured, and when they are instilled with values and self-confidence, then they will have the strength and resilience that they need to face life's challenges and to resist its evils.

The opposite is most certainly true. When children are battered, when children are neglected, when children are sexually or psychologically mistreated and abused, they become weak, they become infirm, they become troubled. It is fitting that I follow the gentleman from Michigan (Mr. BONIOR), because I, too, was a caseworker with abused children.

Over the years as I worked with these children, and many of these children appear in my life 20 years later, calling me at home, we find these children, so many of them, not only just in the child welfare system as battered, but we find them in the juvenile justice system as delinquents, we find them in the mental health system as psychopathic or maladjusted, we find them in the drug and alcohol system as addicts, we find them in the domestic violence systems of batterers of their own spouses, and often, too often, batterers of their own children. Then we find them ultimately in the criminal justice system in our jails.

This legislation, introduced by my colleagues from both sides of the aisle, is not only compassionate, and it is the right thing to do for the innocent and helpless children of the country, but it is also the right thing to do, because this $10 million or $20 million will become multiplied many times over, for each child that is protected from abuse will be one less child in one of these other social service systems that is not only costly to American society, but causes so much more additional pain.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would be remiss if I did not take the opportunity to thank my staff for all the support and work they did with me in trying to get the Child Abuse Prevention and Enforcement Act passed.

I would like to thank my staff on the record, Dan Weinheimer and other members of my staff.

□ 1530

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I think that was an extremely important statement, and I do appreciate the work of the staff on all of the committees and all of the Members' staff, and let me simply say we have heard a phrase used in another effort: a mind is a terrible thing to waste. I would paraphrase it to say that a child is a terrible person to lose or to waste their lives or to see that child abused.

So I want to applaud the proponents of this legislation; I am delighted to join and be a cosponsor of it, and I hope that we can quickly move this legislation to see not one other life snuffed out. Not only another child's life snuffed out because we have been neglectful in providing the resources that we need to detect child abuse and prevent child abuse.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what I think our legislative role is day in and day out here is to provide ways to preserve and protect our great quality of life and freedom for our children and our grandchildren. We are the greatest free Nation in the history of the world. It is all about children. And in this case, we are talking about protecting them not only in that broad sense but in the very specific sense against child abuse, one of the worst things that can happen in this Nation to anyone.

And so I am pleased that the authors have brought this bill forward today. I am proud to have been a part of the team that has brought it out in the committee and subcommittee, and I look forward to the passage of this bill.

Mrs. FOWLER. Mr. Chairman, the statistics on the abuse of our most precious resource—our children—is heartbreaking. We must protect our children from those who would abuse their trusting souls and prey on their innocence. It is a moral obligation that binds us together, regardless of race, religion, gender, or party affiliation.

Today, the House can reiterate its commitment to our children by passing the Child Abuse Prevention and Enforcement Act.

As we know, our states are each different, with different needs and different resources—what works for Florida's children may not work for Maine's. This Bill encourages each state's creativity to deal with the unique needs of their children by offering greater flexibility with federal funds.

The bill also doubles to $20 million a year the amount of money from the Crime Victims Fund that can be earmarked for child abuse victims. This fund is not taxpayer money, but money from the pockets of criminals—poetic justice, you might say. Finally, this bill increases access to criminal records by child protective services, making it easier for those who work to protect our children to do their jobs.

No one entity can fight child abuse alone. Working together, as partners, states and Congress can make a difference.

Mrs. CHRISTENSEN. Mr. Speaker, as a cosponsor of H.R. 764, the Child Abuse Prevention and Enforcement Act, I am proud to rise in strong support of its passage. I am also equally proud of my colleagues Congresswomen PRYCE and JONES of Ohio for their leadership in bringing this bill forward. I applaud them for their efforts and on behalf of children across this country thank them and all of the cosponsors of this bill.

The abuse, and I include neglect, of children is a most heinous crime, for all of the obvious reasons. Adults are supposed to protect and nurture children, and provide a suitable and supportive environment for their optimal development. It is a sacred trust, and one that must be upheld at all costs. H.R. 764 will help us to do this better.

I also find that it is the most insidious of crimes, because in many of the problems that plague our country—domestic abuse, teen

pregnancy, drugs addiction, youth violence and delinquency, as well as many adult crimes—one will find that child abuse is generally a root cause.

The national statistics on child abuse are also very alarming. Many of my colleagues will recount these disturbing facts as we debate H.R. 764 today. Even in my own district, the U.S. Virgin Islands, we have seen an unacceptable increase in the numbers of children affected. And we know, that as in every other district, not every case is found or reported. This fact, as well as, the fact that it is a crime that has far and long reaching consequences that can affect even subsequent generations of our children, makes our responsibility and response to this issue even more critical.

The Child Abuse Prevention and Enforcement Act, through making resources available to those individuals who work every day to prevent child abuse and protect our children, makes a vital and most important contribution, not only to each and every child that is saved, but also to the future of this nation.

Mr. Speaker, H.R. 764 is not an investment we ought to make. It is one we must make. Our children deserve and need us to do everything within our power to protect them and to ensure the kind of safe and nurturing environment that will allow them to develop their fullest potential.

I strongly support H.R. 764 and I ask my colleagues to vote in favor of its passage.

Mr. HOBSON. Mr. Chairman, I rise in strong support of H.R. 764, the Child Abuse Prevention and Enforcement Act.

Providing for the safety and well-being of our children is one of society's most sacred obligations. Our children represent the future. But child abuse takes away their future. It cruelly takes away their hope and promise of realizing their talents and dreams. Child abuse denies our children a life of happiness and fulfillment by inflicting emotional and psychological scars that persist for the rest of their lives.

This important piece of legislation will confront child abuse head on. It will protect our children, and assist those vulnerable children who've been the victims of abuse. One of the aims of this legislation is to prevent child abuse before it happens. Because law enforcement is best conducted at the local level, law enforcement officials in communities across America will be given the flexibility and resources to combat the incidence of child abuse.

This legislation also will increase the funding for the Crime Victims Fund. These are not taxpayer dollars, but revenues from forfeited assets and fines paid to the government. This funding can be used by the states for critical services such as training child protection workers and supporting child advocacy centers.

I recently had a very tragic case of child abuse in my district. Three-year old Ashley Taggart from Lancaster, Ohio was abducted and abused. After an excruciating ordeal, she was returned to safety. Though we cannot take this experience away, we can try to give Ashley a chance to lead a normal life.

Mr. Chairman, this legislation is for Ashley, and for the thousands of children like her across America. It is for the safety and well-being of all our children who deserve the best that life can give them.

Mrs. KELLY. Mr. Speaker, I rise in support of the legislation introduced by my colleague from Ohio, Congresswoman PRYCE.

This body has long worked to promote policies which seek to protect our children, guided by common sense, and by the general idea that a child's environment and experiences may have an influence on the type of person he or she will turn out to be.

Extensive research on child development issues in recent years has made it increasingly evident that the relationship between the nature of a child's upbringing and the mental and emotional health of that child undoubtedly exists. Though there is still much for us to learn, we know that the link is there, and this knowledge alone should be enough to strengthen our resolve to enact policies which shelter our children from harmful behavior and influences. I believe the work of this Congress attests to an active recognition of the importance of promoting such policies. In June, I was encouraged to see the House approve unanimously as an amendment to the juvenile justice legislation my bill on child hostages, which strengthens the penalties against those individuals who take a child hostage. The House consideration of H.R. 764 today, I think, further demonstrates the strength of this body's commitment to our children, and I urge my colleagues to support its passage.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 764 is as follows:

H.R. 764

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Child Abuse Prevention and Enforcement Act''.

**SEC. 2. IMPROVEMENT OF ACCESS TO CERTAIN COURT AND LAW ENFORCEMENT RECORDS TO PREVENT CHILD ABUSE.**

(a) DESCRIPTION OF GRANT PROGRAM.—Section 1402 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796aa–1) is amended by adding before the period at the end the following: ''or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders''.

(b) APPLICATION TO RECEIVE GRANTS.—Section 1403 of such Act (42 U.S.C. 3796aa–2) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ''or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders''.

(c) REVIEW OF APPLICATIONS.—Section 1404(a) of such Act (42 U.S.C. 3796aa–3(a)) is amended in the matter preceding paragraph (1) by inserting after ''to receive a grant'' the following: ''for closed circuit televising of testimony of children who are victims of abuse''.

(d) DEFINITIONS.—Section 1409(2) of such Act (42 U.S.C. 3796aa–8(2)) is amended by inserting before the period at the end the following: ''or the taking of a child in violation of a court order''.

(e) CONFORMING AMENDMENT.—Part N of title I of such Act (42 U.S.C. 3796aa) is amended in the heading to read as follows:

**''PART N—GRANTS FOR CLOSED-CIRCUIT TELEVISING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE AND FOR IMPROVING ACCESS TO COURT AND LAW ENFORCEMENT RECORDS FOR THE PURPOSE OF PREVENTING CHILD ABUSE''.**

**SEC. 3. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.**

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and adding ''; and''; and

(3) by adding at the end the following:

''(27) enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect.''.

**SEC. 4. INCREASE IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.**

Section 1402(d)(2) of the Victims of Crime Act of 1984 is amended by striking ''$10,000,000'' and inserting ''$20,000,000''.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Child Abuse Prevention and Enforcement Act''.

**SEC. 2. GRANT PROGRAM.**

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by adding after paragraph (16) the following:

''(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including placement of children in foster care.''.

**SEC. 3. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.**

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and adding ''; and''; and

(3) by adding at the end the following:

''(27) enforcing child abuse and neglect laws and promoting programs designed to prevent child abuse and neglect.''.

**SEC. 4. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.**

Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking ''(2) the next $10,000,000'' and inserting ''(2)(A) Except as provided in subparagraph (B), the next $10,000,000''; and

(2) by adding at the end the following:

''(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the $10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

''(ii) Amounts available under this subparagraph for any fiscal year shall not exceed $20,000,000.''.

Mr. MCCOLLUM. Mr. Chairman, I am offering an amendment today in the nature of a substitute to this bill to address two aspects that I have concerns with.

First, H.R. 764 would authorize the Bureau of Justice Assistance to use a small grant program that helps purchase equipment so that children testifying in abuse cases can do so via closed circuit television to also fund the purposes stated in Section 2 of this bill. I am told there is just not enough money in this program to fund the CAPE Act. The funds for that program are consumed annually for their original purpose, and I do not believe we should dilute them.

My amendment would authorize funding under the Crime Identification Technology Act, a bill enacted last year to improve the operation of the criminal justice system by upgrading criminal justice and general justice record systems. I supported the passage of that bill in the House last year, and I believe it is a perfect fit for the purposes behind the bill before us today.

Secondly, H.R. 764 would also amend the Victims of Crime Act of 1984, which created the Crime Victims Fund. The fund is financed through the collection of criminal fines, penalty assessments, and forfeited appearance bonds of persons convicted of crimes against the United States. In fiscal 1998, $363 million was deposited into the fund for distribution during this fiscal year. The fund provides money to States to compensate crime victims directly, and it provides other grants to States which are then distributed to public and nonprofit agencies that provide direct services to crime victims. Under current law, the first $10 million deposited in the fund each year is to be expended by the Secretary of Health and Human Services for grants relating to child abuse prevention and treatment.

This bill, the one before us today, would increase the earmark for child abuse and domestic assistance program from $10 million to $20 million. Doubling this earmark would result in a $10 million reduction in funds that would otherwise be available for grants to the victims compensation programs and the victims assistance programs.

Victims' rights groups oppose doubling the earmark. In fact, they are not enamored with the earmark to begin with. My amendment offers an alternative to the straight doubling of the earmark. It would leave the current earmark at $10 million in place except in any fiscal year when the amount of money deposited in the fund exceeds what was deposited for fiscal year 1998, $363 million. When more than that amount of money is deposited, half of the extra money would be allocated for child abuse prevention and treatment, but the total amount available in any fiscal year would not exceed $20 million.

Mr. Chairman, it is my understanding it is likely that this fund will be well in excess of the $363 million figure over the next couple of years, so I think there will be more than an adequate amount of money to fund the programs that are in this bill. I believe my amendment to H.R. 764 balances the interests of all stakeholders and I urge all of my colleagues to support this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

Mr. Chairman, I just want to add my support for the McCollum amendment and to indicate that the value of adding dollars to prevent child abuse among many other things is a key part of the effort that we are trying to do today.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas to the amendment in the nature of a substitute offered by Mr. MCCOLLUM:

On Page 1, line 15 after ''protection of children,'' insert ''including protection against child sexual abuse,''.

On page 2, line 11, after ''neglect laws'' insert, ''including laws protecting against child sexual abuse,''.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. First of all, Mr. Chairman, let me again thank the gentleman from Florida (Mr. MCCOLLUM) for his leadership on the substitute and let me also thank the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from Ohio (Mrs. JONES) for this legislation that I had the pleasure of cosponsoring.

The focus of the amendment that I am offering is to emphasize the heinousness and the tragedy of child sexual abuse. So my amendment offers to clarify that child abuse includes child sexual abuse, and this will add to the information that the child abuse workers will be able to secure and to be able to investigate in order to determine whether there has been child sexual abuse.

Let me emphasize why this is an important distinction, because most often when we think of child abuse we think of the physical abuse that may be noticeable. The knocked head, the bruised arm, the broken arm, the broken leg, the burn on the body, physical things that can be seen by a school counselor, a teacher, a friend or a pastor.

But sometimes children suffer in the quietness and the horror of sexual abuse that cannot be detected by looking at a child fully clothed, and the idea is to ensure that in this new legislation we have a circumstance where this is on the minds of those child abuse investigators should they not also inquire, look, examine, and determine whether the child has been sexually abused.

Let me cite the numbers of sexually abused children. The numbers are going up. In 1990, there were 127,000 children abused sexually. In 1991, it goes up, 129,425. When we go to 1992, sexual abuse goes 130,000, 14 percent. 1993, 139,000. Each year the number of children sexually abused increases. When we look at close to 3 million children who are reported abused, we find that 12 percent of them suffered sexual abuse.

Mr. Chairman, might I offer to those who are able to, I guess, tolerate hearing about the horrificness, the heinousness about what happens when a child

is sexually abused by citing the report on the autopsy of JonBenet Ramsey, a case that still stands as one of the singular cases of terrible child abuse and, of course, an unsolved murder of a child.

What the autopsy says is that this particular child was found to have been whacked. Her head was whacked against something, and then she was still alive and strangled. The autopsy goes on to note there are two injuries in that autopsy that could have killed her. One is a strangulation, the other is the assorted brain injuries. It is not clear in what sequence. Meyer found an abrasion on the girl's hymen, which other experts said could indicate a sexual assault. The size of the girl's hymen, which Meyer measured at 1 centimeter by 1 centimeter, should have more significance. ''The thing that concerns me is that the hymenal opening is measured at 1 centimeter, which is too large,'' said Kirschner, a child abuse specialist, ''but if in fact that was the real measurement, that is twice the diameter that it should be. Usually a hymen in a young child like this should be 4 millimeters.''

And so there was discussion, horrible discussion about whether or not JonBenet Ramsey was sexually abused. ''There is blood and contusions in the vagina and the hymen has been torn.''

Yes, descriptive, horrific, but every day our children face this kind of assault. So I think it is extremely important that this language emphasizes the protection of our children as the legislation already does; but it emphasizes a real focus on sexually abused children along with other abuse. It does not in any way diminish the importance of other abuse, but realizes that children can suffer in silence with child abuse, and it cannot easily be detected.

Mr. Chairman, I would hope that my colleagues would support this amendment because it again states to our child abuse investigators: be thorough in your work, do not be limited in your work, and realize that our children suffer in silence when they are sexually abused and you need to inquire and draw from them the information that will protect and save the lives of American children.

Mr. Chairman, I have an amendment that I would like to offer to this bill. In its present form, this bill has a tremendous impact on the current abuse and neglect system by enhancing the services available. This amendment I am offering would give child protective and child welfare workers additional access to criminal records that would include convictions for sexual abuse.

According to the statistics on abuse, 12 percent of the abuse is sexual abuse. Any discussion of child abuse is incomplete without including the growing problem of child sexual abuse and exploitation.

Child sexual abuse is any sex act performed by an adult or an older child. This includes actual physical abuse such as touching a child's genital area or molestation, and it also includes sexual assault, self-exposure (flashing), voyeurism, and exposing children to pornography.

Sexual abuse is often committed by a family member. Incest is the most common form of child sexual abuse. However, anyone can commit sexual abuse against a child. It is often perpetrated by adults that have been entrusted with caring for a child—a family friend, babysitter, a teacher, day care worker, or even religious leaders. Even a child can commit sexual abuse against another child.

The purpose of my amendment is to specify the importance of sexual abuse as a crime that should be recognized by child welfare and child protection workers when investigating incidences of child abuse.

It gives protection and child welfare workers access to the conviction records and orders of protection based on sexual abuse, in addition to domestic and child abuse. A history of sexual abuse, whether it is against a child or an adult, is significant information.

Sexual abuse against children is a harsh reality that is very common. At least one out of five adult women and one out of ten adult men report having been sexually abused as children. These cases may represent the untold stories of many children, now adults, who suffered in silence due to sexual abuse.

Now, we have mechanisms in place to investigate incidences of child abuse. However, in some cases, certain information about an alleged abuser's past may not be available. This bill remedies that situation by making criminal records for sexual abuse available.

In Texas, there were more than 111,000 investigations of child abuse and neglect by the Child Protective Services in Texas. Of those cases, 7,650 were sexual abuse.

In one infamous case, the death of JonBenet Ramsey, sexual assault may have been a factor in her death. The autopsy was released this summer and was inconclusive as to whether the child had been sexually assaulted. However, it was clear to the investigators that in a case such as this, an inquiry had to be made concerning possible sexual assault.

This change only adds the term ''sexual abuse'' to the bill in an attempt to give child protection and child welfare workers another factor to consider when assessing the risk related to the protection of children.

I ask my Colleagues to support this technical amendment to this bill. It is uncontroversial and it would further enhance the ability of the abuse and neglect system to combat child abuse. Thank you.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes. I do not oppose this amendment, but I want to point out to the gentlewoman that the term ''child abuse'' is already defined in two different sections of the Federal Criminal Code, and in both cases the term is defined to include both physical violence and sexual abuse.

In 18 USC Section 1169, the statute that requires doctors, teachers, and childcare workers to report any suspected case of child abuse that takes place in Indian country the term ''child'' and ''abuse'' are defined to include any case where the child is bruised, bleeding, malnourished, burned, has broken bones and other physical injuries, and also includes cases where is the child is sexual assaulted, molested, or otherwise subjected to exploitation of a sexual matter.

In 18 USC 3509, the term ''child abuse'' is defined to mean the physical or mental injury, sexual abuse, exploitation, or negligent treatment of a child.

So I believe the term is very clearly in law defined to include sexual abuse, but I think the gentlewoman's purpose here as she stated it is to make it clear that anyone reading the words that we publish today in this legislation, especially those who are caseworkers on matters of child abuse, will look further and make sure they look for sexual abuse as well. And to that end I compliment her for it and I support her amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this bill, the Child Abuse Prevention and Enforcement Act, and commend my friends the gentlewoman from Ohio (Ms. PRYCE), the gentlewoman from Ohio (Mrs. JONES), the gentlewoman from Texas (Ms. JACKSON-LEE), and the gentleman from Florida (Mr. MCCOLLUM) and many others for their work in bringing this important issue to the floor today.

This is an important bill in the fight to end the cycle of violence in America's homes. In my State of New York, my home State of New York, a child is reported abused or neglected every 2 minutes. Two thousand children die each year as a result of abuse or neglect.

To make matters even worse, many of these young people will grow up to abuse their children and the cycle will continue. That is why this bill is so important. It will put needed resources in places to help those children who need help the most. It will stress prevention which is very, very important in breaking the cycle of violence. It will double the funding used to train child protective service workers and court-appointed special advocates. A very important component of this bill allows grant money to be used to purchase equipment, allowing abused children to testify in court through closed circuit television.

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This creates the least intimidating situation for children who are already under enormous pressure to tell their stories.

We currently have a network of one-stop, child-friendly places where all services are housed under one roof.

These Child Advocacy Centers perform life-saving work, but they need more money. According to Christine Crowder of the Child Advocacy Center in Manhattan, in the district that I represent, this bill helps children on a very basic level. It will provide a coordination of services, which is key to helping victims of child abuse.

When a child abuse case is being assessed, it is important for the social

workers and other advocates, police officers, to know about all protective orders, restraining orders, visitation orders, and guardianship orders. That is why this one-stop Child Advocacy Center is so important and the funding is so desperately needed.

I congratulate all the Members of Congress who have been working on this legislation, and I congratulate them for focusing our efforts to prevent and combat child abuse.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise to support this legislation that seeks to address the issue of child abuse and prevent it and treat it. It is a terrible problem in our society. More than anything, I want the House and the Speaker to understand the value of community-based child abuse prevention efforts, like that which exists in my hometown of Spokane, Washington.

In the mid-1980s, a group of us decided that, in order to address this growing problem, something needed to be done to have a safe place for children who are potentially abused children to go until their parents or guardians or custodians could have a chance to get the variable social services that might be available, whether it is job loss advice or alcohol abuse advice or other assistance.

So we started a group called the Vanessa Behan Crisis Nursery. It is a nonprofit charitable organization that exists today without any government funds. It is all community supported and assisted, from labor unions to community leaders, to business leaders, to social service assistance, to Junior League of Spokane and many, many others who have banded together to contribute clothing, have bought a house and converted it through the assistance of contractors and labor union tradesmen and made this house a home for children who are potentially abused children. To this day, they do not take any State or Federal money.

So my point to the Speaker and the House is that it can be done outside of the auspices of government, but there is also a challenge that the Vanessa Behan Crisis Nursery has, and its wonderful director Sue Manford in trying to have phase two of the crisis nursery be constructed, terribly expensive, terribly difficult to get more money to try to assist in this program. But it is a valuable program.

My hope would be that, as we discuss the issue of child abuse and child abuse prevention, that we think about the nonprofit charity, I believe community-based and supported operations that can go such a long way to helping solve this problem of child abuse and protection of children without the bureaucracy and the strings that are attached many, many times to government money.

So I would hope that my colleagues, the gentleman from Florida (Mr. MCCOLLUM) and the gentlewoman from Texas (Ms. JACKSON-LEE) and others, the gentlewoman from Ohio (Ms. PRYCE) especially would think carefully about making money available to community-based organizations for proper purposes and with accountability but without so many strings attached and so much Federal or State control over what happens to the money once it gets there.

Accountability is a good thing. It has to be. But at least the crisis nursery thus far has rejected Federal funds application or State funds application for just that reason. It is burdensome and creates more problems sometimes than it is worth.

But I really think that the model that is established through the Vanessa Behan Crisis Nursery in Spokane, I think it is the only one in our entire State that has addressed this issue of child abuse prevention. It is a safe haven respite care facility for kids, young children who are the subject of abuse or potential abuse. But it may be temporary.

It is an opportunity for the parents of these kids or the custodians or guardians to get out and get some social services help, which I think probably will be help in this bill as well.

So I commend my colleagues to this model, to the great success of the crisis nursery in Spokane, Washington, and I suggest that those who may be interested in this look to the crisis nursery as an example of what can be done in a nongovernmental charitable community-based organizational way.

With that, I will support this bill, and I thank the gentleman from Florida (Mr. MCCOLLUM) and others who work so hard to make this concept of child abuse a prominent one and prevent the child abuse that exists so much in our country today.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this great piece of legislation. Again, I would like to thank my colleagues, the gentlewoman from Ohio (Ms. PRYCE), the gentlewoman from Ohio (Mrs. JONES), and especially the gentlewoman from Texas (Ms. JACKSON-LEE), the amendment that I speak to now.

Sexual abuse of children is a harsh fact of life in our society, Mr. Chairman. It is more common than most people realize. Some surveys say that at least one out of five adult women and one out of 10 adult men report having had sexual abuse in childhood.

I would like to just give my colleagues an example, Mr. Chairman, of when I was a teacher and this young woman came to school. She was dressed in clothes, just like any other child would be, very nicely dressed; but deep down within, I saw a sadness in her eyes.

When I attempted to talk with her, she started crying. I could not get her to divulge at that time what had actually happened. It was several days before I could draw from her that she had been sexually abused.

Now we talk about abuse in all of the forms that I said earlier that, every minute, a child is abused or neglected in the State of California. But here we are talking about sexual abuse, something that is hard to detect, because it is not a visual thing, per se, not until one has been able to get that child to really talk out and speak out on what has happened.

We also recognize, Mr. Chairman, that the majority of the children who have been abused were abused by people whom they knew. The victims usually know the offender in eight out of 10 reported cases.

When we got to the bottom of this case, Mr. Chairman, we detected that this child had been abused by an uncle, an adult male in the family. She did not want to tell this because she really did not want to divulge something that would hurt the family, though she was hurt.

We must do all that we can to train and teach parents to know when perhaps something is wrong with their child and the child has been sexually abused.

Abuse in all other forms tends to be detected earlier than that of sexual abuse. So, Mr. Chairman, the American Academy of Pediatrics believe that parents need not feel frightened or helpless about this problem, and they provide the following information: One must teach one's child about the privacy of his or her body parts; listen to the child to ensure that, if something is wrong and it is difficult for them to bring this out, for one to really draw and continue to give them that support; giving one's child enough time and attention where he or she will divulge this; know one's child and what type of time is being spent with her; check one's child to make sure there is nothing wrong physically; talk to one's child about sexual abuse; let them know that even, yes, surely someone in the family could abuse them sexually; and then have them to tell somebody in authority when this has happened.

We cannot, Mr. Chairman, continue to allow our young children to be sexually abused because it does, as it has been said, go on into adulthood, and then they, too, become an abuser.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, I appreciate the gentlewoman's personal stories as an educator. I appreciate the comments of the gentleman from Florida (Mr. MCCOLLUM). The reason for emphasizing sexual abuse is to note that children may be sexually abused by family members or nonfamily members and are more frequently abused by males, but boys and girls are victimized. One is not more than the other.

The key of this is to give an extra added emphasis tool, if you will, not exclusionary tool, to these child abuse investigators to remember that sexual

abuse can be the silent abuse, that one really must have to investigate very thoroughly.

Ms. MILLENDER-MCDONALD. Mr. Chairman, reclaiming my time, I would like to say the gentlewoman from Texas (Ms. JACKSON-LEE) has said it all. I support her amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 321, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MRS. JONES OF OHIO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mrs. JONES of Ohio. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. JONES of Ohio to the amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Page 2, line 17, strike ''Section'' and insert ''(a) IN GENERAL.—Section''.

Page 3, after line 6, insert the following:

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

Mrs. JONES of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. Mr. Chairman, my amendment is simple and straightforward. It strengthens the underlying bill and manager's amendment by ensuring that any increase in funding provided for under the bill will not be prejudiced by any dollar cap imposed on the victims of crime fund. This will help to ensure that Congress will not attempt to balance the budget on the backs of crime victims in general and victims of sexual abuse in particular.

I wish I was not forced to offer this amendment, but I must do so because I fear that some will attempt to tap into money which will otherwise be available to assist in criminal enforcement and compensate crime victims. As a matter of fact, the Commerce, Justice, State appropriations bill, which has recently passed this House, would have us cap the amount of money available to crime victims at $500 million in a futile effort to balance the budget.

I have some concern that any caps imposed by Congress could threaten the stream of victims compensation payments. As a matter of fact, in 1996, the needs of crime victims were so great that we expended funds in excess of the proposed cap.

To victim advocates such as myself, maximizing the stream of victim assistance grants through the Victims of Crime Act is of the utmost importance, given the many large gaps in victims services found in most communities today.

We should never allow any cap to limit the amount of funds available for the prosecution of child abuse cases. This is why the amendment is supported by victims groups such as the National Organization for Victims Assistance. My amendment guarantees that this bill will take full and immediate effect regardless of any gap.

If my colleagues support victims of crime in general and child abuse victims in particular, they should support this amendment. I urge Members on both sides of the aisle to join me in supporting this amendment.

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I want to thank the gentlewoman from Ohio for the amendment and say it is agreeable to me, and I am more than happy to accept the amendment she is offering. It is a perfecting amendment, as I understand it.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman from Florida for his support and encouragement.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the gentlewoman from Ohio for a very astute amendment. Without resources, we cannot do our job. I will be happy to support the amendment, and I congratulate the gentlewoman for her effort and vision.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Mrs. JONES) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mrs. JONES of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 321, further proceedings on the amendment offered by the gentlewoman from Ohio (Mrs. JONES) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM) will be postponed.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALLAHAN) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes, had come to no resolution thereon.

## PERSONAL EXPLANATION

Mr. DOYLE. Mr. Speaker, on October 4, I was unavoidably detained and missed rollcall votes 470, 471, 472, and 473. Had I been present, I would have voted ''yes'' on all four votes.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:30 p.m.

Accordingly (at 4 p.m.), the House stood in recess until approximately 4:30 p.m.

☐ 1636

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at 4 o'clock and 36 minutes p.m.

## CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 321 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 764.

☐ 1637

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes, with Mr. BLUNT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Mrs. JONES) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM) had been postponed and the bill was open for amendment at any point.

Are there further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 321, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM); amendment offered by the gentlewoman from Ohio (Mrs. JONES) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 10, as follows:

[Roll No. 477]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Blumenauer
Boucher
Jefferson
LaHood
Mascara
McKinney
Meeks (NY)
Moore
Scarborough
Waters

☐ 1658

Mr. PAUL changed his vote from ''no'' to ''aye.''

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 321, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MRS. JONES OF OHIO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Mrs. JONES) to the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 389, noes 32, not voting 12, as follows:

[Roll No. 478]

AYES—389

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell

Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—32

Archer
Barr
Burton
Campbell
Chabot
Chenoweth-Hage
Coble
Collins
Deal
Doolittle
Everett
Goode
Hefley
Herger
Hostettler
Hunter
Kingston
Largent
Lewis (KY)
Linder
Manzullo
Paul
Porter
Riley
Sanford
Schaffer
Shadegg
Souder
Stearns
Stump
Tancredo
Watts (OK)

NOT VOTING—12

Blumenauer
Ganske
Goodling
Hutchinson
Jefferson
Jones (NC)
LaHood
Mascara
McKinney
Meeks (NY)
Scarborough
Taylor (NC)

□ 1706

Mr. HERGER changed his vote from ''aye'' to ''no.''

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. MCCOLLUM), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes, pursuant to House Resolution 321, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PRYCE of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 425, noes 2, not voting 7, as follows:

[Roll No. 479]

AYES—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)

| | | |
|---|---|---|
| Quinn | Sherman | Thurman |
| Radanovich | Sherwood | Tiahrt |
| Rahall | Shimkus | Tierney |
| Ramstad | Shows | Toomey |
| Rangel | Shuster | Towns |
| Regula | Simpson | Traficant |
| Reyes | Sisisky | Turner |
| Reynolds | Skeen | Udall (CO) |
| Riley | Skelton | Udall (NM) |
| Rivers | Slaughter | Upton |
| Rodriguez | Smith (MI) | Velazquez |
| Roemer | Smith (NJ) | Vento |
| Rogan | Smith (TX) | Visclosky |
| Rogers | Smith (WA) | Vitter |
| Rohrabacher | Snyder | Walden |
| Ros-Lehtinen | Souder | Walsh |
| Rothman | Spence | Wamp |
| Roukema | Spratt | Waters |
| Roybal-Allard | Stabenow | Watkins |
| Royce | Stark | Watt (NC) |
| Rush | Stearns | Watts (OK) |
| Ryan (WI) | Stenholm | Waxman |
| Ryun (KS) | Strickland | Weiner |
| Sabo | Stump | Weldon (FL) |
| Salmon | Stupak | Weldon (PA) |
| Sanchez | Sununu | Weller |
| Sanders | Sweeney | Wexler |
| Sandlin | Talent | Weygand |
| Sanford | Tancredo | Whitfield |
| Sawyer | Tanner | Wicker |
| Saxton | Tauscher | Wilson |
| Schaffer | Tauzin | Wise |
| Schakowsky | Taylor (MS) | Wolf |
| Scott | Taylor (NC) | Woolsey |
| Sensenbrenner | Terry | Wu |
| Serrano | Thomas | Wynn |
| Sessions | Thompson (CA) | Young (AK) |
| Shadegg | Thompson (MS) | Young (FL) |
| Shaw | Thornberry | |
| Shays | Thune | |

NOES—2

| | |
|---|---|
| Chenoweth-Hage | Paul |

NOT VOTING—7

| | | |
|---|---|---|
| Blumenauer | LaHood | Scarborough |
| Fletcher | McKinney | |
| Jefferson | Meeks (NY) | |

□ 1725

Mr. SANFORD changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONFERENCE REPORT ON H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

Mr. CALLAHAN. Mr. Speaker, pursuant to House Resolution 307, I call up the conference report on the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 27, 1999, at page H8831).

The SPEAKER pro tempore. The gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. CALLAHAN).

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2606, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

This matter that we are addressing now is something that has been discussed for a great many months. During the rule we talked about the amount of money. True, it is $2 billion below what the President requested. True, it is less than last year. But it is all the money that we can afford under the circumstances this year.

So I ask the Members to consider where we are and what we are offering, and that is an opportunity for the administration to have an effective foreign policy capability with the monies that are available without increasing taxes. The President has suggested that we increase taxes to meet these new needs. This Congress, Mr. Speaker, is not going to do that, and I think both sides of the aisle as well as the President recognize that.

So we are not going to include any new taxes. This Congress has said that we are going to live within the budget caps so we are not going to break the budget caps. This Congress is not going to interfere with the ability that we fund adequately Social Security. So we are not going to break Social Security. We are going to cut foreign aid below the President's request, cut foreign aid below last year. I think it is a responsible thing to do because this is the very thing we are asking Americans to understand in every domestic policy that we have facing us.

So we have a good bill. We have worked in a bipartisan fashion to bring together a bill that recognizes and facilitated the needs of most every Member of Congress that came before us. They came and they asked for assistance to Africa. We increased the assistance to Africa. They came and they asked that we increase child survival. Mr. Speaker, I created the child survival account so I willingly went along with the gentlewoman from California to increase child survival to $700 million, a great step in the right direction.

We tried to hold down on earmarks where we would not hamstring the administration into having to spend money in areas that they did not want to. So we removed most all of the earmarks. We have given them a responsible piece of legislation that affords the President and the Secretary of State to have an effective capability of running the State Department and running our foreign policy.

So we have a good bill, no one disputes that. The only argument that we are going to hear this afternoon is, Mr. Speaker, it is not enough money. But keep in mind, it is not uncommon for this Congress, in fact to the best of my recollection, in every Congress for the last 25 years, the Congress has reduced the President's request. This request is lower than his request, and I am sorry, Mr. President, but we do not have any more money. We are not going to raise taxes; we are not going to take it out of the national defense.

## H.R. 2606 - FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000

(Amounts in thousands)

| | FY 1999 Enacted | FY 2000 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| TITLE I - EXPORT AND INVESTMENT ASSISTANCE | | | | | | |
| EXPORT-IMPORT BANK OF THE UNITED STATES | | | | | | |
| Subsidy appropriation | 765,000 | 839,000 | 759,000 | 785,000 | 759,000 | -6,000 |
| Emergency funding (by transfer) | (10,000) | | | | | (-10,000) |
| (Direct loan authorization) | (1,333,000) | (1,687,000) | (1,350,000) | (1,333,000) | (1,350,000) | (+17,000) |
| (Guaranteed loan authorization) | (12,702,000) | (13,825,000) | (10,400,000) | (10,500,000) | (10,400,000) | (-2,302,000) |
| Administrative expenses | 50,000 | 57,000 | 55,000 | 55,000 | 55,000 | +5,000 |
| Y2K conversion (emergency funding) | 400 | | | | | -400 |
| Negative subsidy | -25,000 | -15,000 | -15,000 | -15,000 | -15,000 | +10,000 |
| Total, Export-Import Bank of the United States | 790,400 | 881,000 | 799,000 | 825,000 | 799,000 | +8,600 |
| OVERSEAS PRIVATE INVESTMENT CORPORATION | | | | | | |
| Noncredit account: | | | | | | |
| Administrative expenses | 32,500 | 35,000 | 35,000 | 31,500 | 35,000 | +2,500 |
| Y2K conversion (emergency funding) | 840 | | | | | -840 |
| Insurance fees and other offsetting collections | -260,000 | -303,000 | -303,000 | -303,000 | -303,000 | -43,000 |
| Direct loans: | | | | | | |
| Loan subsidy | 4,000 | 14,000 | 10,500 | 14,000 | 14,000 | +10,000 |
| (Loan authorization) | (136,000) | (130,000) | (85,000) | (100,000) | (130,000) | (-6,000) |
| Guaranteed loans: | | | | | | |
| Loan subsidy | 46,000 | 10,000 | 10,000 | 10,000 | 10,000 | -36,000 |
| (Loan authorization) | (1,750,000) | (1,000,000) | (850,000) | (1,000,000) | (1,000,000) | (-750,000) |
| Y2K conversion (emergency funding) | 1,260 | | | | | -1,260 |
| Total, Overseas Private Investment Corporation | -175,400 | -244,000 | -247,500 | -247,500 | -244,000 | -68,600 |
| TRADE AND DEVELOPMENT AGENCY | | | | | | |
| Trade and development agency | 44,000 | 48,000 | 44,000 | 43,000 | 44,000 | |
| Total, title I, Export and investment assistance | 659,000 | 685,000 | 595,500 | 620,500 | 599,000 | -60,000 |
| (Loan authorizations) | (15,921,000) | (16,642,000) | (12,685,000) | (12,933,000) | (12,880,000) | (-3,041,000) |
| TITLE II - BILATERAL ECONOMIC ASSISTANCE | | | | | | |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| Agency for International Development | | | | | | |
| Child survival and disease programs fund | 650,000 | 555,000 | 685,000 | | 715,000 | +65,000 |
| UNICEF | | | | (105,000) | (110,000) | (+110,000) |
| Emergency funding | 50,000 | | | | | -50,000 |
| Development assistance | 1,225,000 | 780,440 | 1,201,000 | 1,928,500 | 1,228,000 | +3,000 |
| Transfer out - UNICEF | | | | (-105,000) | | |
| Central America and the Caribbean Emergency Disaster Recovery Fund (Emergency Funding) | 621,000 | | | | | -621,000 |
| Emergency funding (transfer out) | (-17,000) | | | | | (+17,000) |
| Development Fund for Africa | | 512,560 | | | | |
| International disaster assistance | 200,000 | 220,000 | 200,880 | 175,000 | 175,880 | -24,120 |
| Emergency funding | 188,000 | | | | | -188,000 |
| Micro & Small Enterprise Development program account: | | | | | | |
| Subsidy appropriation | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | |
| (Direct loan authorization) | (1,000) | | | | | (-1,000) |
| (Guaranteed loan authorization) | (40,000) | (30,000) | (30,000) | (40,000) | (30,000) | (-10,000) |
| Administrative expenses | 500 | 500 | 500 | 500 | 500 | |
| Urban and environmental credit program account: | | | | | | |
| Subsidy appropriation | 1,500 | 3,000 | | 1,500 | 1,500 | |
| (Guaranteed loan authorization) | (14,000) | (26,000) | | (14,000) | (14,000) | |
| Administrative expenses | 5,000 | 5,000 | 5,000 | 4,000 | 5,000 | |
| Development credit authority program account: | | | | | | |
| (By transfer) | | (15,000) | | (7,500) | (3,000) | (+3,000) |
| (Guaranteed loan authorization) | | (200,000) | | | (40,000) | (+40,000) |
| Subtotal, development assistance | 2,942,500 | 2,078,000 | 2,093,880 | 2,111,000 | 2,127,380 | -815,120 |
| Payment to the Foreign Service Retirement and Disability Fund | 44,552 | 43,837 | 43,837 | 43,837 | 43,837 | -715 |
| Operating expenses of the Agency for International Development | 479,950 | 507,739 | 479,950 | 495,000 | 495,000 | +15,050 |
| Emergency funding (by transfer) | (8,000) | | | | | (-8,000) |
| Y2K conversion (emergency funding) | 10,200 | | | | | -10,200 |
| Operating expenses of the Agency for International Development Office of Inspector General | 30,750 | 25,261 | 25,000 | 25,000 | 25,000 | -5,750 |
| Emergency funding (by transfer) | (1,500) | | | | | (-1,500) |
| Total, Agency for International Development | 3,507,952 | 2,654,837 | 2,642,667 | 2,674,837 | 2,691,217 | -816,735 |

## H.R. 2606 - FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

| | FY 1999 Enacted | FY 2000 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| Other Bilateral Economic Assistance | | | | | | |
| Economic support fund: | | | | | | |
| Camp David countries | 1,855,000 | 1,645,000 | 1,695,000 | 1,695,000 | 1,695,000 | -160,000 |
| Other | 512,000 | 894,000 | 532,000 | 500,000 | 482,000 | -30,000 |
| Rescission | -5,000 | | | | | +5,000 |
| Subtotal, Economic support fund | 2,362,000 | 2,539,000 | 2,227,000 | 2,195,000 | 2,177,000 | -185,000 |
| Emergency funding | 211,500 | | | | | -211,500 |
| Emergency funding (transfer out) | (-3,770) | | | | | (+3,770) |
| International Fund for Ireland | 19,600 | | 19,600 | | 19,600 | |
| Assistance for Eastern Europe and the Baltic States | 430,000 | 393,000 | 393,000 | 535,000 | 535,000 | +105,000 |
| Emergency funding | 120,000 | | | | | -120,000 |
| Assistance for the Independent States of the former Soviet Union | 801,000 | 1,032,000 | 725,000 | 780,000 | 735,000 | -66,000 |
| Emergency funding | 46,000 | | | | | -46,000 |
| Total, Other Bilateral Economic Assistance | 3,990,100 | 3,964,000 | 3,364,600 | 3,510,000 | 3,466,600 | -523,500 |
| INDEPENDENT AGENCIES | | | | | | |
| Inter-American Foundation | | | | | | |
| Appropriation | | 22,300 | | | | |
| (By transfer) | (20,000) | | (5,000) | (18,000) | (5,000) | (-15,000) |
| Total | (20,000) | (22,300) | (5,000) | (18,000) | (5,000) | (-15,000) |
| African Development Foundation | | | | | | |
| Appropriation | | 14,400 | | | | |
| (By transfer) | (11,000) | | (14,400) | (12,500) | (14,400) | (+3,400) |
| Y2K conversion (emergency funding) | 137 | | | | | -137 |
| Total | (11,137) | (14,400) | (14,400) | (12,500) | (14,400) | (+3,263) |
| Peace Corps | | | | | | |
| Appropriation | 240,000 | 270,000 | 240,000 | 220,000 | 235,000 | -5,000 |
| Emergency funding (by transfer) | (1,769) | | | | | (-1,769) |
| Department of State | | | | | | |
| International narcotics control and law enforcement | 261,000 | 295,000 | 285,000 | 215,000 | 285,000 | +24,000 |
| Emergency funding | 255,600 | | | | | -255,600 |
| Migration and refugee assistance | 640,000 | 660,000 | 640,000 | 610,000 | 625,000 | -15,000 |
| Emergency funding | 266,000 | | | | | -266,000 |
| United States Emergency Refugee and Migration Assistance Fund | 30,000 | 30,000 | 30,000 | 20,000 | 12,500 | -17,500 |
| Emergency funding | 165,000 | | | | | -165,000 |
| Nonproliferation, anti-terrorism, demining and related programs | 198,000 | 231,000 | 181,630 | 175,000 | 181,600 | -16,400 |
| Emergency funding | 20,000 | | | | | -20,000 |
| National Commission on Terrorism | 840 | | | | | -840 |
| U.S. Commission on International Religious Freedom | 3,000 | | | | | -3,000 |
| Total, Department of State | 1,839,440 | 1,216,000 | 1,136,630 | 1,020,000 | 1,104,100 | -735,340 |
| Department of the Treasury | | | | | | |
| International affairs technical assistance | 3,000 | 8,500 | 1,500 | 1,500 | 1,500 | -1,500 |
| Debt restructuring | 33,000 | 120,000 | 33,000 | 43,000 | 33,000 | |
| Emergency funding | 41,000 | | | | | -41,000 |
| United States community adjustment and investment program | 10,000 | 17,000 | | | | -10,000 |
| Subtotal, Department of the Treasury | 87,000 | 145,500 | 34,500 | 44,500 | 34,500 | -52,500 |
| Total, title II, Bilateral economic assistance | 9,664,629 | 8,287,037 | 7,418,397 | 7,469,337 | 7,531,417 | -2,133,212 |
| Appropriations | (7,675,192) | (8,287,037) | (7,418,397) | (7,469,337) | (7,531,417) | (-143,775) |
| Emergency funding | (1,994,437) | | | | | (-1,994,437) |
| Rescission | (-5,000) | | | | | (+5,000) |
| (By transfer) | (10,230) | (15,000) | (19,400) | (38,000) | (22,400) | (+12,170) |
| (By transfer) (emergency appropriations) | (11,269) | | | | | (-11,269) |
| (Loan authorizations) | (55,000) | (256,000) | (30,000) | (54,000) | (84,000) | (+29,000) |

## H.R. 2606 - FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

| | FY 1999 Enacted | FY 2000 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| TITLE III - MILITARY ASSISTANCE | | | | | | |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| International Military Education and Training | 50,000 | 52,000 | 45,000 | 50,000 | 50,000 | ..... |
| Foreign Military Financing Program: | | | | | | |
| Grants: | | | | | | |
| Camp David countries | 3,160,000 | 3,220,000 | 3,220,000 | 3,220,000 | 3,220,000 | +60,000 |
| Other | 170,000 | 560,000 | 250,000 | 190,000 | 200,000 | +30,000 |
| Subtotal, grants | 3,330,000 | 3,780,000 | 3,470,000 | 3,410,000 | 3,420,000 | +90,000 |
| (Limitation on administrative expenses) | (29,910) | (30,000) | (30,495) | (30,000) | (30,495) | (+585) |
| Direct loans: | | | | | | |
| Subsidy appropriation | 20,000 | ..... | ..... | ..... | ..... | -20,000 |
| (Loan authorization) | (167,000) | ..... | ..... | ..... | ..... | (-167,000) |
| FMF program level | (3,497,000) | (3,780,000) | (3,470,000) | (3,410,000) | (3,420,000) | (-77,000) |
| Total, Foreign Military Financing | 3,350,000 | 3,780,000 | 3,470,000 | 3,410,000 | 3,420,000 | +70,000 |
| Emergency funding | 50,000 | ..... | ..... | ..... | ..... | -50,000 |
| Special Defense Acquisition Fund: | | | | | | |
| Offsetting collections | -19,000 | -6,000 | -6,000 | -6,000 | -6,000 | +13,000 |
| Peacekeeping operations | 76,500 | 130,000 | 76,500 | 80,000 | 78,000 | +1,500 |
| Total, title III, Military assistance | 3,507,500 | 3,956,000 | 3,585,500 | 3,534,000 | 3,542,000 | +34,500 |
| (Limitation on administrative expenses) | (29,910) | (30,000) | (30,495) | (30,000) | (30,495) | (+585) |
| (Loan authorization) | (167,000) | ..... | ..... | ..... | ..... | (-167,000) |
| TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE | | | | | | |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| International Financial Institutions | | | | | | |
| World Bank Group | | | | | | |
| Contribution to the International Bank for Reconstruction and Development: | | | | | | |
| Global Environment Facility | 192,500 | 143,333 | 50,000 | 25,000 | 35,800 | -156,700 |
| Rescission | -25,000 | ..... | ..... | ..... | ..... | +25,000 |
| Subtotal, Global Environment Facility | 167,500 | 143,333 | 50,000 | 25,000 | 35,800 | -131,700 |
| Contribution to the International Development Association | 800,000 | 803,430 | 568,600 | 776,600 | 625,000 | -175,000 |
| Contribution to Multilateral Investment Guarantee Agency | ..... | 10,000 | ..... | 10,000 | 4,000 | +4,000 |
| (Limitation on callable capital subscriptions) | ..... | (50,000) | ..... | (50,000) | (20,000) | (+20,000) |
| Total, World Bank Group | 967,500 | 956,763 | 618,600 | 811,600 | 664,800 | -302,700 |
| Contribution to the Inter-American Development Bank: | | | | | | |
| Paid-in capital | 25,611 | 25,611 | 25,611 | 25,611 | 25,611 | ..... |
| (Limitation on callable capital subscriptions) | (1,503,719) | (1,503,719) | (1,503,719) | (1,503,719) | (1,503,719) | ..... |
| Fund for special operations | 21,152 | ..... | ..... | ..... | ..... | -21,152 |
| Contribution to the Inter-American Investment Corporation | ..... | 25,000 | ..... | ..... | ..... | ..... |
| Contribution to the Enterprise for the Americas Multilateral Investment Fund | 50,000 | 28,500 | ..... | ..... | ..... | -50,000 |
| Total, contribution to the Inter-American Development Bank | 96,763 | 79,111 | 25,611 | 25,611 | 25,611 | -71,152 |
| Contribution to the Asian Development Bank: | | | | | | |
| Paid-in capital | 13,222 | 13,728 | 13,728 | 13,728 | 13,728 | +506 |
| (Limitation on callable capital subscriptions) | (647,858) | (672,745) | (672,745) | (672,745) | (672,745) | (+24,887) |
| Contribution to the Asian Development Fund | 210,000 | 177,017 | 100,000 | 50,000 | 77,000 | -133,000 |
| Total, contribution to the Asian Development Bank | 223,222 | 190,745 | 113,728 | 63,728 | 90,728 | -132,494 |
| Contribution to the African Development Bank: | | | | | | |
| Paid-in capital | ..... | 5,100 | ..... | 5,100 | 1,000 | +1,000 |
| (Limitation on callable capital subscriptions) | ..... | (80,000) | ..... | ..... | (16,000) | (+16,000) |
| Contribution to the African Development Fund | 128,000 | 127,000 | 108,000 | ..... | 77,000 | -51,000 |
| Contribution to the European Bank for Reconstruction and Development: | | | | | | |
| Paid-in capital | 35,779 | 35,779 | 35,779 | 35,779 | 35,779 | ..... |
| (Limitation on callable capital subscriptions) | (123,238) | (123,238) | (123,238) | (123,238) | (123,238) | ..... |
| Total, International Financial Institutions | 1,451,264 | 1,394,498 | 901,718 | 941,818 | 894,918 | -556,346 |
| (Limitation on callable capital subscript) | (2,274,815) | (2,429,702) | (2,299,702) | (2,349,702) | (2,335,702) | (+60,887) |

## H.R. 2606 - FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

| | FY 1999 Enacted | FY 2000 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| International Organizations and Programs | | | | | | |
| Appropriation | 187,000 | 293,000 | 167,000 | 170,000 | 170,000 | -17,000 |
| (By transfer) | (2,500) | (2,500) | (2,500) | (2,500) | (2,500) | ..... |
| Total, title IV, Multilateral economic assistance | 1,638,264 | 1,687,498 | 1,068,718 | 1,111,818 | 1,064,918 | -573,346 |
| Appropriations | (1,663,264) | (1,687,498) | (1,068,718) | (1,111,818) | (1,064,918) | (-598,346) |
| Rescission | (-25,000) | ..... | ..... | ..... | ..... | (+25,000) |
| (By transfer) | (2,500) | (2,500) | (2,500) | (2,500) | (2,500) | ..... |
| (Limitation on callable capital subscript) | (2,274,815) | (2,429,702) | (2,299,702) | (2,349,702) | (2,335,702) | (+60,887) |
| TITLE VI | | | | | | |
| FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| International Monetary Programs | | | | | | |
| Loans to International Monetary Fund | 3,361,000 | ..... | ..... | ..... | ..... | -3,361,000 |
| United States Quota, International Monetary Fund | 14,500,000 | ..... | ..... | ..... | ..... | -14,500,000 |
| Total, International Monetary Programs | 17,861,000 | ..... | ..... | ..... | ..... | -17,861,000 |
| Grand total | 33,330,393 | 14,615,535 | 12,668,115 | 12,735,655 | 12,737,335 | -20,593,058 |
| Appropriations | (31,313,456) | (14,615,535) | (12,668,115) | (12,735,655) | (12,737,335) | (-18,576,121) |
| Emergency appropriations | (2,046,937) | ..... | ..... | ..... | ..... | (-2,046,937) |
| Rescission | (-30,000) | ..... | ..... | ..... | ..... | (+30,000) |
| (By transfer) | (12,730) | (17,500) | (21,900) | (40,500) | (24,900) | (+12,170) |
| (By transfer) (emergency appropriations) | (21,269) | ..... | ..... | ..... | ..... | (-21,269) |
| (Limitation on administrative expenses) | (29,910) | (30,000) | (30,495) | (30,000) | (30,495) | (+585) |
| (Limitation on callable capital subscript) | (2,274,815) | (2,429,702) | (2,299,702) | (2,349,702) | (2,335,702) | (+60,887) |
| (Loan authorizations) | (16,143,000) | (16,898,000) | (12,715,000) | (12,987,000) | (12,964,000) | (-3,179,000) |
| CONGRESSIONAL BUDGET RECAP | | | | | | |
| Total mandatory and discretionary | 31,246,456 | 14,615,535 | 12,668,115 | 12,735,655 | 12,737,335 | -18,509,121 |
| Mandatory | 44,552 | 43,837 | 43,837 | 43,837 | 43,837 | -715 |
| Discretionary | 31,201,904 | 14,571,698 | 12,624,278 | 12,691,818 | 12,693,498 | -18,508,406 |

□ 1730

We are not going to break the caps, and we are not going to touch Social Security. That is our position.

We received a letter today from AIPAC, the Jewish lobby who is so interested in helping our ally, Israel. AIPAC is supportive of this bill. We have provided, I think, as best we can; and certainly the Armenian people feel like we have provided adequately for them under the circumstances.

Everybody would like to have more money. But more money is not available for everybody. We can recommend to the White House some things they might do. The President might stop going to places like Africa with 1,700 people with him, spending $47 million of taxpayers' money. We might save some money in areas like that.

I suggested earlier, Mr. Speaker, that we might impose a visitors' tax on the White House, not for American citizens, but for foreign dignitaries who come to the White House and are greeted with a royal dinner there.

Then after dinner, they all sit around with a glass of wine, and they toast one another, and they talk about what great friends we are. Inevitably, the President of the United States promises them some more money and then calls it an obligation that we, the Members of Congress, who have the responsibility of appropriating the monies that are available to us, must then decide on whether or not it is merited.

So we have a good bill. We have a bipartisan drafted bill. We have a good bill for the administration, because it gives them the flexibility that he needs, and it does not raise taxes, does not hurt Social Security, does not take away from the national defense.

I urge my colleagues to vote for the conference report.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. PELOSI), the ranking member, for yielding me this time.

Having recently returned from Israel, Lebanon, and the Palestinian Authority, I wish to urge the House to consider the great opportunity before us to use American food surpluses as a tool to build stability in the Middle East and aid in sustaining the peace process.

Mr. Speaker, as we debate the fiscal year 2000 Foreign Operations Appropriations conference report, I wish to focus the attention to the House on a nation in the Middle East is rarely mentioned on this floor, Lebanon. There are strong historical ties between the Lebanese people and the American people—ties that have been repeatedly reinforced by new generations of Lebanese who have immigrated to the United States.

Moreover, Mr. Speaker, as we, hopefully, move toward a lasting and just peace in the Middle East, we must recognize the importance of regional stability for the maintenance of that peace. Lebanon is critical to that stability. The pro-market orientation of Lebanon's economy has not alone been sufficient to create economic health in that country. The Lebanese people are struggling to rebuild a society and infrastructure devastated by 15 years of civil war.

We now have an opportunity to assist by allocating U.S. surplus commodities to Lebanon and allowing the proceeds of the sale of these commodities to be invested in medium and long-term development projects in that country.

A preliminary assessment by the Faculty of Agriculture and Food Security at the American University of Beirut suggests that commodities such as corn, soybeans, alfalfa, rice, and red meats would be well suited to the country's needs and circumstances. These commodities have high water requirements and are therefore not produced in water-scarce Lebanon.

Agriculture is an important sector in the Lebanese economy, and there are many areas in which its economic performance could be improved by investments in irrigation networks, an agricultural extension service, modern agricultural processing and marketing systems, scholarships, or endowments for agricultural science, establishment of a land resource database, or many other investments important to developing an agricultural economy.

Mr. Speaker, I urge the House to consider the importance of Lebanon to a long-lasting Middle East peace and urge the Departments of State and Agriculture to think creatively about ways to use American agricultural surpluses to sustain the peace process.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the conference report. As I have said earlier in the day, I do so with great regret, because I had hoped that, in the course of the legislative process, we would be able to come up with a bill that would meet the needs that we have as a leader in the world as well as one that addressed our concerns about export finance and helping to promote U.S. products abroad.

I do this, though, with great admiration and commendation to the distinguished gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Agencies. He did the best that he could with what he had, and that was not much. It was not enough. But he did have a balanced set of priorities in the bill that he did right.

I take issue, though, with what has been said here in this discussion so far and earlier when we debated the rule. It has been said that there is not going to be any more money for foreign aid because the Democrats want to take money from the Social Security fund to spend it on foreign aid.

The gentleman from Alabama (Mr. CALLAHAN) and his colleagues know that that is a disingenuous proposal. The fact is that this bill would not be supported by the organization that the gentleman cited as supporting this bill unless they knew that the funding for the Wye agreement would be put before this Congress and put before this Congress soon.

So do not on the one hand tell us we do not want to spend any more money on foreign aid and then on the other hand tell the outside groups, do not worry, the money for the Wye River agreement will be in the bill, just later, so we can make a presentation that says we do not want to spend money on foreign aid. They do, and they want to take it out of one's Social Security, when they know very well that that money is going to be in this bill but at a time that will not be in time for the Wye River agreement. That is why I have a serious concern.

The commitments for the assistance to the parties made at Wye River have become even more important now given the new timetable outlined in the Sharm-El-Sheikh agreement. This agreement calls for the completion of the framework status negotiations by February of next year.

The Wye funds are targeted to fund critical activities for both Israel and the Palestinians. It would make these negotiations more viable.

There are conflicting messages, as I said, coming from the other side about whether the Wye agreement, Wye funding would occur this fall. I for one say it is very, very important for us to have the money in this bill. Let us be honest with the American people about what funding is necessary for us to honor our commitments.

There are also other cuts in the allocation that are serious in addition: Two hundred twelve million dollars or 31 percent is cut from the President's request for democratization and economic recovery programs in Africa, Latin America, and Asia that are meant to give the administration tools to respond to new threats and crises.

Five hundred million dollars is cut from international banking lending programs to the poorest countries in the world, including from IDA, the Asia America Development Bank, InterAmerican Bank, and from the environmental mitigation programs of the global environmental facility. Eighty-seven million dollars is cut from debt relief programs. The additional resources the administration requested to fund the new historic G–7 plan for debt relief has not even been considered.

Two hundred ninety-seven million dollars was cut for the New Independent States programs, severely cutting back on the funding for combined threat reduction initiative. Also cutting funds for pro-reform governments, nongovernmental democratic reforms, and nuclear threat reductions. And $80 million is cut from the request for the Ex-Im bank which helps American companies sell their products abroad.

I enumerate some of these cuts for the following reasons: Three of the pillars of our foreign policy which ensure our national security are stopping the

proliferation of weapons of mass destruction. This bill cuts the funding for that.

Promoting democratic values throughout the world so that we are dealing with democratic governments, not authoritarian regimes which attack their neighbors and oppress their people. That funding is cut from this bill.

The funding for the Ex-Im Bank. One of the pillars of our foreign policy is growing our economy by promoting our exports abroad. That funding is cut $80 million in the Ex-Im Bank alone.

When we are cooperating with other countries to help them grow their economies and promote their democracies, we are doing what is the right thing. But we are also developing markets for U.S. products abroad.

All of what we talk about in this bill is in the national interest of the United States. We are a great country. We are probably the greatest country that ever existed on the face of the earth. Yet, we act like pikers. We do not understand what our responsibilities are in the world when it comes time to living up to our responsibilities. Certainly we intend to save Social Security. We intend to save it first.

The Democrats will be second to none in saving Social Security. But do not hand this Congress and this country a bill of goods to say that my colleagues are not going to spend the money on the Wye River agreements when we know that they are. If they were not going to, there would be no way an organization like AIPAC would be supporting this bill, as the gentleman from Alabama (Chairman CALLAHAN) indicated that they were. They know they have a guarantee that that money will be there.

Well, we want it there now when it is in time for the February framework talks. We want our colleagues to be honest with this Congress about how much money will be spent.

When they do the Wye River money, are they contending that that money will be coming out of the Social Security account? If they are contending it when we are proposing it, then they have to contend it then. I do not think it is in either case.

So I encourage our colleagues to let us be honest about what we are talking about here today. Let us live up to our responsibilities. I said earlier today, the city I am proud to represent, San Francisco, was named for Saint Francis. The prayer to Saint Francis is our anthem.

The first line is familiar to my colleagues while they may not recognize its title. That is, ''Oh, Lord, make us a channel of thy peace.''

Our country can be a channel of peace in the Middle East, in the Balkans, in Northern Ireland, and other places throughout the world, but we cannot do it unless we have the resources to commit to promoting prodemocratic reform and stopping the proliferation of weapons of mass destruction. And we cannot do it unless we have the appropriate tools for the administration to carry out that great mandate that our country has.

Why should we, this great country, be about the last per capita in terms of the assistance and the cooperation we provide to other countries in the world?

So let us heed the words of John F. Kennedy who at his inauguration, my colleagues may be tired of hearing me say this, but it is my clarion call. Following his very famous statement, ''My fellow Americans, ask not what your country can do for you; ask what you can do for your country.'' The very next sentence said, ''Citizens of the world, ask not what America can do for you; but what we can do working together for the freedom of mankind.''

For the freedom of mankind, I urge my colleagues to vote against this bill until we can come back to the floor with a product that we can all be proud of, and we can all support. I urge my colleagues to vote no.

In closing, Mr. Speaker, I want to point out just how small a part of the Federal budget this foreign cooperation and assistance is. It is this little blue line in this big yellow pie.

So we are not talking about an opportunity cost for anyone in America taking money from anything else. What we are talking about is investing in a way that it rebounds to the benefit of every person in our country in terms of peace and freedom and exports abroad for America.

So I urge my colleagues to see what a small percentage, less than 1 percent, less than 1 percent, 0.68 percent of the national budget is spent on this legislation.

I urge my colleagues to vote no.

Mr. Speaker, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I might just address the chart that the gentlewoman from California (Ms. PELOSI) was talking about, that little sliver of pie. What she fails to say is that, included in our foreign aid policy is foreign assistance in the form of the military.

Every time there is a problem in the world, they call on the United States of America. They called on us in Kosovo. They called on us at Desert Storm. They called on us at Haiti. Part of that pie must be expanded.

That sliver becomes almost half the pie of our domestic spending because we utilize our military as foreign assistance to these countries who cannot afford to defend themselves, including Israel, because every time Israel is in trouble, the United States of America, where do my colleagues think we get the money for those missiles to shoot down those missiles that Saddam Hussein was shooting, that is part of our foreign assistance. No country can stand up to the United States of America when it comes to spending money to protecting and helping our allies.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I am glad to yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I appreciate the gentleman yielding. He is exactly right. Very much of the military budget is for foreign aid purposes and for foreign policy purposes. How much more expensive it is to go into an area because our foreign policy did not work.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), one of the members of our subcommittee, a man very knowledgeable in all aspects of foreign policy.

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of the conference report to H.R. 2606, the Fiscal Year 2000 Appropriations Bill for Foreign Operations, Export Financing and Related Agencies.

As a member of the subcommittee, I want to again commend the gentleman from Alabama (Chairman CALLAHAN) for the outstanding work that he has done, hard work. Shepherding an appropriations bill, particularly this bill, to the process is no easy task. Yet, he has done it with diligence and impartiality, and he has done it, frankly, with extraordinary fairness, I think; and I commend him for that.

I also, of course, want to thank the gentlewoman from California (Ms. PELOSI), the ranking member. I am disappointed that she is going to oppose this bill.

But I want to thank the staff as well who have contributed so much to bringing this bill to the floor in a shape I think that is satisfactory.

From the beginning, we have worked in a bipartisan fashion to craft a foreign operations bill that reflects our Nation's international priorities, and the chairman mentioned those, while adhering to the budget constraints that we face today.

Mr. Speaker, I would like to set the record straight on a provision in the conference report designed to prevent back-door implementation of the Kyoto Protocol.

Despite what was said during consideration of the rule, in no way does this provision prevent the United States from engaging developing countries under the UN Framework Convention on Climate Change signed by President Bush in 1992 and ratified by the Senate. Specifically, Articles 4, 6, and 17 allow voluntary measures and give developed country parties authority to engage in international education, listen carefully, international education, develop technologies, promote sustainable development, and assist vulnerable developing countries.

I point out to my colleagues that not one of these activities arises out of the Kyoto Protocol.

The funding prohibition states that no fund shall be used to implement or prepare to implement the Kyoto protocol.

□ 1745

Not one of the aforementioned diplomatic activities arising out of the U.N. Framework Convention is prevented by this prohibition.

The administration is free to engage developing countries under the U.N. Framework Convention. However, the administration cannot cross the line and engage other nations regarding ratification and implementation of the Kyoto Protocol, which the United States deems totally unworthy of ratification and implementation.

The conference report was crafted, again, in a bipartisan fashion and taking into consideration all of the views, certainly of everybody in this House. And the subcommittee, I think, has worked very well to bring all this together. We need to unite behind this fair bill that will maintain U.S. leadership and strengthen our influence across the globe.

I ask for Members certainly on the other side to rethink their thoughts about voting against this bill. We need to support this conference report.

Ms. PELOSI. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. LOWEY), a very distinguished member of the subcommittee and a champion for democracy and peace throughout the world.

Mrs. LOWEY. Mr. Speaker, I rise in opposition, reluctantly, to this conference report.

Mr. Speaker, during the August debate, I was quite clear in expressing my strong reservations about this foreign aid bill. But I voted for it, hoping that some of the most egregious funding cuts would be remedied in conference and the overall flaws in the bill would be repaired through bipartisan negotiations.

I want to commend my friend and our distinguished chairman, the gentleman from Alabama (Mr. CALLAHAN), and our ranking member and my good friend, the gentlewoman from California (Ms. PELOSI), for their hard work in crafting this bill. Despite their best efforts, however, I believe that this bill, plagued by poor funding levels from the start, still has serious problems.

The $12.6 billion measure remains $2 billion under the President's request, $1 billion below last year's level. Passing an inadequate foreign aid package will severely harm the United States' ability to maintain its position of leadership in world affairs.

And referring to the comments before of my good friend and chairman, the gentleman from Alabama (Mr. CALLAHAN), in my judgment it will be a costly mistake. Conflict and problems that could be avoided with a modest allocation today may turn into expensive crises down the road. I would think that by now we should all have learned that lesson.

Let me take a moment to highlight a few of the conference report's biggest problems, in my judgment. First, the Wye River aid package is nowhere to be found. Implementation of the Wye agreement between the Israelis and the Palestinians is now on track and steadily moving forward. Both sides have begun to act on their commitments, and we must act on ours. But we have received no commitment from the leadership to include Wye in this fiscal year. Waiting until the spring for a supplemental is just unacceptable. This is a priority of the United States foreign policy, and it should be addressed immediately. Now is a dangerous time to turn our backs on the Middle East.

Secondly, debt relief in this bill is woefully underfunded. A debt relief program for the highly indebted poorest countries is not even authorized.

To further burden the poorest of the poor, the bill cuts $175 million from the International Development Association. IDA is the primary World Bank lender on primary health care, basic education, microcredit, and a number of other critical development programs.

And in a final blow to the poorest of the poor, the bill provides $22 million less than the President's request for international organizations and programs. This will be disastrous for the United Nations Development Program, which attacks the roots of poverty by creating jobs, promoting economic growth, and providing education and basic social services. Underfunding this program will decrease our contribution to UNDP and will decrease United States leadership in this critical organization.

The list of underfunded accounts is too long to enumerate. The bill is not good for our programs in Africa, Asia, Latin America, and throughout the world.

I stated very clearly during the initial House debate on this measure that my continued support was contingent upon an increase in overall funding levels and inclusion of the Wye aid package. I had high hopes that we would craft a final package that would merit everyone's support. But, regrettably, I must oppose this measure. I think we can do better, and I think that in the interest of our national security we need to try.

I encourage my colleagues to vote ''no'' on this conference report. Let us hope we can get back together again, work in a bipartisan way, and meet our priorities. The United States is the leader of the world. And, again, I think by investing now, we are saving millions and millions of dollars later on.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of the foreign operations conference report, and I want to commend the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, the gentleman from Alabama (Mr. CALLAHAN), for performing magnificently under very difficult circumstances.

I especially commend the gentleman from Alabama for the sections in his bill on family planning. While the gentleman has differing views, this bill clearly reflects the will of the House on U.S. contribution for the U.N.'s Population Fund.

Next week, the 6 billionth person will be born on this planet. When I was born, we had just over 2 billion people. World population is growing at such a rapid pace, we will likely have to support 12 billion people before our world's population stabilizes. It is long past due that we address this problem by rejoining the UNFPA.

I also want my colleagues to know that while this bill regrettably does not have the vital Wye River Accord Middle East Peace funding, it does contain over $5 billion in current funding for our partners in the Arab-Israeli peace process. No one really doubts that Congress will eventually approve the Wye River Accord funding, which the gentleman from Alabama supports. And I am confident that that will happen. What is important to remember now is that this bill contains the full regular funding for our Israeli allies and their partners in peace.

This foreign operations appropriations legislation fully funds the administration's request to wage our war on drugs at its source and continues vital support for the International Fund for Ireland to promote economic justice at a critical point in the peace process.

I also commend the chairman and his committee for sustaining other key programs to support microenterprise development programs. These programs are the only ones that truly work in reaching the poorest of the poor throughout the world.

Moreover, this bill contains important funding to fight the spread of highly contagious tropical diseases. Our country already suffers from the AIDS epidemic that swept out of central Africa. My home State of New York now suffers from a new outbreak of encephalitis. We are going to have to fight these diseases far from our shores to prevent future outbreaks of that nature.

On the whole, this legislation is a good compromise, supporting our key allies in programs with the limited resources we have in this year's budget. We all wish we could do more, but we are also committed to protecting Social Security and other important social programs. Accordingly, I urge my colleagues to vote in support of this foreign operations appropriations legislation.

Ms. PELOSI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), the distinguished ranking Democratic member on the House Subcommittee on Domestic and

International Monetary Policy of the Committee on Banking and Financial Services.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. PELOSI) for her wonderful leadership in international relations and foreign affairs.

Mr. Speaker, I rise to speak in opposition to the conference report for H.R. 2606, the foreign operations appropriations bill for fiscal year 2000. This bill makes drastic cuts in vital foreign assistance programs and endangers the lives of millions of children and families who live in poverty in Africa and Latin America.

This conference report cuts funding for debt relief for poor countries to only $33 million. That is $87 million below the President's request. Moreover, it completely eliminates funding for the Highly Indebted Poor Countries, HIPC, initiative that provides debt relief to countries that desperately need it.

Last week, the International Monetary Fund, IMF, held its 1999 annual meeting right here in Washington, D.C. At this meeting, President Clinton announced his support for the cancellation of 100 percent of the debts owed by poor countries to the United States. As the ranking member of the Subcommittee on Domestic and International Monetary Policy of the House Committee on Banking and Financial Services, I applaud the President's decision; and I urge Congress to appropriate the funds necessary to make full debt cancellation a reality.

Many impoverished countries have been forced to make drastic cuts in essential social services, such as health and education, in order to make payments on their debts. In Tanzania, debt service payments in 1997 were equal to nine times the spending on basic health services and four times the spending on basic education. In Nicaragua, over half of the government's revenue was allocated to debt service payments in 1997. This was equivalent to 2½ times the spending on health and education combined. Now is the time for Congress to cut debt relief funding.

This inhumane conference report cuts funding for the African Development Fund to $77 million. That is $50 million below the administration's request. The African Development Fund is a vitally important program which provides low-interest loans to poor countries in Africa. Furthermore, the conference report also cuts funding for the African Development Bank, which provides market-rate loans to qualifying African countries.

The conference report also cuts refugee assistance to $625 million, which is $35 million below the administration's request. There are 6 million refugees and internally displaced people in Africa today. The United Nations High Commissioner for Refugees said recently that the world is neglecting the plight of African refugees. Now is not the time to cut funding for refugees.

I just want to say that some people who would like to make it difficult for us to get up here and be advocates for other parts of the world would have us believe that we are taking the taxpayers' money and we are literally throwing it at undeserving people. Well, I do not think that is true. We are leaders, and we should act like leaders and do the right thing by these very poor countries.

Mr. Speaker, I ask for a ''no'' vote on this conference report.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

There has been a lot of conversation about debt forgiveness for these poorer nations or developing countries. Let me tell my colleagues when that came to our attention. Two weeks ago, as we were in the middle of our conference, then the President requested that we include an additional $900 million. That was right after his trip to Africa where he took the 1,700 people with him and at the same time spent $47 million of taxpayer money entertaining his friends in Africa. Then he comes back and says we want an additional billion dollars to forgive debt.

Let me tell my colleagues where that debt came from. The World Bank loaned it to these countries. So what we are saying is, we are going to forgive these countries and pay back the World Bank. We have already given the money to the World Bank. The World Bank made a bad investment, because these people cannot repay their loans. Now we are saying let us forgive their debts and open up their books to the poor where they will be more solvent and can borrow more money.

They are not willing to say we will not borrow more money and get right back in the same shape we are in. When the people who borrowed the money that were running these countries at that time absconded, they did not spend it on the bridges; they did not spend it on health care. They took the money, and they put it in Swiss banks. So now they want us to forgive the debt. Well, maybe that would be the right way to go if they would agree not to borrow any more money.

But the point is that personifies the argument I have been making about the President's foreign policy trips. He goes overseas, and he takes 1,700 of his closest friends with him, with the taxpayers paying the bill. They go over there and hold the glasses of wine up, and the President says, relief is coming. And then he comes back and he calls me, and he tells me to include $900 million more than what I have already requested.

□ 1800

And then it becomes an obligation. All of my colleagues, my great friend the gentlewoman from California (Ms. PELOSI) and the gentlewoman from New York (Mrs. LOWEY), which are standing up saying fulfill the President's request. He just requested it a couple of weeks ago.

So how can we wait every week for the President to make another trip and come back and say, SONNY, now we need some money for Macedonia. Now we need some money for Albania. Whenever he goes, he comes back with a commitment he thinks that we must respond to.

So we can talk about all of this debt forgiveness we want. The gentlewoman from California (Ms. PELOSI) mentioned the African Development Bank, said we cut them. We did not cut them. We gave them $1 million. We got zero last year. So we actually gave them more money than we got last year. And that was at the request of the gentleman from Illinois (Mr. JACKSON). He came back, and said we need to do this. So we gave it to them. Now they are saying, That is not enough. Now we need another $2 billion.

Well, if we carry this thing over for another week or if we carry it over to October 21 when the continuing resolution comes out, good Lord, the President might make another trip and then the $2 billion he is requesting is going to turn into $3 billion. So let us go ahead and pass this thing today. Tell the President to catch up, slow down on his trips, slow down on his promises, and let us keep this budget balanced, keep Social Security intact, and maintain a strong national defense.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentleman from California (Mr. BERMAN), a leader in international relations for our country, a member of the Committee on International Relations.

Mr. BERMAN. Mr. Speaker, first of all, I would like to say that I have a great deal of affection for both the chair and the ranking member of the Subcommittee on Foreign Operations. Even as we speak, my office is seeking to facilitate one of the chairman's most recent requests.

But even though ever since Mr. CALLAHAN has become chairman of that Subcommittee on Foreign Operations, I have never before voted against a foreign operations bill or a conference report. I am compelled to do so now.

There are only two groups of people who should oppose this conference report: one are people who hate foreign aid, because this is $12.7 billion of foreign aid; the other group are the people who like foreign aid, because this bill is woefully inadequate to meet the needs we have now.

That is not the fault of the chairman. He was given an allocation. He has done as well as he could possibly have done with that allocation. But the gentlewoman from California (Ms. PELOSI), the gentlewoman from California (Ms. WATERS), and the gentlewoman from New York (Mrs. LOWEY) have all pointed out defects in this bill.

I want to focus on one particular item in the bill that is $1.9 billion less than the President requested, a cut of

more than 13 percent. We are not talking 1 percent here, 3 percent, a 13 percent cut from the President's request, a billion dollars below last year's funding level, and when we count for inflation, way below any other bill that the chairman has asked us to vote for in the past.

But on the particular issue that he has spoken about with respect to the Middle East, this bill does not meet the administration's request or the interests that are served by promoting the peace process in the Middle East. Because this bill includes no funding for the Wye plantation supplemental request of the administration.

Now, some in the leadership on the other side say, oh, well, we will do that later. And I say, when? This year? And they say, oh, no, no, not necessarily. It might be next year. And I say to not do the Wye supplemental, to not appropriate those monies before the February framework agreement is to tell both parties that America's commitments cannot be accounted on, that the sacrifices and the compromises that need to be made cannot be carried out because the funding will not be there.

Who knows what is going to happen next spring or next summer when the Republican leadership may choose to bring up a supplemental, and who knows what will be in that supplemental. This is the time to deal with it. This is when we are concluding our budget request. This accord is being implemented as the parties agree now, and we can do no less than to try to fund something that is so essential to American foreign policy interests.

I urge a no vote on the conference report.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman from California (Mr. BERMAN), who is a super guy and good friend of mine. And it has nothing to do with friendship, but I might tell my colleagues, he mentioned that there would be certain groups of people and mentioned how they ought to vote.

Let me tell my colleagues, there are some other groups of people they might consider, too. We might consider that they are the fiscally responsible group, those people who think that we ought to continue to have a surplus rather than creating another deficit as we encountered during the first, I guess, 30 years before we took charge of this House. So we have the fiscally responsible group who ought to vote for this bill because it reduces foreign aid.

Secondly, we have those of us who think that we ought to make absolutely certain that Social Security remains solvent. Who knows, we might even be able to solve the notch-baby problem if indeed we can make certain that Social Security is solvent. Who knows what the future holds there.

There are those of us who want to maintain a surplus instead of the deficit that we experienced for the 40 years before we finally, just during the last 2 or 3 years, reached this magnificent level of a surplus instead of a deficit. So there are many groups that ought to look at this bill from many different points of view.

One of them, those who want to protect Social Security, those who want to maintain a surplus instead of going back to deficit spending, those who want to protect the national defense, because one suggestion came that we take away money from the national defense and give it to foreign aid. This is a good bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Connecticut (Mr. GEJDENSON), the Democratic ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I wish I had the charm of the chairman of the committee and the grace of the gentlewoman from California. I do not.

But let me say it as plainly as I can. It is not the fault of the chairman. They have got a disastrous budgetary process forced on them by the whip and the leadership of their party. They refused to really sit down and work out a bipartisan proposal. And the failure of this particular bill will cost us an enormous amount of more money.

We spent a billion dollars under George Bush in Haiti trying to deal with refugees that was flooding Florida, as the chairman of the full committee understands. We spent $61 billion on the Gulf War. We got a lot of that back. But we had to lay out most of it up front. We have spent $5 billion on Kosovo.

My colleagues do not want this President to travel. I have watched the President travel from Ireland to Israel. Wherever this President has traveled, America's interests have succeeded; and he has moved the peace process forward. We ought to encourage him to continue to do that because it is better for America.

Mr. CALLAHAN. Mr. Speaker, I yield myself 1 minute to respond to the good friend of mine to tell him that I do not mind the President traveling. I think the President should travel.

We all know that in the last year and a half of any presidential term, especially when he is a lame duck, that every President wants to build up an international image. So we can expect the President to travel. I encourage that.

Use Air Force One, that magnificent airplane. Fly all over the world. Impress people. But do not take 1,700 people with him, do not spend $47 million every time the wheels touch down; and every time a glass of wine is raised, do not promise these countries the moon and expect it to be an obligation on the part of the Congress of the United States to fund.

So let me encourage the President to travel. I wish he would go ahead and be gone this week. We could probably settle all this stuff if he would just take a trip. Just do not take 1,700 people with him. Do not take a blank checkbook and make all these promises and expect me to come before this floor and convince the American people that they ought to cut back on their spending.

Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I wanted to say I should have added ''charm''. I wish I was as articulate, but the proposition of my colleagues is wrong. We have got a proposal before us that does not meet America's interest. We ought to vote this down and come back with a bipartisan solution that deals with America's foreign policy interests. I thank the gentleman for his graciousness.

Mr. CALLAHAN. Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I was hoping the gentleman would yield himself some more time so he could yield to me. He is so generous.

Mr. CALLAHAN. Mr. Speaker, I yield 30 seconds in order to facilitate the gentlewoman from California (Ms. PELOSI) as I have facilitated her at every segment of this process.

Ms. PELOSI. Mr. Speaker, the gentleman has been most gracious. It is just that there is not enough money in the bill to meet our international responsibilities. But I did want to point out because the gentleman said that the President asked for $900 million. That, as the gentleman knows, is not just for this year but over a period of time.

I also want to make sure I am inferring correctly from the remarks of the gentleman that since we are not going to spend any more money that there will be no money for the Wye Agreement. That is the conclusion that I draw from the statements that have been made by the gentleman and the other speakers from his side.

Mr. CALLAHAN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let me tell my colleague that the Wye Agreement request was not in the President's request. He did not submit that in the budget he sent over here. That came as an afterthought. And now we are saying, well, the President not only wants $2 billion more, he wants $2 billion plus the Wye monies. So we are really talking about the President wanting $4 billion more than what is suggested here in this debate.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. FARR), a member of the Committee on Appropriations.

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman very much for yielding me the time.

Mr. Speaker, I rise because I heard during the debate on the rule that we do not want to spend our money

abroad, that we should not be spending all these tax dollars. Well, I suggest that we spend more money here at home that will have an effect all over the world.

I suggest that we do that by spending more money on the Peace Corps. It may sound like a broken record, but the Peace Corps has been our most effective and most popular foreign aid program.

The President requested more money for the Peace Corps because of the demand out there by the countries in which it serves up. The countries want us and American citizens want to participate in the Peace Corps. The only thing that is holding us from supplying that demand is the money that we appropriate.

Now, it is not the fault of this House. It has been terrific. The chairman of the committee has been terrific. But it is the appropriators on the other side. I suggest that those Americans who are interested in the Peace Corps and want more money in the Peace Corps ought to be petitioning the Members on the other side, particularly the appropriators, to put at least as much money in the budget as the House has.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. JACKSON), a distinguished member of the Subcommittee on Foreign Operations.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I want to begin by thanking the ranking member the gentlewoman from California (Ms. PELOSI) for the time and certainly thank the gentleman from Alabama (Chairman CALLAHAN) for his very evenhanded approach to drafting the House version of the foreign operations bill under very tight budget constraints.

Unfortunately, the conference report further cuts programs that I feel are vital to serving those who are less fortunate around the world. I guess the questions that many of us are trying to ask today is, if not now, when?

I was in the meeting when the Subcommittee on Foreign Operations met with Prime Minister Barak from Israel, where we gave him the impression that in this foreign operations bill that we would meet some of the Wye money agreement. There is no evidence in this bill that we are going do that. So, if not now, when will we do it?

We made commitments to the Palestinian authority. If not now, when will we honor these commitments? We made commitments to the Jordanians. If not now, when will we honor these commitments?

What are the costs associated with peace in the Middle East completely collapsing? Have we measured it in terms of cost to our national defense, to our national security in the Middle East what those costs ultimately will be?

I cannot thank the chairman enough for the $1 million that he was kind enough to appropriate to fulfill one of our commitments to the African Development Bank. It is not enough, but it clearly is a start.

I am also seriously concerned about the low level of funding for debt restructuring, only $33 million, $87 million below the administration's request.

Many nations in sub-Saharan Africa are suffering from crushing levels of debt, both bilateral and multilateral, and these nations will never become self-sufficient until we help decrease some of these debt levels.

So, Mr. Speaker, the question becomes: If not now, if not in a regular appropriations bill, at what point in time will we begin to measure these deficits in terms of national security, in terms of our obligations beyond our borders so that we can have a sustainable growth and sustainable development in the world, which will ultimately cost us if in fact the development is not sustainable and it is not growing?

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I have really enjoyed working on the Subcommittee on Foreign Operations, Export Financing and Related Programs, and I certainly urge colleagues on both sides of the aisle to oppose this inadequate conference report.

Mr. CALLAHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I was listening to the debate in my office, and I was compelled to come to the floor because I heard the gentleman outline some priorities we as a nation should adhere to, and the first priority should be domestic spending.

Now I have heard a lot of talk today about our responsibility around the world, and I agree we have a severe and awesome responsibility. But at the end of the day some of us who have voted to help Head Start, National Endowment for the Arts on this side of the aisle, that have participated in AIDS funding and things vitally important to our Nation, and I have to hear the demagoguery coming from the other side that we are being cheap?

Let us find out how cheap we have been over these decades. Let us think about the money that went out of our taxpayers' wallets to Duvalier and the Marcoses and all these other regimes that pocketed our money and sent them to Swiss bank accounts.

And let us talk about fiscal stewardship. We are in this Congress trying to save Social Security, and I keep hearing this constant refrain from the other side: we are being cheap. Well, Mr. Speaker, right outside the capitol door there are Vietnam veterans living homeless. We are doing nothing about them. But somehow today in foreign ops we have got to sit here, criticize the leadership, criticize the Republicans, call it a stacked deck. Somehow we are not caring for our overseas commitments. Has anybody asked where the money is from the IMF that went to the Russian drug lords? Has anybody asked where that cash is?

The taxpayers of the United States of America are home right now paying the bills, and they pay them every April 15, and they pay them every day, and they pay our salaries, and we have to sit here and listen to this nonsense about our commitment and our responsibility.

And I accept the notion we have that, and I respect the President. He has done wonderfully on the Wye accord, he has done wonderfully in Northern Ireland. My God, he has been everywhere in the world, saving the world, helping Africa. God bless America and God bless him. But at the end of the day we have to save our own people's Social Security, we have to provide and protect Medicare, we have to help our children in education. We have to do for our own people at times and sacrifice some of the spending in foreign operations. And I applaud the gentleman for his leadership; I applaud the gentleman from Florida who has done a masterful job on the appropriation.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I am going to encourage my colleagues to vote against this measure. I will agree with the previous speaker that being a Member of Congress is all about setting priorities, and I will agree with him that the priorities start here at home.

This is a list from a recent Washington Post article that talked about young people in the United States military living on food stamps and Aid to Families with Dependent Children. Turns out that there is about 12,000 soldiers, sailors, airmen, and marines who are eligible for food stamps. Now in the defense authorization bill that was signed today, they got a 4.8 percent increase, but do my colleagues know what? 4.8 percent of nothing is still nothing, and we are not doing enough for them.

This young lady is the wife of a United States marine. Same article. She is picking up a used mattress off the side of the road so that other young marines will have someplace to sleep. 4.8 percent of nothing is nothing.

This is a young Marine lance corporal. His name is Harry Schein. He works two part-time jobs so that he can live on his salary that he earns as a United States marine.

It is all about setting priorities.

In this bill is $5 billion for two relatively wealthy countries called Israel and Egypt. I happen to think that taking care of those folks is more important. I hope that a majority of my colleagues will think the same way.

Mr. CALLAHAN. Mr. Speaker, I yield myself 1 minute to respond.

I note that the gentleman from Mississippi was arguing my case. I assume he is supporting the bill because we are trying to save the $2 billion out of the

national defense that probably some are suggesting that we take in order that we can provide for these military people. With respect to the assistance to Israel and Egypt, it was this chairman that negotiated the reduction that is going to wean Israel from all economic support that then-Prime Minister Netayanhu agreed to. So we cut Israel by $60 million and $120 million in economic support, we cut Egypt, and we cut foreign aid.

So the gentleman, no doubt, was arguing in favor of a yes vote on this bill because we are doing exactly what he wants us to do.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE), a member of the Committee on Commerce and an expert on environmental protection in the world.

Mr. INSLEE. Mr. Speaker, I must rise in strong opposition to this bill as it stands, and I would like to alert my colleagues to something they may not know in that this bill unfortunately is infected with one of the host of anti-environmental riders that have really infested our appropriations process this year.

This bill currently has in it language which would shackle and stop the United States of America from negotiating with other countries, particularly developing nations, to try to get them to join us in efforts to stop greenhouse gas emissions from continuing, to do something about global warming. We must move forward to get other nations to join us.

Section 583 specifically says that none of the funds appropriated by this act shall be used for issuing rules, regulations, decrees or orders for the purpose of implementation or in preparation, in preparation for implementation of the Kyoto treaty. This is a major defect in this bill. Why is it there? We have alerted the committee to this problem, but this language is there because unfortunately there are those who want to act like an ostrich and put our Nation's head in the sands and not deal with this problem.

Mr. Speaker, we need to defeat this bill, take this out, and reconsider the issue.

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON) who is a member of the Committee on Appropriations as well and is very well knowledgeable in the foreign operations aspect of this.

Mr. KINGSTON. Mr. Speaker, the statement of managers notes that HIV/AIDS is much more of a problem in Africa than perhaps any other country. It has great consequences for economic and political stability. The Morehouse School of Medicine, which is the only African American school to be started in this century, can be and should be part of the solution as we address this horrible problem of AIDS. The President of Morehouse School of Medicine is the distinguished Dr. Lewis W. Sullivan, the former Secretary of HHS.

And the Senate has earmarked $5.5 million dollars in this effort. Accordingly, AID must not delay informing a partnership with Morehouse so that AID resources that focus on Africa can be maximized to their fullest extent. There exists a strong community of interests between the people of sub-Saharan Africa and the African-American citizens of our Nation.

So, Mr. Speaker, is it not true that in this bill additional new resources were added by the managers to fight HIV/AIDS in Africa?

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, yes, that is correct. HIV or AIDS in Africa is a major issue, and Morehouse can certainly play an important role in fighting HIV/AIDS. I hope that the gentleman from Georgia has been able to convey my willingness to assist Morehouse College and especially the gentleman in whose district Morehouse college is, that it is imperative that we have a foreign aid bill in order to facilitate Morehouse, and I hope that the gentleman from Georgia can talk to his colleagues who are interested in seeing Morehouse College participate in this program, of the importance of voting yes on this bill.

Ms. PELOSI. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the very distinguished ranking member of the Committee on Appropriations. Mr. OBEY for 11 years, I believe, was the Chair of the Subcommittee on Foreign Operations, Export Financing and Related Programs and is well aware of the challenge that we have.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI) for the time. Mr. Speaker, for 4 years this House has been wrapped around the axle on foreign aid, or at least for 2 of those years because of Mexico City policy. For years those who supported the Mexico City provisions on family planning felt that that was so important that they needed to block assistance to some of the poorest people on the face of the globe. It was so important that they had to stop our payments of debts that we owed to the U.N. for years. It was so important that we had to block our contributions to the IMF in the middle of the Asian financial crisis last year.

But then this morning the Washington Post carries a story which indicates that the majority whip told the Republican caucus last night that they had to pass this bill as is today without Mexico City if they wanted to remain in control of the House of Representatives. So suddenly conviction apparently evaporates. It took us 2 years to learn that? I am really impressed. So much for conviction, so much for principle.

I think we need to understand why this is being done. It is being done so that the majority party can continue to prevent or to pretend that they are preventing this spending of the Social Security surplus for the coming year. The fact is that my colleagues have already spent, Mr. Speaker, they have already spent almost $25 billion of next year's Social Security surplus, and they know it even if they do not want to admit it. The soundness of Social Security has nothing whatsoever to do with this bill.

This year and next year we will wind up paying down over $230 worth of debt. That is far and away the best thing we will have done to strengthen Social Security over the past 20 years. Only our Republican friends on the majority side can take a success like this and turn it into a crisis through false rhetoric. What this bill does do is fail to keep our word in the Middle East, it fails to do everything that we ought to be doing to reduce the danger of nuclear weapons within the former Soviet Union.

It is another of the long list of items by which the majority politicizes foreign policy to the detriment of us all, and it would be funny if it were not so sad. The majority party's budget, the plans which were announced today, declines to meet our responsibilities in housing, it declines to meet our responsibilities in education, it declines to meet our responsibilities in health care, it declines to meet our responsibilities to veterans, and a whole host of other crucial initiatives domestically and internationally.

This bill declines our responsibility to meet our international obligations and to defend our international interests as aggressively as we can. As the gentlewoman has indicated, this bill, under our colleague's level or anybody else's is far less than 1 percent of our total national budget. That is a small price to pay for protecting our national interests around the world, and I think we do a discredit to this body and the political dialog that takes place here when we pretend that this bill has anything whatsoever to do with Social Security.

☐ 1830

That is a small price to pay for protecting our national interests around the world, and I think we do a discredit to this body and to the political dialogue that takes place here when we pretend that this bill has anything whatsoever to do with Social Security.

The only people I know who believe that are the people who are saying it. It is a laughing stock to everyone else in the country who hears it.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, in doing so I want to point out a couple of issues that have come up in the course of the debate. First, let me say that I urge my colleagues to vote against this bill because it is beneath the greatness of our country.

We have an opportunity for peace in the Middle East, and yet this bill does

not include funding to the Wye River agreement, this historic opportunity. When Prime Minister Barak was here we all commended him, wished him well, and now we have no money to help meet our commitment to the Wye River agreement. Contrary to what has been said here, the President did make a request for the Wye River funding in his February budget submission, so this committee has in a timely fashion had that request.

Not only do we not include the Wye River funding, we removed the $100 million for Jordan, a commitment that we made to King Hussein with his strong commitment to peace. He gave his life for peace, and we are removing the funding from the bill, while saying all along that it is an emergency that we help Jordan through this transition time. This opportunity in Wye River can be missed if we do not have the money now.

As I say, our colleagues cannot have it both ways. They cannot wink at that constituency that is concerned about Middle East peace with the idea it will be there later, and then say if we put it in today it is coming out of the Social Security fund. That simply is not a straightforward approach to this problem.

Mr. Speaker, I want to save money too. This budget has been declining since the middle 1980s. We have a very low budget figure we are requesting. It is the least we can do for freedom and democracy and peace in the world.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at long last we are going to reach that stage where we get to vote on this document. I love this place, and I love the personalities here and the people here. We have so many brilliant people with such diverse opinions that it is interesting to witness, as a Member of this House, the greatness of this House.

The gentleman from Wisconsin used to chair this very committee that I chair. I was a member of his subcommittee. But I will remind him when he was chairman of that subcommittee they created a $100 billion deficit, in addition to the Social Security monies. Now in the last few years, we have been able to reverse that. And now we have a $100 billion surplus. What a great accomplishment.

I do not take credit for doing all this by myself. I had a lot of help. The President takes credit for doing a lot of it, and he had a lot of help.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me remind the gentleman that I led the opposition to those budgets 7 years in a row, the Reagan budgets, which saddled this country with $4 trillion worth of unnecessary debt.

Mr. CALLAHAN. Mr. Speaker, reclaiming my time, this was during the Clinton administration.

I might tell you, Mr. Speaker, that the President comes to the Congress, and this President has come to the Congress, and he has requested emergency supplemental assistance for Bosnia, he has requested emergency supplemental assistance for Kosovo, for Honduras, for Nicaragua. Now he is coming with Israel, with the Palestinian Authority and with Jordan. I will remind you also he came back in the middle of last year, in the middle of all of our negotiations, and wanted $18 billion for the International Monetary Fund. So we have not been discourteous to this President in responding to his needs.

So we have to second guess what this bill does. I am contending it cuts foreign aid. We might second guess what the headlines might be. I do not have to go back to Alabama to apologize to anyone when I say folks, I voted against increasing foreign aid. They seem to like that, when I say to the people of Alabama that we have a more responsible piece of legislation because we are earmarking a great portion of it for child survival, to make certain that the money goes directly to the people we are trying to assist.

So the headlines might be, ''Callahan votes to reduce foreign aid.'' That would be fine with me, if the Mobile paper wants to do that. It might say, ''Callahan refuses to respond to the insatiable appetite the President has to spend more money.'' It might say, ''Callahan saves Social Security.'' It might say, ''Congress refuses the President's ridiculous request.'' We do not know what they will say. You can go home and answer any of the things your constituents want you to hear.

I am telling you, this is a responsible piece of legislation that responds to the needs of the administrative branch of government, while at the same time recognizing the priorities that we, especially on this side of the aisle, have, that we are going to insist that Social Security not be touched, that we are not going to tolerate taking money away from the national defense, as the gentlewoman from California suggested in the Committee on Rules, and giving it to foreign aid, and that we are not going to increase taxes in order to facilitate the whims of this President.

So, Mr. Speaker, here we are today. We have a responsible bill. Yes, it cuts foreign aid. It cuts the President's request, it cuts it from last year. It does not raise taxes, it does not touch the Social Security program. As a matter of fact, it compliments that program.

Mr. Speaker, I would urge the members to vote for this responsible bill, and let us deliver it to the President's desk.

Mrs. CAPPS. Mr. Speaker, I rise in opposition to the conference report.

American spending on our foreign policy priorities represents a tiny percentage of our national budget. It is clear, however, that modest investment in key foreign policy initiatives saves us major expenses when regional problems explode into national security crisis. Unfortunately, the bill before us today is vastly underfunded. This measure will only weaken the world leadership of the United States.

I want to take a moment to discuss what I believe is the most glaring omission in this legislation, the lack of any funding to implement the Middle East peace plan signed at Wye. The 1998 Wye Accord was a triumph in U.S. diplomacy. This agreement—which carefully balanced Israeli security considerations with Palestinian economic and territorial gains—put a long-stalled peace process back on track. And the Sharm el-Sheikh agreement, which the parties signed just one month ago, has already led to the implementation of key components of the Wye accord.

A successful Middle East peace process is in the security and economic interests of the United States. Now is clearly not the time for us to renege on the pledges we made at Wye. The $1.2 billion Wye package would provide critical security assistance to Israel, desperately needed economic aid to the Palestinians, and important economic and social funding for Jordan.

Peace in the Middle East has been a paramount U.S. foreign policy goal for decades. This long-impossible dream is finally becoming a reality. Sadly, the funding bill on the floor today fails to address this exciting opportunity. I must oppose the bill and I hope that new legislation will be brought forward which enables the United States to continue its leadership role in world affairs.

Mr. PAYNE. Mr. Speaker, I rise today in opposition to H.R. 2606—the Conference Report on Foreign Operations Appropriations. The report moves us in the wrong direction. Unfortunately, the conference report moves us into a dangerously low budget from foreign opps. Let me just say that we spend less than 1% on the total foreign aid budget when we spend almost a trillion dollars on defense and other related expenses.

People in my district when polled thought that we spend close to 15% on foreign aid. Recently, Governor Whitman suggested that we cut foreign aid to less developed countries. That's greedy and fails to accomplish what we are all about. How can we take away the meager $1 a day that we give to 1.3 billion of the people in these nations that depend on this.

The conference agreement, which provides $12.6 billion in funding, is nearly $2 billion below the President's request and $1 billion less than last year's bill This low level of funding is untenable—it will be impossible for the U.S. to maintain its leadership role in the world community with an inadequate foreign affairs budget.

Nearly every major account in the conference report is underfunded, and one specific initiative, the Africa accounts, are nonexistent. This omission is particularly troubling, as it signals a lack of support for the recent strides made by the countries in Africa. The Development Fund for Africa (DFA) is being cut almost 40% from last year (512 million). I know the other side will point to the other accounts like Child Survival that has funding for Africa. Let me say that the DFA traditionally supports less developed countries and the grassroots programs. Other egregious funding cuts include: $175 million cut from essential loan program for the poorest nations; $157 million cut from global environmental protection projects; $87 million denied for debt relief initiatives for the poorest countries; $50 million

cut from African development loan initiatives; $200 million cut from economic development and democracy-building programs in Africa, Asia, and Latin America; and $35 million denied for Peace Corps programs, just months after Congress voted to support the expansion of the Peace Corps to 10,000 volunteers.

It is abundantly clear that this Foreign Operations bill just won't work. It will not allow the U.S. to continue to operate its important international programs at current levels, and will undoubtedly detract from the stature of the U.S. in the international community. We have learned from recent events that foreign assistance is a good investment—the dollars we spend today help avoid expensive national security crisis tomorrow. This bill will curtail our ability to help prevent the conflicts and curb the poverty that lead to instability throughout the world.

We cannot adequately pursue our foreign affairs priorities with this conference report. And not only does this bill underfund existing needs, but it ignores emerging global needs, such as earthquake recovery in Turkey and Taiwan, peace implementation in Kosovo, and debt relief for the world's poorest countries. We urge you not to settle for this dangerously underfunded bill. Vote ''no'' on the Foreign Operations Conference Report.

Mr. PORTER. Mr. Speaker, I rise to congratulate the gentleman from Alabama for bringing this conference report to the floor.

While this subcommittee works with one of the smaller allocations, this bill is usually one of the most contentious. The chairman and his staff have done an outstanding job of trying to address numerous concerns while working within the constraints of, what I consider, too small a budget for the important programs that this bill supports. I am pleased that the conference committee continues to recognize the needs of areas of conflict, such as Armenia and Cyprus and I hope that a peaceful settlement will soon be reached in both of these regions.

Further, I strongly support the committee's suspension of military aid to Indonesia and hope that this will be expanded to multilateral assistance until the results of the referendum in East Timor are permanently implemented. Finally, I am pleased with the language in the Statement of Managers supporting biodiversity programs within AID, specifically those implemented through the Office of Environment and Natural Resources, and strongly urge AID to increase funding for these programs to a level proportionally equal to that provided in 1996.

While I am pleased with many of the issues addressed in this bill, I am concerned that the funding for implementation of the Wye Memorandum is not included. This obviously is due to budget constraints and not because of a lack of congressional interest in furthering the Middle East peace process. Israel has made great strides in furthering this process in the last month and I know that the U.S. will find a way to provide the Wye money before the end of the year.

Finally, while I support this bill, I remain concerned with the continued decreases in U.S. foreign assistance. As I have said before, the U.S. is now the sole superpower and world leader. Yet, we are not leading. As our role in the world becomes more important, our budget for foreign operations continues to shrink, thereby, limiting the impact we can have on global development.

It is simply embarrassing. We are the world leader, with the strongest most productive economy in history, yet we continue to refuse payments to global institutions, including the United Nations and World Bank, and provide the smallest amount of foreign assistance to the developing world of any industrial country, in relation to our GDP.

Many of these global institutions were created over 50 years ago and needed reforms to eliminate bureaucracy and changes to update them for the next century. The U.S. was correct in demanding these changes. However, now that many of these reforms have been made, we must live up to our word and pay our contributions. As we refuse payment, we erode our word and reputation. This must stop. I hope that those who are concerned with our multilateral assistance will take a serious look at the progress that has been made in effecting change at these institutions. I believe that they will find that many of their concerns have been addressed.

I look forward to reversing this decline in foreign assistance in the next century and furthering the values that we cherish here—democracy, human rights, rule of law and free markets—to other parts of the world. Again, I would like to congratulate my colleague from Alabama and his staff for their hard work and ultimate success in bringing a free-standing Foreign Operations Conference Report to the floor.

Mr. CALLAHAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 211, not voting 9, as follows:

[Roll No. 480]

YEAS—214

| | | |
|---|---|---|
| Aderholt | Coble | Gilchrest |
| Archer | Coburn | Gillmor |
| Armey | Collins | Gilman |
| Bachus | Combest | Goodlatte |
| Baker | Cook | Goodling |
| Ballenger | Cooksey | Goss |
| Barrett (NE) | Cox | Graham |
| Bartlett | Crane | Granger |
| Barton | Cubin | Green (WI) |
| Bass | Cunningham | Greenwood |
| Bateman | Davis (VA) | Gutknecht |
| Bereuter | Deal | Hansen |
| Biggert | DeLay | Hastert |
| Bilbray | DeMint | Hastings (WA) |
| Bilirakis | Diaz-Balart | Hayes |
| Bishop | Dickey | Hayworth |
| Bliley | Doolittle | Hefley |
| Blunt | Dreier | Herger |
| Boehlert | Duncan | Hill (MT) |
| Boehner | Dunn | Hilleary |
| Bonilla | Ehlers | Hobson |
| Bono | Ehrlich | Hoekstra |
| Brady (TX) | Emerson | Horn |
| Bryant | English | Hostettler |
| Burr | Everett | Houghton |
| Burton | Ewing | Hulshof |
| Buyer | Fletcher | Hunter |
| Callahan | Foley | Hutchinson |
| Calvert | Fossella | Hyde |
| Camp | Fowler | Isakson |
| Campbell | Franks (NJ) | Istook |
| Canady | Frelinghuysen | Jenkins |
| Cannon | Gallegly | Johnson (CT) |
| Castle | Ganske | Johnson, Sam |
| Chabot | Gekas | Kasich |
| Chambliss | Gibbons | Kelly |
| King (NY) | Pease | Smith (TX) |
| Kingston | Petri | Souder |
| Knollenberg | Pickering | Spence |
| Kolbe | Pitts | Stabenow |
| Kuykendall | Pombo | Stearns |
| Largent | Porter | Stump |
| Latham | Portman | Sununu |
| LaTourette | Pryce (OH) | Sweeney |
| Lazio | Quinn | Talent |
| Leach | Radanovich | Tancredo |
| Lewis (CA) | Ramstad | Tauzin |
| Lewis (KY) | Regula | Taylor (NC) |
| Linder | Reynolds | Terry |
| LoBiondo | Riley | Thomas |
| Lucas (OK) | Rogan | Thornberry |
| McCollum | Rogers | Thune |
| McCrery | Rohrabacher | Tiahrt |
| McHugh | Ros-Lehtinen | Toomey |
| McInnis | Roukema | Upton |
| McIntosh | Royce | Vitter |
| McKeon | Ryan (WI) | Walden |
| Metcalf | Ryun (KS) | Walsh |
| Mica | Salmon | Wamp |
| Miller (FL) | Sanford | Watkins |
| Miller, Gary | Saxton | Watts (OK) |
| Moran (KS) | Sensenbrenner | Weldon (FL) |
| Morella | Sessions | Weldon (PA) |
| Myrick | Shadegg | Weller |
| Nethercutt | Shaw | Whitfield |
| Ney | Shays | Wicker |
| Northup | Sherwood | Wilson |
| Norwood | Shimkus | Wolf |
| Nussle | Shuster | Young (AK) |
| Ose | Simpson | Young (FL) |
| Oxley | Skeen | |
| Packard | Smith (MI) | |

NAYS—211

| | | |
|---|---|---|
| Abercrombie | Filner | McCarthy (NY) |
| Ackerman | Forbes | McDermott |
| Allen | Ford | McGovern |
| Andrews | Frank (MA) | McIntyre |
| Baird | Frost | McNulty |
| Baldacci | Gejdenson | Meehan |
| Baldwin | Gephardt | Meek (FL) |
| Barcia | Gonzalez | Menendez |
| Barr | Goode | Millender-McDonald |
| Barrett (WI) | Gordon | Miller, George |
| Becerra | Green (TX) | Minge |
| Bentsen | Gutierrez | Mink |
| Berkley | Hall (OH) | Moakley |
| Berman | Hall (TX) | Mollohan |
| Berry | Hastings (FL) | Moore |
| Blagojevich | Hill (IN) | Moran (VA) |
| Bonior | Hilliard | Murtha |
| Borski | Hinchey | Nadler |
| Boswell | Hinojosa | Napolitano |
| Boucher | Hoeffel | Neal |
| Boyd | Holden | Oberstar |
| Brady (PA) | Holt | Obey |
| Brown (FL) | Hooley | Olver |
| Brown (OH) | Hoyer | Ortiz |
| Capps | Inslee | Owens |
| Capuano | Jackson (IL) | Pallone |
| Cardin | Jackson-Lee (TX) | Pascrell |
| Carson | John | Pastor |
| Chenoweth-Hage | Johnson, E. B. | Payne |
| Clay | Jones (NC) | Pelosi |
| Clayton | Jones (OH) | Peterson (MN) |
| Clement | Kanjorski | Phelps |
| Clyburn | Kaptur | Pickett |
| Condit | Kennedy | Price (NC) |
| Conyers | Kildee | Rahall |
| Costello | Kilpatrick | Rangel |
| Coyne | Kind (WI) | Reyes |
| Cramer | Kleczka | Rivers |
| Crowley | Klink | Rodriguez |
| Cummings | Kucinich | Roemer |
| Danner | LaFalce | Rothman |
| Davis (FL) | Lampson | Roybal-Allard |
| Davis (IL) | Lantos | Rush |
| DeFazio | Larson | Sabo |
| DeGette | Lee | Sanchez |
| Delahunt | Levin | Sanders |
| DeLauro | Lewis (GA) | Sandlin |
| Deutsch | Lipinski | Sawyer |
| Dicks | Lofgren | Schaffer |
| Dingell | Lowey | Schakowsky |
| Dixon | Lucas (KY) | Scott |
| Doggett | Luther | Serrano |
| Dooley | Maloney (CT) | Sherman |
| Doyle | Maloney (NY) | Shows |
| Edwards | Manzullo | Sisisky |
| Engel | Markey | Skelton |
| Eshoo | Martinez | Slaughter |
| Etheridge | Mascara | Smith (NJ) |
| Evans | Matsui | Smith (WA) |
| Farr | McCarthy (MO) | Snyder |
| Fattah | | |

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|---|---|---|
| Spratt | Thurman | Waters |
| Stark | Tierney | Watt (NC) |
| Stenholm | Towns | Waxman |
| Strickland | Traficant | Weiner |
| Stupak | Turner | Wexler |
| Tanner | Udall (CO) | Weygand |
| Tauscher | Udall (NM) | Wise |
| Taylor (MS) | Velazquez | Woolsey |
| Thompson (CA) | Vento | Wu |
| Thompson (MS) | Visclosky | Wynn |

NOT VOTING—9

| | | |
|---|---|---|
| Blumenauer | McKinney | Peterson (PA) |
| Jefferson | Meeks (NY) | Pomeroy |
| LaHood | Paul | Scarborough |

□ 1900

Mr. STRICKLAND and Mr. BARCIA changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. POMEROY. Mr. Speaker, on rollcall No. 480, I was unavoidably detained and was absent during the vote. It was my intention to vote ''no'' on this rollcall vote.

## THE JOURNAL

The SPEAKER pro tempore (Mr. WELDON of Florida). Pursuant to clause 8, rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## LATEX ALLERGY AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I use this occasion to recognize this week as Latex Allergy Awareness Week, October 4 through 10, 1999, and to talk about an important health issue, an issue which directly affects a constituent of mine, 9-year-old Jimmy Clark of River Forest, Illinois, whose parents have become leading crusaders to make the public aware of this problem.

Mr. Speaker, Jimmy Clark lives with an ailment that is virtually unrecognized by most Americans and the medical community. Jimmy is latex sensitive. Yes, Jimmy is latex sensitive. He is at risk for serious and potentially fatal allergic reactions when exposed to products made from natural latex.

It is critical that we become fully aware and acknowledge the broad and problematic scope of this issue which the American Academy of Dermatology has called the next major health concern of the decade.

Something as simple as eating lunch in his school's cafeteria could be fatal to Jimmy, since latex gloves are commonly used in the food service industries. Jimmy and others like him are allergic to thousands of items ranging from the balloons at his best friend's birthday party to the examining gloves in an ambulance or at a doctor's office.

It is heartbreaking to know that for thousands of American citizens like Jimmy, that exposure to even these seemingly harmless items could cause him to die. He cannot even receive needed medical treatment or enjoy eating lunch at school without fear of exposure to potentially deadly latex particles.

Reactions to exposure include immediate allergic reactions from skin contact resulting in itching and hives. Reactions to the airborne latex particles include inflammation of the eyes, shortness of breath, asthma, dizziness, and rapid heart rate.

The most severe cases can result in severe blood pressure drop and loss of consciousness. Latex allergy develops most commonly in people who have frequent or intimate exposure to it. At high risk are those who have had frequent surgical procedures, particularly in infancy and workers with occupational exposure, especially to latex gloves. A history of allergies or hay fever also may be a significant risk factor.

Some studies suggest that some individuals who have had dermatitis or rash and wear latex gloves may be at greater risk. Although the American public knows little about latex allergy, the last 5 years have shown increasing evidence that latex allergy has become a major occupational health problem which has become epidemic in scope among highly exposed health care workers and among others with significant occupational exposure. This is largely because the use of latex rubber has increased, especially in medical devices, because latex is used as a disease-prevention barrier.

However, Mr. Speaker, I am not suggesting who or what is at fault. Nor am I suggesting that latex is not an effective instrument in protecting humans from life-threatening diseases. I am suggesting that we need to increase research in this area and find ways to spare the citizens of this country from unnecessarily developing latex sensitivity.

It is my belief, Mr. Speaker, that an increased awareness will go a long ways towards helping find a solution to this problem.

Mr. Speaker, it is important that our researchers work cooperatively to achieve the right solution, a solution not influenced or marred by special interests from different sides of the spectrum, but a solution developed for those most affected by the disease.

Latex allergy organizations and support groups across this Nation have successfully established a State Latex Allergy Awareness Week in several States. I believe once this awareness of this disease increases, our Nation will see with sincere satisfaction the positive results from research and care for those who suffer from its effects. Hopefully, next year as this same time approaches, both Houses will see fit to declare this week National Latex Allergy Awareness Week.

Mr. Speaker, I close by thanking Mr. and Mrs. Clark and Jimmy for stepping up to the plate to help make Americans more aware of a health problem and a societal need. They embody the real spirit of democracy: if not I, then who? If not then, when? I thank both Jimmy and his parents and say to them that River Forest as well as all of America are proud of them.

## ISSUES OF CONCERN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to speak on several unrelated but very important topics. First I want to quote from an Associated Press story of a few days ago: ''A billion-dollar-a-year air war forgotten by the outside world but droning on over dusty Iraqi towns does not appear to be getting Washington any closer to its ultimate goal of ousting President Saddam Hussein.''

The Associated Press story said that we have dropped 1,400 bombs and missiles on Iraq since mid-December in

this forgotten war. A forgotten war that is doing no good, wasting more than $2.6 million each day, bombing people who could be our friends, but instead making new enemies for the United States each and every day. A billion-dollar-a-year air war that is wasteful, useless, inhumane, and according to the Associated Press, not accomplishing its goal.

Second, I want to mention another ridiculously wasteful project. A few days ago NASA lost a $125 million Mars orbiter because one engineering team used metric units while another used English units for a key spacecraft operation. If this had happened in the private sector, heads would have rolled. However, when it happens with taxpayer money done by totally protected civil servants and big government contractors, no one is really held accountable.

We see over and over and over again that the Federal Government is unable to do anything in an economical, efficient, low-cost manner. Because it is other people's money, they really just do not care. If we want our money to be wasted, just turn it over to Federal bureaucrats. They will be paid regardless of how bad a job they do and at a rate that is about 50 percent higher than the average citizen for whom they are supposed to be working.

Today we just cavalierly lose a $125 million machine because we have a government that is of, by, and for the bureaucrats instead of one that is of, by, and for the people.

Third, Mr. Speaker, let me mention the scandalous grant of clemency to the 16 Puerto Rican terrorists responsible for 130 bombings. These bombings killed six people. They left six people dead, and maimed and injured 84 others. One New York City policeman lost his leg and one lost his sight and has 20 pins holding his head together, and the President and the Department of Justice are refusing to give congressional committees the information and papers leading to these grants of clemency. What are they trying to hide?

Senator ORRIN HATCH, a Member of the other body and chairman of its Committee on the Judiciary said, ''The Justice Department today is run by people who do not care about the law.'' The grants of clemency were given against the advice of every law enforcement agency asked about them.

□ 1915

Three examples, Mr. Speaker, of a Federal Government that is simply too big and out of control and wasting billions of hard-earned tax dollars each and every day.

Finally, Mr. Speaker, one other concern I have does not deal with Federal Government wasteful spending, but is it possible that many people are spending money in a harmful way on Ritalin.

I mentioned once before on this floor that a retired high-level Drug Enforcement Agency official wrote in the Knoxville News-Sentinel last year that Ritalin is prescribed six times as much in the United States as in any other industrialized nation. He said that Ritalin has the same properties, basically, as some of the most addictive drugs there are.

Now I read in Time Magazine that production of Ritalin has increased sevenfold in the past 8 years and that 90 percent of it is consumed in the United States. Time Magazine said, ''the growing availability of the drug raises the fear of the abuse: more teenagers try Ritalin by grinding it up and snorting it for $5 a pill than get it by prescription.''

Also, I read in Insight magazine that almost all these teenage school shooters in recent years have been boys who were on at the time or had recently been on Ritalin or some similar mind-altering drug.

Now, I believe there are some people for whom Ritalin has been good. But I also read that it is almost always given to boys who have both parents working full time.

I am simply asking if it is a good thing to give such a strong drug to so many, or is it simply a way for a big drug company to make huge profits. Why 90 percent in the United States? Why do we have at least six times as much of this prescribed in the U.S. as any other industrialized nation?

I hope, Mr. Speaker, that parents, teachers, doctors and everyone else will not be so eager to turn to Ritalin, which is really a potentially dangerous addictive drug and will use it only as an absolute last resort.

The SPEAKER pro tempore (Mr. WELDON of Florida). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## NATIONAL DEFENSE IS IN BAD SHAPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, today, the President signed the defense bill and he gave, in signing the defense bill, a speech in which I think he gave a dangerously false message to the American people. That message was that defense is in good shape.

Defense is not in good shape. We are $3.5 billion short on ammunition for the Army. We are $193 million short on ammunition for the Marine Corps. We have 10,000 uniformed families on food stamps because they are about 13 percent under the wages of their counterparts in the civilian sector.

Our aircraft are in such bad shape that only about 65 percent of them can get off the ground and go do their mission. Our Navy now is lacking 18,000 sailors because we cannot get sailors to join Mr. Clinton's Navy. We are about 800 pilots short in the Air Force, and it costs millions of dollars to train a pilot, and it takes a long time. If the balloon goes up and we have a war, we are not going to be ready.

So the President has cut defense disastrously. His own Joint Chiefs, some of whom stood behind him in that press conference said that his budget was underfunded by about $20 billion. The Air Force said they need an extra $5 billion. The Navy said they need an extra $6 billion a year, the Army an extra $5 billion, and the Marine Corps an extra $1.75 billion. On top of that, they need an extra $2.5 billion a year to pay for the retirement and the wages that are necessary to keep good people in the service.

So the Clinton administration has dragged down national defense.

Now, Congress has added some money to the defense bill. We have added about $50 billion over the last 6 years, but that is not enough. We have added as much as we thought we could add without getting the bill vetoed by President Clinton. Even then, he has threatened vetoes on a number of occasions.

But defense is in difficult condition. It is in bad shape. If we had to fight the two-war scenario, that is, if we had to fight on the Korean Peninsula and we had to fight in the Middle East today, we would have a lot of Americans coming home in body bags because we are short on ammo, short on spare parts, and short on technically knowledgeable people in extremely critical areas. We need more money. We need it desperately.

## ASTROS WIN FIRST GAME

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think there is some good news that we have just heard, and I am delighted to be on the floor with the gentleman from Texas (Mr. GREEN), and that is that the Astros have just won the first game of the division that will lead them on to the World Series.

Though we see no Georgians on the floor because they are playing the Atlanta Braves, I am prepared to offer a bet of some good Texas barbecue that the Astros will win.

Mr. Speaker, I yield to the gentleman from Houston, Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentlewoman for yielding. The gentlewoman and I have both talked to the gentleman from Atlanta, Georgia (Mr. LEWIS). He and I talked a little bit. He knows my affinity for Diet Coke, and I bet him some venison sausage from Texas against a case of Diet Coke. It looks like I may get that Diet Coke from Georgia.

Ms. JACKSON-LEE of Texas. Mr. Speaker, with barbecue and venison on the table, I do not think we can miss. I look forward to a victory.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## CLAUDE BUDDY YOUNG SHOULD BE INDUCTED INTO FOOTBALL HALL OF FAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise today to encourage the Pro Football Hall of Fame to induct an extraordinary athlete called Buddy Young, a Chicago hero and graduate of the Wendell Phillips High School in my district.

As Chicago Sun Times columnist Steve Neal recently observed, Buddy Young was among the greatest NFL running backs of the modern era.

From 1944 to 1946, Buddy Young was an All American halfback for the University of Illinois' fighting Illini. In his first season as a college football player, Young was runner up for the coveted Heisman Trophy. As one of the most electrifying players on the team, he tied renowned football legend Red Grange's college record for touchdowns.

In 1947, Young led the NCAA college all star football team in an astounding upset victory over defending pro football champions, the Chicago Bears. Due to his outstanding performance during the game, Buddy Young was selected as the game's MVP.

Following his college football career, Buddy showcased his athletic talents on a number of pro football teams. He is best remembered as a standout offensive threat for the Baltimore Colts where he set a kickoff record that is still standing today.

Also, Young's 27.7 per yard kickoff return average is currently ranked fourth in all-time pro football record books. In fact, Mr. Speaker, Young's record and play as a Colt was so superior that the franchise retired his number, an accolade afforded to only eight other Colt football players.

Furthermore, it is worth noting that, of the nine Baltimore Colt football players to have had their numbers retired, Buddy Young is the sole player who has not been inducted into the Pro Football Hall of Fame.

Although well known for his great football accomplishment, Buddy Young has excelled in other aspects of his life. As the director of player relations of the National Football League, Young was the first African American to become an executive in any major sports league.

Additionally, while in college, Young won the NCAA Division I track and field championship in the 100 yard dash, the 220 yard dash, and he set a world record in the 60-yard dash.

Already, Mr. Speaker, Buddy Young's athletic achievements have earned him induction into the College Football, Chicagoland, and the Rose Bowl Halls of Fame.

It is now both fitting and warranted for the Pro Football Hall of Fame to induct this athlete of athletes into its cherished halls.

In closing, Mr. Speaker, I again encourage the Pro Football Hall of Fame selection committee to induct Claude Buddy Young into its prestigious and historical group of athletic legends. Only then will Young's place in athletic history be rightfully immortalized alongside other legends of the great game of football.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, as I travel my district in central New Jersey, I am constantly confronted with the growth of these communities. Young families are moving into new houses and school principals get phone calls daily from parents who are moving into the area. The opening days of school are challenging for school principals. Some schools in my New Jersey district have kindergartens that are twice the size of the senior class.

Communities across the State and the Nation are struggling, struggling to address the critical need to build new schools and renovate existing ones to make up for years of deferred maintenance and to accommodate rising school enrollment.

Urban and rural and high growth suburban areas all face different and difficult school modernization problems.

The General Accounting Office estimates that $112 billion is needed just to repair existing schools across the Nation. Twenty-four hundred new public schools will be needed by 2003 to accommodate 1.3 million new students and to relieve overcrowding.

With schools bursting at the seams, new schools being constructed every year, property taxes are reaching astronomical rates. These growing communities need relief. Communities in my New Jersey district are voting down needed construction because they cannot afford even higher property taxes.

That is why, together with the gentleman from North Carolina (Mr. ETHERIDGE), I am working for legislation to ease the burden for fast growing communities as they construct new schools.

The interest on school construction bonds is a big item. Even on a short-term, 15-year tax exempt bond, the interest on the bond may be an additional 65 percent of the value.

Under our legislation, the Federal government would provide tax credits equal to the interest the local communities would pay to investors on these bonds. This emergency Federal assistance would help communities like mine and others across the country meet the needs of our children.

Let me give my colleagues an example from my district to illustrate that we are facing a serious situation. In Montgomery Township, Somerset County, in 1990, their school enrollment was about 1,500 students. Now Montgomery has to provide seats for 3,500 students, an increase of 134 percent in 10 years. Enrollment is expected to rise another 1,500 students over the next 5 years.

The residents of Montgomery have been very supportive of their school system. However, the strain of paying for an annual operating budget coupled with the payment for new buildings is testing the pocketbooks of even the most ardent supporters of public education. They need our help. In some towns in my district, there is now the added expense to rebuild and repair after Hurricane Floyd.

□ 1930

These days school construction and modernization also includes technology infrastructure. Our schools need to keep up to date on technology to ensure our students are ready for the jobs of the 21st century. Employers depend on talent, skills, and creativity of their workforces for their success. Companies, communities, and students all benefit from a vital and a successful educational system.

Many high-tech firms in my district in central New Jersey already invest in the local schools. They have much to offer, especially in technical areas of science and math. The New Jersey State Chamber of Commerce has a program called Tech Corps New Jersey which recruits business volunteers with expertise in computer technology to work with schools that need assistance in the area of education technology. I believe we need to encourage these partnerships where businesses can invest in their local communities.

Businesses can easily help schools keep up to date with their technology infrastructure. The E-rate, which supports discounted internet wiring and services to schools and libraries, is a good example of effective Federal local partnership which can help finance technology infrastructure in our schools.

Certainly local taxpayers bear the responsibility for educating their children, and local taxpayers shoulder most of the cost, but the education of our youth is a national responsibility, similar to national defense, and it is time the Federal Government steps up and accepts our responsibility to local districts for the education of our children.

The SPEAKER pro tempore (Mr. COBURN). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## TRIBUTE TO CONGRESSWOMAN CARRIE MEEK OF FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today to pay tribute to my friend and colleague, the gentlewoman from Florida (Mrs. MEEK).

Mr. Speaker, I want to submit for the RECORD an article that ran in the Sunday September 26 edition of the Miami Herald. This article talks about the achievement the gentlewoman from Florida has made and the obstacles she had to overcome to get to Congress. She was the first African American female to serve in the Florida Senate. And when we both were elected to Congress in 1992, this marked the first time in 127 years that an African American from Florida had been sent to Congress.

This year marks 20 years of service for Congresswoman MEEK. Her constituents are proud of her hard work and the results she brings to her district. She has fought for fairness in the appropriations process, and I am proud to recognize the gentlewoman for her accomplishments.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am so delighted to hear that the gentlewoman is paying tribute to our colleague, and I hope that the gentlewoman will allow me to mention that she has taken a leadership role in heading the task force on census for the Congressional Black Caucus and that she has been very diligent in her legislative duties here.

I really compliment the gentlewoman for making a record of this because the gentleman from Florida (Mrs. MEEK) is a very worthy person.

Ms. BROWN of Florida. Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I also want to add my congratulations to our colleague, the gentlewoman from Florida (Mrs. MEEK), and I commend the gentlewoman for bringing this to the floor and putting on RECORD her achievements.

Ms. BROWN of Florida. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentlewoman for yielding to me, and I really would ask all of my colleagues who have not seen this article to read this in the RECORD. It is a wonderful tribute to a woman who has served in her State legislature and is very much admired.

People just came to her to get information and to get help. She was my chairman on the education subcommittee in appropriations when we served together, and she was fairer than anybody I have ever seen because she understood the entire State of Florida, what it meant for rural areas to have funding as well as the urban areas.

We just all love her in Florida, and we all respect her and admire her for the work that she has done. So I would really hope our colleagues do read this article because it is fabulous.

Ms. BROWN of Florida. Mr. Speaker, I yield to the chairman of the Congressional Black Caucus, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman from Florida (Ms. BROWN) for yielding to me, and I too would add my voice to the accolades that are being paid our good friend, the gentlewoman from Florida (Mrs. MEEK).

I first met her some, and she may not want me to tell how long ago, 25 or 30 years ago, and I got to know her. I followed her career over the years, and my friends in the State of Florida all have said to me what a great person that she was there in the Florida legislature.

When I came here in the class of 1993, it was a great pleasure for me to be here and to have the opportunity to serve with her. It has been a service that I have enjoyed tremendously, and I can truly say that I do not believe that I would be standing here as chair of the Congressional Black Caucus had it not been for the great support and guidance that I received from her since being here in this body.

The people of Florida should be very proud of her. I am pleased to see it here that her hometown newspaper has paid her such a tremendous tribute. It is one that is well deserved.

Ms. BROWN of Florida. In closing, Mr. Speaker, my favorite saying is, ''Let the work I have done speak for me.'' And certainly Mrs. MEEK's work speaks for itself. In fact, I recommend that she look at serving 20 more years. 20 more years of service from the gentlewoman from Florida (Mrs. MEEK) would be a great tribute to Florida and to this great Nation.

Mr. Speaker, the article I referenced above follows:

[From the Miami Herald, Sept. 26, 1999]

REPRESENTATIVE MEEK MAKES 20-YEAR MARK—MIAMI CONGRESSWOMAN DISPLAYS DEFT POLITICAL TOUCH

(By Andrea Robinson)

WASHINGTON.—Though a morning of angry wind and rain has transformed the nation's capital into a virtual ghost town, an intrepid band of Washington luminaries heads toward a meeting room in a basement of the Capitol.

Among the celebrity attendees: House Minority Leader Richard Gephardt, Sen. Bob Graham, Attorney General Janet Reno and U.S. Reps. Charles Rangel and James Clyburn, chairman of the Congressional Black Caucus.

The draw? U.S. Rep. Carrie Meek, D-Miami, who has summoned an obedient cadre of political figures to speak to a group of her visiting constituents. ''We're here because Carrie told us to be here,'' Labor Secretary Alexis Herman says.

This year, Meek marks 20 years of public service, 13 of them in the Florida Legislature. She is the first black Floridian to win a seat in Congress in recent history, a member of the House Appropriations Committee, a four-time congressional winner whose only general-election opponent earned just 11 percent of the vote.

Over the past 12 months, Meek is credited with boosting her district by helping to secure notable federal allocations—$130 million in employment-zone tax incentives; $35 million in housing grants to rebuild public housing; $2.2 million to jump-start a Little Haiti program for troubled children.

But most remarkable, political observers say, has been Meek's ability to play politics in more than one arena. Meek—an unapologetically liberal Democrat—has managed to solidfy her standing not only with members of her own party but with those across the aisle.

''She's got a nice way, but she's no pushover,'' says Rep. E. Clay Shaw, R-Fort Lauderdale. ''She has a velvet glove, but sometimes she can have a fist in it. She's so likable that it's sometimes disarming.''

BOLDLY STEPPING FORWARD

Once a neighborhood activist, she has become a power broker.

Carrie Meek has never been timid. When she started in politics, she was audacious.

In the Legislature, Meek regularly intensified floor debates, once threatening to camp out on the doorstep of a colleague who was reluctant to increase funding for Jackson Memorial Hospital.

Back then, if she thought a particular bill needed to be killed, she waved a black flag adorned with a skull and crossbones, declaring the measure needed to be ''black flag dead.''

''It's now in the nomenclature of the Legislature. They wanted my son to use it,'' Meek says, referring to state Sen. Kendrick Meek, D-Miami.

Carrie Meek has established a fairly liberal voting record, generally following Democratic endorsements of affirmative action, abortion rights, gun control, and spending on housing and job creation. She has favored increasing the minimum wage, expanding the rights of immigrants, and giving tax credits to small businesses in her district.

Her current causes: Census 2000, which aims to count minorities fully in the upcoming census, and additional research on lupus, the autoimmune disease that claimed her sister.

Meek has sided with Republicans on some matters, such as opposing military defense cuts or foreign-policy adjustments to ease relations with Cuba.

On voting evaluations this year, Meek scored 95 or better with the American Federation of State, County and Municipal Employees, the nation's largest public service employees union, and with Americans for Democratic Action, a group that promotes human rights.

She fared worse with business groups, scoring 28 with the Chamber of Commerce of the United States, and only four with the American Conservative Union, which focuses on foreign-policy, social and budget issues.

At a party Sept. 17, 300 supporters gathered on a Washington rooftop to celebrate Meek's

20-year tenure in politics. The guest list included Miami-Dade Commissioners Betty Ferguson and Dennis Moss, Opa-locka Mayor Alvin Miller and representatives of Washington's black elite.

The woman they toasted had graduated from neighborhood activist to power broker. She is one of 60 members of the House Appropriations Committee, where virtually every spending billion housing, transportation, taxes or juvenile crime—is scrutinized.

Remarkably, Meek won a spot on Appropriations during her freshman year. In that term, she sponsored, and won, a measure providing Social Security retirement for nannies and day laborers. After Hurricane Andrew, she helped to obtain more than $100 million in federal aid for South Florida, and joined the fight to rebuild what had been Homestead Air Force Base.

The past 12 months have brought success and failure.

Meek pushed unsuccessfully for a bill that would employ welfare recipients as census takers. Also stalled is her attempt to increase funding for lupus research.

On the other hand, Meek helped to bring Miami-Dade about $80 million in economic development money this year. And, with the aid of Florida Republican lawmakers such as Rep. Lincoln Diaz/Balart and Sen. Connie Mack, she helped to establish new protections for almost 50,000 Haitian immigrants.

Perhaps the biggest prize was the empowerment-zone designation, which will mean $130 million in tax incentives over 10 years, and millions more in job grants.

Norman Omstein, a policy analyst for the conservative American Enterprise Institute, says Meek has carved out a political niche.

''She's open, frank . . . a nice person who works hard,'' Ornstein says. ''When people say nice things about her, it's not just blowing smoke. She ranges across a series of areas: Cuba, Haitians, housing. What she does is outside the norm.''

Rep. John Lewis, D–Ga., says Meek has kept her eye on an important goal: looking out for the people in her district.

''We see showboats and we see tugboats,'' Lewis says. ''She's a tugboat. I never want to be on the side of issues against her.''

Carrie Pittman Davis Meek was born in Tallahassee. She is a granddaughter of slaves, the youngest of 12 children and a firsthand witness to the injustices of bigotry.

Though she grew up in the shadow of the Florida Capitol, segregation prevented her from setting foot in state offices. Her father, Willie, one of the great influences in her life, took her onto the Capitol grounds on the only day it was permitted—inauguration day.

''I grew up in a discriminatory society,'' she says. ''I knew what it was like to be treated differently. I wanted to see things changed, and wanted to assist any movement to help with changing it.''

Though she graduated with honors in biology and physical education from Florida A&M, her race kept her from medical training at state colleges. She enrolled at the University of Michigan and received a master's degree in public health.

After college, Meek returned to Florida and pursued a career in education, working for 30 years as an instructor at Florida A&M and Bethune-Cookman College, and as an administrator at Miami-Dade Community College.

Her interest in public service was kindled in the late 1960s, when she became the local director of the federally funded Model Cities program. She designed recreation programs for low-income public housing tenants.

''I learned people needed homes, schools, day-care centers,'' Meek says. ''I learned of all these unmet needs in the community.''

In 1979, some tenants in those same Miami neighborhoods urged Meek to run for a vacant seat in the Legislature. Meek initially ran into resistance from some of Miami's black political leaders, who favored James Burke, a Democrat who had name recognition because of a previous unsuccessful House race. Now, Burke is on trial in federal court, accused of bribery.

Meek defeated Burke in the primary, trounced Republican Roberto Casas in the general election, and assumed office with a central goal: to champion ''little people'' causes such as housing, education and equal access.

Over the past 20 years, Meek has achieved milestones: the first black female to serve in the state Senate, the first leader of the state's black caucus, and the first black from Florida in modern history elected to Congress.

Her District 17 stretches through the central part of Miami-Dade, from Carol City to Homestead.

When not in Washington, Meek returns to the house in Liberty City—a few blocks from the Martin Luther King Metrorail station—where she has lived for 35 years.

Divorced twice and living alone, she likes dancing, quiet evenings at home, reading books or playing with Duchess, a great Dane puppy.

HOPES IN LIBERTY CITY

Federal aid for housing shows 'possibilities of what can happen.' It is just after 10:30 a.m. on a recent weekday, and Carrie Meek is riding along Miami's Northwest 27th Avenue. Since a ceremony last month, the street carries her name: Carrie P. Meek Boulevard.

She is headed to the Miami-Dade Housing Agency to join U.S. Housing and Urban Development Secretary Andrew Cuomo for an announcement: a $35 million federal housing award for renovation of the Scott and Carver housing developments in Liberty City.

On three previous attempts, the county missed a shot at the funding. Last year, Meek's staff asked HUD to help the county craft a better application.

Problems are chronic at the housing developments. But with the new money, housing officials intend to start over. Demolition is set for 754 units at Scott Homes and 96 at Carver Homes. In their place, the county will build 382 single-family and townhome units, adding more grass and trees.

The housing agency has great hopes for the project—lower density, reduced poverty, less crime. Meek says the assistance is long overdue.

''It's about the possibilities of what can happen in Liberty City,'' she says.

## COOPERATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise to speak about cooperatives, but I cannot resist talking about my friend, the gentleman from Florida (Mrs. MEEK).

I did not know the gentlewoman before I came to Congress. I did not have that privilege. But we have become soul mates here, and I certainly want to express my admiration for her constituents, who understand her value and the true quality of the person representing them. I want to commend the newspaper, who also understands quality of service. So I just wanted to add those additional remarks.

Mr. Speaker, I rise to talk about cooperatives and to say this is National Cooperative Week, celebrating the founding of cooperatives and why they are special and why we make this recognition.

Cooperative businesses are special because they are owned by the consumers they serve and because they are guided by a set of principles that reflect the interests of those consumers. More than 100 million people are members of some 47,000 U.S. cooperatives, enabling consumers to secure a wide array of goods and services, such as health care, insurance, housing, food, heating, electricity, credit unions, child care, as well as farming.

Farming community cooperatives indeed have been very important. In the agricultural sector, USDA's Cooperative Services' survey of farmer cooperatives for the year 1995 reported that actually there were more than 4,006 cooperatives in operation. These associations provide a variety of services, from buying, as well as producing, as well as marketing. So they have made a difference.

Cooperatives structured properly can be of great benefit to farmers. They focus on their ability to collectively buy at the most economic rates. They also allow them to sell and to be in an association to market their goods. So cooperatives in the farming community is very, very special, and we want to commend and strengthen their service in the rural community.

Cooperatives are also effective in electric. In my area, I come from rural America, and electric cooperatives have made the difference. They have been in eastern North Carolina from the very beginning. In fact, in the 1940s, it was not very profitable to have electricity in our areas, and they were established in eastern North Carolina, which is sparsely populated, and they have made the difference. They have grown in my district. In fact, I perhaps have more electric cooperatives than anyone else in my State, and they are of value.

In fact, in the recent Hurricane Floyd that we had, it was indeed the cooperatives not only in the State but those cooperatives from out of the State who came to the rescue of the cooperatives who were affected by Floyd. In fact, some 260 electric members were without electricity for a period of time, and there were 700 cooperative linemen of the entire State who engaged in securing the additional support for the rural utility service.

So I want to just commend cooperatives and to say how valuable they have been for the quality of life and the protection of consumers and the value they have meant both in the agricultural community and also in the electrical service area.

Cooperatives structured properly can be of great benefit to farmers. They help focus buying strength for quantity discounts on input and combine a larger volume to get a higher price on output.

From an economic standpoint cooperatives can improve the bottom line and cut out the middleman, they create efficiencies that allow cooperative members to be stock holders and receive rebates.

Cooperatives were born out of the low prices of the 1930's as the farmers' response to dealing with these low prices . . . now as we move towards consolidation and vertical integration farmers cooperatives in general will serve a more vital role than they have in the past.

Cooperatives will continue to hold down prices by creating diversity within the market place.

Electric cooperatives have been these since ''the beginning'' because they began electric power service in North Carolina. In the 1940s it simply wasn't profitable for established power companies to serve the sparsely-settled areas of eastern North Carolina.

The electric cooperatives have grown with my district. Without stable, reliable electric infrastructure, economic development could not have taken place.

Are they still needed today? Of course, they are. Cooperatives—owned by their customers—have been there when no one else wanted the outlying areas and they are still there, standing shoulder to shoulder with today's businesses ensuring that customers—large and small—can benefit in an ever-changing market environment.

Electric cooperatives are not just cooperatives in name only, they truly stand for ''cooperation''.

Hurricane Floyd provides an all too timely and graphic example as to the value of electric cooperatives.

While more than 260,000 electric members were without power, the 700 cooperative linemen of the entire state came together to ''turn on the lights'' in eastern NC. Additionally, 600 electric co-op linemen from 10 states came in to assist. As the cooperatives borrow the Rural Utilities Service, standard engineering and construction facilitate out of state electric cooperative crews coming in to provide much needed hands-on assistance that is vital to restoring power.

Electric cooperatives continue to serve vital functions in the coming new millennium as they did when they were first formed. Rather than constructing and bringing power into kerosene-lit homes, they now will continue to assist consumers through an ever-changing landscape of a restructured electric industry. Through the use of the cooperative model and principles, consumers need to be able to pull together as a electric-buying cooperative in order to create buying leverage in an open marketplace. Consumers can make themselves a powerful force in the marketplace . . . just as cooperatives have been doing for years.

Electric cooperatives are working on models such as this in areas of the country that have begun to open their electric markets.

Cooperatives can also serve consumers by bundling packages of utility services—such as internet, other home heating sources, water and sewer—to provide ''one stop'' shopping convenience. This is especially true for rural areas that traditionally are left behind when it comes to competitive services.

## CO-OPS IMPORTANT TO IOWA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BOSWELL) is recognized for 5 minutes.

Mr. BOSWELL. Mr. Speaker, I am pleased to be here tonight along with the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from North Dakota (Mr. POMEROY) to honor and appreciate cooperatives across America. It is important to honor and recognize these valuable institutions, America's co-ops, not only during national co-op month but every day because of the importance they play in every community's life.

Years ago, farmers across our State, many years ago, had no place to purchase their inputs or no place to store their grain or to market. They were really at the mercy of a handful of people, and sometimes they could not even get their grain anywhere. Well, co-ops came into existence. They were organized across our State and across the land, and they are very important to our Nation and they are very important to our State of Iowa.

There are 47,000 cooperatives of all types in the U.S., and they serve 120 million in all 50 States. One of every four people in the United States is a member of a co-op. In Iowa, co-ops originate about 75 percent of the grain sold by Iowa farmers. Iowa's rural electric co-ops, which the gentlewoman from North Carolina (Mrs. CLAYTON) mentioned how important they are, they certainly are to me, I have three meters on a co-op line at my farm, serve more than 176,000 farms, homes, and businesses in all of our 99 counties. There are over 220 credit unions in Iowa that have more than 740,000 members. Iowa has 124 cooperative farm organizations that total 322 sites throughout the State. The bottom line is nearly everyone's life in Iowa is touched by a co-op in one way or another.

Cooperative associations can take on different forms within the communities they serve. Certainly they serve as business organizations, but they can also be the lifeblood of the community, providing the backbone and the strength to the residents of the area. Local control and local ownership make co-ops a special kind of business because of the commitment not only to the people they serve but also to the communities in which they exist.

Co-ops can take on many different functions in a community. In rural Iowa, where I am from, the farmer cooperative can be the center of many of the community's actions. I have said for a long time in farm communities today they need at least a minimum of two important things to do business: they have to have a bank and they have to have an elevator. And I would say very often a co-op elevator. Both are very important. They are a must to do business down on the farm.

On the business side, the farmer cooperative can help create a business superstructure for individual farmers or other cooperatives which allow for a more coordinated and efficient farm operation. They supply services and supplies that are essential to the day-to-day running of the operation.

On the personal side, they allow farmers the opportunity to join together to provide inputs in the market, share information, and provide co-op regional support. My local farmer cooperative in Lamoni, Iowa, is part of the reason I am here today in the United States Congress. Back in the 1980s, during the last farm crisis, my neighbors and fellow farmers asked me to serve as the president of their co-op. We worked as a community to keep our people on the farm and to keep our towns and our schools and our churches and our local businesses viable.

Co-op members have always helped each other make it through the tough times by sharing resources and experiences and helping each other work through the problems and struggles associated with crises. I can recall serving on the local co-op board during the farm crisis of the 1980s. It was a tough time, but I was sure glad to have the associates that I had. Now, American agriculture is again faced with a growing crisis, and again cooperatives will be there to lend a helping hand and, in many cases, the glue that holds communities together.

□ 1945

By joining together and marketing their products together, farmers are better able to gain strength they need to compete with the large multinational corporate farming operations that now control much of agriculture.

There are going to be many dramatic success stories coming out of the current agriculture crisis, and once again it is going to be the farmer cooperatives playing a very significant role. Cooperation by whatever means and whatever name you call it, networks or co-ops, is what built our system of family farms in the Midwest, and they may well be the best strategy for preserving it to the greatest degree possible as we meet future farm challenges.

Once again I am pleased to join with the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from North Dakota (Mr. POMEROY) to honor and appreciate the importance of America's co-ops.

Ms. KAPTUR. Mr. Speaker, I offer the following: ''I must study politics and war that my sons and daughters may have liberty to study mathematics and philosophy. My sons and daughters ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.''—Letter to Abigail Adams from John Adams [May 12, 1780].

Mr. Speaker, Jamie Whitten, the former chairman of the House Appropriations Committee and chairman of the Agriculture Subcommittee for forty years, said the only real wealth we have is the land. Much like President Adams, he believed that what farmers do provides us with the greatest security in the

world—the freedom from hunger so that we are afforded the freedom to undertake other endeavors.

Farmer Cooperatives have been a real source of strength in the 20th century. They provide an opportunity for many small producers to band together to create strength among themselves for themselves. Farmers have been able to purchase supplies and sell product through cooperatives. They have banded together based on commodities or region for the betterment of all.

They also have been a vital source of development in rural areas with telephone and electric power services.

They provide collaborative financing for producers and rural businesses (Farm Credit Services).

There are more than 3,500 cooperatives in the US, with total sales of over $100 billion. They employ nearly 300,000 people, with a payroll of $6.8 billion.

Cooperatives have been storehouses of ideas and innovation. As we see consolidation in the agriculture industry today, co-ops offer farmers the opportunity to vertically integrate and take advantage of profit sharing as a way to keep rural areas and rural families productive, while offering new opportunities for prosperity.

Farmers have been unfairly portrayed as unsophisticated individuals who could easily be fooled by ''city slickers''. The next time you want to talk with someone who is knowledgeable in cutting edge science, the intricacies of international trade, who is prepared to compete on a global scale, and must depend upon every available tool to stay ahead, you might want to think about Intel and Microsoft. But you would be wrong. The person you need to talk to is the American farmer and his co-op manager. There are no more savvy people like them in the world.

Mr. OBEY. Mr. Speaker, October is Coop Month and I am delighted to join with my colleagues in recognizing the importance of cooperatives to our country.

The cooperative idea is as old as civilization itself. It began with people recognizing that by banding together for their mutual benefit they could achieve much more than they could as individuals.

When we think of co-ops in America we generally think of agricultural organizations who, beginning in the Midwest in the 1860s and 1870s, understood this principal and began to organize around it. Because of the foresight and determination of a number of pioneers in the Grange, founded in 1867, rural Americans began to enjoy the benefits of cooperative stores to serve their members with farm supplies and machinery, groceries and household essentials. Soon, farm commodities from cotton to milk to wheat were being marketed through co-ops.

In the following decades the fortunes of co-ops fluctuated, but by the early decades of the twentieth century co-ops had become the prevailing feature of the farm economy helping farmers not only with supplies and marketing, but with financing, housing and electrification. Today, Rural Electric Co-ops alone operate more than half the electrical lines in America and provide electric power to more than 25 million people in 46 states. In the field of telecommunications, cooperatives have become vital in ensuring that rural residents are not bypassed by the information revolution.

Today, co-ops are a common feature throughout both rural and urban America and throughout all sectors of the economy, while they remain a vital part of the food and agriculture industry. In recent years, cooperative members have been spreading that message abroad to the developing world and to newly-emerging democracies in Eastern Europe. And, with the help of Congress and the federal government, new co-op development is underway here at home through Co-op Development Centers and the Co-op Development Grants Program at the U.S. Department of Agriculture whereby small federal investments are helping to leverage substantial amounts of non-federal support to help start and strengthen businesses, create jobs and build communities.

In 1908, Teddy Roosevelt's Country Life Commission recommended cooperatives as a means to improve economies of scale, strengthen agricultural production and supply and promote infrastructure development. 90 years later, the National Commission on Small Farms called for increased federal investments to support rural cooperative development at the grassroots. While America has changed almost out of all recognition in the intervening years, the cooperative principals upon which much of America's wealth and values is built remain as important as ever.

Mr. Speaker, I am happy to help celebrate Co-op Month and to recognize the vital role that co-ops have played in the development of our nation.

## THE IMPORTANCE OF COOPERATIVES

The SPEAKER pro tempore (Mr. WELDON of Florida). Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, October is National Co-op Month, and throughout the month of October cooperatives, whether agricultural, consumer, electrical or child care, from all over the Nation will celebrate the importance of cooperatives. Across the United States more than 100 million Americans benefited by 48,000 cooperatives that will generate $100 billion annually to our Nation's economy.

Tonight, I would like to highlight the importance of cooperatives to my home State, North Dakota. Throughout their history cooperatives have been a symbol of rural America just like the wind mill, the old country barn, and the four bottom plow. Cooperatives represent the very fiber of American ingenuity and community that have made this country great.

From the first successful cooperative organized in the United States by Benjamin Franklin to the 1990's cooperatives, like housing and baby-sitting cooperatives, cooperatives were created with the belief that individuals joining together in cooperative efforts can best market the product they produce. Cooperatives are associations of people uniting voluntarily to meet their common economic, social, and cultural needs through a jointly owned, democratically controlled organization.

Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity, and solidarity. In the tradition of their founders, cooperative members believe the ethical values of honesty, openness, and social responsibility in caring for others.

In the 1920s, the country witnessed the growth of the dairy cooperatives; in the 1930s country grain elevators were created; in the 1940s oil and gas cooperatives; and in the 1950s, electrical and telephone cooperatives were created. Each of these co-ops provided the basic essential, providing quality products for consumers and producers at the most cost-efficient beneficial means. Over the past 20 years cooperatives have entered a new and exciting phase. We have begun to observe a new wave of cooperation such as the North Dakota examples I will speak about tonight.

Specifically in responding to consolidation and concentration in agriculture occurring at an alarming rate, cooperatives have helped provide an avenue for farmers joining together. In North Dakota cooperatives have become, it seems, our State's newest best strategy in bringing to farmers a value-added component of marketing their products. North Dakota is a leader in cooperative development.

All the necessary ingredients are there, the long history of progressive prairie populism, its rural population used to pulling together to meet trying times. Now our heavy dependence on agriculture has made the ability to produce the value-added component to the product very, very important.

Since 1990, nearly $800 million in value-added facilities have been creating 600 new jobs in North Dakota. Some of the examples, the American Sugar Crystal Cooperative, one of the most recognizable cooperatives in North Dakota founded in 1972, and now with literally hundreds of growers, it has been a very, very successful marriage between the grower and the producer through this shared cooperative experience.

The Dakota Pasta Growers, one of the most fascinating cooperatives in North Dakota. The Dakota Pasta Growers, founded in the late 1980s by durum farmers who believed they could pull together and get themselves a better market for their product by actually producing the seminola flour and the pasta products itself; and Dakota pasta has succeeded in the face of many skeptics in Carrington, North Dakota, by hard work, ingenuity and producing a very top quality product. Today they will increase storage capacity from 120,000 to 370,000 bushels doubling milling capacity, all in all an outstanding success.

The North American Bison Cooperative, an excellent example of how farmers can band together to try new products. The prairie bison, now jointly slaughtered in this cooperative slaughtering plant. Five years ago, the co-op got off to a terrific start, and every year its product marketing continues

to grow. This past year they slaughtered 8,000 bison in this 5-year-old cooperative, to give you an idea of how things have grown.

Now clearly as we look at the cooperatives in total, the government at all levels has a role in cooperative development and maintenance. It is important they work. They bring economic opportunity to people, and they have as a result different tax statuses, different contracts and, most importantly, nonprofit philosophies.

As a Federal law maker when it comes to cooperatives, I believe it is my role to maintain and preserve the opportunity for development of cooperatives so especially essential to our rural communities.

The 1996 farm bill increased the risk of production agriculture on the family farmer. It is more important than ever therefore to have the farmer be able to pull together and create new economic opportunities in the value-added piece, in the wonderful examples of the North Dakota cooperatives that we have demonstrated.

The development of rural business today is just as vital today as it was 50 or 75 years ago. As I mentioned before, the smaller business owner, the farmer and the rancher is going to continue to be squeezed in the marketplace in light of the concentration that we are seeing; and their best shot at being able to preserve their ongoing place in production agriculture and in the value-added component is by teaming together through the cooperative philosophy, banding together to achieve collectively what it would be impossible for them to achieve individually. That is the miracle of cooperatives.

We certainly are proud to recognize them tonight and wish farmers and others all across the country thinking about how they might achieve a different dimension of success, to urge them to look at the cooperative way. It works as North Dakota examples have shown.

## I. OVERVIEW AND BACKGROUND

Mr. Speaker, October is ''National Co-op Month.'' Throughout the month of October, cooperatives—whether agricultural, consumer, electrical, or child care—from all over the nation will celebrate the importance of cooperatives. Across the United States, more than 100 million Americans benefit by 48,000 cooperatives that generate $100 billion annually to our nation's economy.

Tonight, colleagues from across the United States and from all sides of the political spectrum will join me in highlighting the importance of cooperatives to our constituents.

### A. HISTORICAL ROOTS

Throughout their history, cooperatives have been a symbol of rural America—just like the windmill, the old country barn, and the four bottom plow. Cooperatives represent the very fiber of American ingenuity and community that have made this country great. From the first successful cooperative organized in the United States by Ben Franklin to 1990's cooperatives like housing and baby sitting cooperatives, cooperatives were created with the belief that individuals joining together in cooperative efforts can best market the product they produce.

Cooperatives are autonomous associations of people uniting voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly owned democratically controlled enterprise. Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity, and solidarity. In the tradition of their founders, cooperative members believe the ethical values of honesty, openness, social responsibility and caring for others.

The contemporary cooperative as we know it was created in the 1920's as a reaction to the rapidly growing, unchecked corporate, business climate on Wall Street. Also, in 1922, Congress passed the Capper-Volstead Act which allowed farmers to act together to market their products without being in violation of antitrust laws.

In the 1920's, the country witnessed the growth of the dairy cooperatives, in the 1930's, country grain elevators were created, in the 1940's oil and gas cooperatives, and in the 1950's electrical and telephone cooperatives were created. Each of these cooperatives provided the same basic essential providing quality products for consumers and producers at the most cost-effective, beneficial means.

Over the past 20 years, cooperatives have entered a new and exciting phase. We have begun to observe new wave cooperatives such as the North Dakota examples that I will speak about tonight.

The growth of cooperatives can be compared to the game of football. From their modern-day inception in the 1920's through the 1950's, cooperatives were created in an act of defense. Defense to protect the smaller producers and vulnerable rural communities from the unregulated, massive corporate companies.

Cooperatives have evolved throughout history seeming to continue to be one step ahead of contemporary society by meeting the ever changing needs of consumers.

### B. THE IMPACTS OF MARKET CONCENTRATION ON COOPERATIVES

As you all know, concentration is occurring at a very rapid rate in nearly all aspects of our economy. In the past five years, mergers have occurred in the oil, technological, chemical and seed, automobile, and agriculture sectors.

Specifically in agriculture, 4 meat packers control 80 percent of the beef and lamb processing industry compared to 36 percent in 1980, 5 meat packers control 65 percent of the hog industry, four firms control 59 percent of port facilities, 62 percent of flour milling, 74 percent of wet corn milling, and 76 percent of soybean crushing. Moreover, in 1980, the farmer got 37 cents of every dollar consumers spent on food compared to 23 cents in 1997.

Obviously, with market concentration occurring at such a rapid rate in all aspects of our economy, the role of cooperatives as a means to market a product become more important for producers' economic livelihoods.

Cooperatives, as we head into the 21st Century, must be prepared to meet the complex challenges of meeting the diverse needs of the American consumers while at the same time continuing their role of a producer-driven cooperative.

## II. THE ''NORTH DAKOTA EXPERIMENT''—COOPERATIVES AT THEIR BEST

### A. WHY COOPERATIVES ARE WORKING IN NORTH DAKOTA?

In North Dakota, cooperatives have become, it seems, our State's newest obsession. North Dakota is one of the leaders in the nation on cooperative development.

All the necessary ingredients for cooperatives is in North Dakota. North Dakota has a long history or progressive, prairie populism, its rural population does not want to fall victim to corporate greed, and its farmers are tired of receiving low prices for the bountiful products they produce.

North Dakota's heavy dependence on agriculture (nearly 40 percent of the entire state's economy) has made the ability to produce value-added a foremost concern for producers. With producers experiencing extremely low commodity prices in recent years, many have decided to form cooperatives because of their communal marketing advantages to sell the product.

Since 1990, nearly $800 million in value-added facilities creating more than 600 new jobs in North Dakota. Clearly, the cooperative spirit has had an impact in North Dakota.

### B. COOPERATIVE EXAMPLES IN NORTH DAKOTA

American Crystal Sugar.—One of the most recognizable cooperatives in North Dakota is American Crystal Sugar in the Red River Valley. The American Crystal Sugar cooperative was formed in the spring of 1972, when sugar beet growers from throughout the Red River Valley decided to purchase the processing facility of American Crystal Sugar Company. With over 70 percent of the vote (1,065 to 443), the Red River Valley Sugar Beet Growers decided to purchase American Crystal and begin what has been a very prosperous 27 year marriage between the grower and the processor.

Dakota Pasta Growers—Carrington, ND.—One of the most fascinating cooperatives North Dakota has seen in recent years is the Dakota Pasta Growers in Carrington, ND. The Dakota Pasta Growers began due to the ideas of local durum wheat farmers in the late 1980's. The durum farmers were tired of the low prices they were receiving for the high quality, unique product (75 percent of the nation's durum is grown in North Dakota) and were not receiving nearly the benefits of their product they felt they deserved.

In 1993, the Dakota Pasta Growers were born. It is the world's first and only grower-owned, fully-integrated pasta manufacturing company with 1,080 drurum producers who serve as the owners. In only four years, the Dakota Pasta Growers doubled its rollstands to 28, increased storage capacity from 120,000 to 370,000 bushels, doubled milling capacity to 20,000 bushels, and increased the size of the plant from 110,000 to 160,000 square feet. Currently, Dakota Pasta Growers producers 470 million pounds of pasta annually with more than 75 shapes and flavors for retail, food service and industrial segments. The Dakota Pasta Growers now has three manufacturing facilities in Carrington, Minneapolis and New Hope, Minnesota .

Clearly, the Dakota Pasta Growers seems to have perfected its very own method of spinning wheat into gold.

North American Bison Cooperative—New Rockford, ND.—The North American Bison

Cooperative is an excellent example of a cooperative that is facing a serious at-risk financial situation. The North American Bison Cooperative is an example of how the community cooperative spirit is alive and well, but the complex, intricacies of successfully marketing the cooperative's product have not been met.

Five years ago the bixon cooperative got off to a terrific start. Every year, it has grown every year by selling a substantial amount of bison in Europe. But, that growth has brought new challenges. To meet the growing demand for the steaks and roasts, more bison had to be slaughtered. It was real easy to market all of the meat when you only slaughtered a thousand head a year, but it's very different issue when you've increased your production to more than 8,000 animals.

While this cooperative has had excellent markets for every bison steak and roast, it has extreme difficulty in marketing the other half of the animal that is ground up into burgers. Those trim products built up in the freezer while new products and markets were developed. Yes, the cooperative has developed several products—sausages, jerky, and ravioli—and those products are in a whole lot of stores throughout the Dakotas, Minnesota, and Montana. But that has not been enough. The cooperative has developed a strategic marketing relationship with a private firm in Denver, Colorado. This firm also developed new value-added bison products.

But every new product takes time to develop. Therefore, USDA has had to get involved the past two years to assist in the purchase of bison trim to move the Bison Cooperative's product. Clearly, USDA has recognized that this cooperative needs a financial shove and is willing to ante up to allow the Bison Cooperative to survive in its infant phase.

C. NORTH DAKOTA—MORE THAN JUST AG COOPERATIVES

Even though, North Dakota is a predominantly rural state, it has more than just agriculture cooperatives. North Dakota because of its rural communities has electric, credit unions, housing, and telephone cooperatives to name a few.

III. COOPERATIVES AND THE GOVERNMENT'S ROLE

A. BACKGROUND ON GOVERNMENT'S ROLE

Clearly, the government at all levels has a role in cooperative development and maintenance. Cooperatives serve different functions than corporations or small businesses. They have different tax statuses, different contracts, and most importantly, have non-profit philosophies.

As a federal lawmaker, I believe my role in cooperative development and maintenance is essential—especially in regard to agriculture cooperatives.

As you may know, the 1996 Farm Bill changed the course of agriculture policy in the U.S. for the first time in sixty years (since the New Deal). No longer does the government provide a safety net for producers who have suffered from low prices and severe weather. Instead, the new farm bill leaves it up to the producer, through his own instincts, to market the product he produces. In my opinion, the farm bill has made the occupation of farming similar to rolling dice.

B. COOPERATIVE COMPONENTS OF THE 1996 FARM BILL

The 1996 Farm Bill did include provisions to promote value-added agriculture. It created the Rural Business Cooperative office of the USDA Rural Development Agency. The Rural Business Cooperative's mission is very simple: to enhance the quality of life for all Americans by providing leadership in building competitive businesses and cooperatives that can prosper in the global marketplace.

The Rural Business Cooperative has many methods of providing credit for cooperatives to get started. The Business and Industry (B&I) Guarantee Loan Program helps create jobs and stimulates rural economies by providing financial backing for rural businesses. This program guarantees up to 80 percent of a loan made by a commercial lender. Loan proceeds may be used for working capital, machinery and equipment, buildings and real estate, and certain types of debt refinancing.

The B&I Direct Loan Program provides loans to public entities and private parties who cannot obtain credit from other sources. This type of assistance is available in rural areas.

The 1996 Farm Bill, in my opinion, needs to be reexamined because of its lack of a safety net, but I am a strong support of the efforts for value-added cooperatives.

C. COOPERATIVES AND THE 106TH CONGRESS

It is important to me that Congress maintain its commitment to cooperative development by continuing funding for the Rural Cooperative Development Grant Program within the USDA's Rural Development.

The dollars committed to this program have generated hundreds if not thousands of jobs and brought many producers back from the brink of economic disaster.

It is very clear to me just how important this under funded and little recognized program has been to many of the organizations who have come together as part of the National Network of Centers for Rural Cooperative Development.

IV. COOPERATIVE DEVELOPMENT

A. ABOUT COOPERATIVE DEVELOPMENT

The development of rural businesses today is just as vital as it was 50 or 75 years ago.

As mentioned before, the smaller business owner, farmer, and rancher will continue to be squeezed out of the marketplace by giant corporate conglomerates that are vertically integrated, beholden to Wall Street and its stockholders.

Cooperatives represent the best hope that most rural communities, rural residents, rural business owners, and farmers have for ever hoping to control their destiny.

Cooperatives require commitment and hard work, and I know that they are not always going to succeed.

Of the eight Centers represented in the national network, I was proud to learn that at least half are involved in establishing value-added agricultural cooperatives.

I'm particularly proud of my fellow North Dakotan—Bill Patrie. Bill has established a phenomenal number of value-added cooperatives in our state, and most have been very successful. But, Bill also knows the pain of witnessing a great idea not succeed.

B. MORE PEOPLE WHO ARE COOPERATIVE LEADERS

Andy Ferguson in the Northeast who is breaking new ground to establish energy cooperatives; Rosemary Mahoney and E.G. Nadeau who are building value-added markets for organic products in the Upper Midwest; Gus Townes who is developing new value-added vegetable cooperatives and credit unions in the Southeast; Melbah Smith who is building partnerships with state agencies, universities, and private businesses to help small Mississippi sweet potato growers build a multi-million dollar cooperative enterprise; Annette Pagan who is working with poultry producers and small wood manufacturers in Arkansas; and Mahlon Lang and Karen Spatz who continue to with members of the Hmong in building a cooperative that strengthens their community.

V. CONCLUSION

A. COOPERATIVES AS WE HEAD INTO A NEW MILLENNIUM

There are many challenges facing cooperatives as we head into the 21st Century. Cooperatives will be faced with the struggling challenges of increased competition through market concentration, internal forces urging the cooperative to get bigger, and continuing to meet the producer-owners' interests. And, at the same time, meeting the very diverse needs of American consumers.

Mr. Speaker, October is ''National Co-op Month'' and it is an excellent opportunity for the American consumer to recognize the importance of cooperatives in ''the American way of life.''

## OUR SCHOOLS ARE TOO BIG AND TOO IMPERSONAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL of Indiana. Mr. Speaker, last April, shortly after the terrible tragedy that occurred at Columbine High School in Colorado, I spoke with my freshman colleague from the State of Washington (Mr. BAIRD). My colleague from Washington is a trained psychologist, so I asked him for his thoughts about the Columbine tragedy. Since Mr. BAIRD is a trained psychologist, I was expecting a long academic explanation using lots of psychological terms regular people do not understand. Instead, he had a simple solution, an explanation. He looked at me and said, ''Baron, our schools are too big, and these kids do not know one another.''

The Columbine tragedy and other recent events of violence in our schools have made all of us take a serious look at our children, our schools, and ourselves. These recent tragedies have forced us to think about how we educate our children and how we can make our schools safer and better.

This is a personal issue for me, for my wife, Betty, is a middle school teacher; and my youngest daughter is in the eighth grade at a public school in my hometown of Seymour, Indiana. I do not believe that there is one easy solution to all of the problems our schools and our children face today, nor do I believe that we politicians in Congress could pass some law that would solve every school's and every child's problem. I strongly believe that the people who work with children every day, the parents, the teachers and local school administrators, are in the best position to make decisions about their schools.

But this week I am introducing a bill that I hope will make some small contribution to addressing a problem that I and other people have been talking about for many years. It is a problem that the recent episodes of school violence in Colorado and Georgia and other places around the country have once again brought to the forefront of our national debate. It is the problem that my colleague Dr. BAIRD was talking about.

Our schools are too big and too impersonal. Too many of our children wake up every day and go to schools that make them feel disconnected and detached from their teachers, their parents and their communities. The goal of my bill that I am introducing, the Smaller Schools Stronger Communities Act, is to make our schools smaller and to help parents, teachers and administrators and students strengthen the sense of community that many of our schools today are lacking.

My strong feelings about this issue come from my own experience growing up in southern Indiana. When I was growing up in Jackson County, there were more high schools than there are today in towns like Tampico and Clear Spring and Cortland. There were high schools that local kids attended and local families supported. These communities were proud of their schools. Their schools brought people together and helped keep their towns strong and vital places to live.

These schools were the hearts of the communities, and when we consolidated, when school consolidation forced their high schools to close, it tore the heart out of these communities. These high schools along with thousands of other smaller schools around America were closed because for many years educators have followed the rule that bigger schools are better. For a long time we all assumed that bigger schools were better because they could offer students more courses, more extracurricular activities, and could save school districts money.

The statistics on school size show how dramatically this bigger-is-better approach has changed the way we educate our children. In 1930 there were 262,000 elementary, middle and high schools in America. Today there are only 88,000 schools. In 1930 the average school had 100 students. Today's average school has 500 students.

Some education experts are now arguing that school consolidation has gone too far. More and more educators today believe that our children do better academically and socially in smaller schools that are closer to their homes and their parents than in the big schools with thousands of students. Because many schools have become too big, they sometimes harm the students they are supposed to be helping. Many students in big schools never develop any meaningful relationships with their teachers and never experienced a sense of belonging in their schools.

When I start looking at the issue of big schools, I was surprised to find that some of the biggest critics of big schools are high school principals. The men and women who run our high schools, who work with our teenagers every day, say that schools are too big and too impersonal. In 1966 the national association of secondary school principals released a report criticizing the bigness of today's high schools. The principals recommended that the high school of the 21st century be much more student centered and personalized.

Here is what the high school principals said: students take more interest in school when they experience a sense of belonging. Some students cope in large impersonal high schools because they have the advantage of external motivation that allows them to transcend the disadvantage of school size. Many others, however, would benefit from a more intimate setting in which their presence could be more readily and repeatedly acknowledged. Experts have found that achievement levels in smaller schools are higher especially among children from disadvantaged backgrounds who need extra help to succeed.

A recent study of academic achievement and school size concluded that high schools and smaller schools perform better in course subjects of reading, math, history, and science. Students in smaller schools also have better attendance records, are less likely to get in fights or join gangs. A principal of a successful small high school recently wrote that small schools offer what metal detectors and guards cannot, the safety and security of being where you are well known by the people who care for you the most.

The bill that I am introducing, the Smaller School Strong Stronger Communities Act provides grants to school districts that want to develop school size reduction strategy. This bill does not introduce a new mandate or try to micromanage local education authority. It simply supports education leaders in school districts who decide they want to implement a plan to reduce the size of their school units either through new building space or through schools within schools.

I hope this bill will encourage local school districts to take a look at this idea and perhaps think about ways they can make their schools smaller and to find ways to help students feel connected again to their schools and their communities and their parents. This bill and the academic research I have been discussing here today make a very simple point about our schools, our kids, and ourselves. Our lives are better when we feel connected to the people we live and work with.

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## HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. WELDON of Florida). Under the Speaker's announced policy of January 6, 1999, the gentleman from Missouri (Mr. TALENT) is recognized for 60 minutes as the designee of the majority leader.

Mr. TALENT. Mr. Speaker, I want to talk about health care tonight, and I am going to get into some legislative language. I think it is important that we do that, because we are going to be voting tomorrow and the next day on pieces of legislation that will have as big an impact on the quality of life of the American people as anything that will be voted on this session. And I think sometimes it is important that before we vote on bills, we actually read them and take a look at what they say. I hope that comes clear in the course of my discussion this evening.

Before I get into what may sound to some people, however, like a bit of a law school discourse or exercise, I want to talk about the real impact these bills are going to have on real people.

There is nothing more important to the average American and his or her family than the quality of the health insurance that they have access to.

We need health care reform in this country, and we have to keep in mind that it has two aspects. First and foremost, we have to help people who do not have access to good quality private health insurance get access to that health insurance.

Then the second thing we have to do is ensure once they have access to that insurance, it delivers for them. When they get sick, they get the care their physician says that they need, when they need it, before they become seriously ill or before they die. But it is very important that we make certain that in providing for health care reform and providing for accountability of managed care plans, we do not increase the number of people who do not have health insurance in the first place.

Health care reform of insurance is of no value to you if you do not have the insurance, and too many people in America today do not have health care insurance. Forty-four million people in the United States do not have health insurance. One out of every six Americans is without health insurance. They face the risk of illness, they and their families, without having health insurance.

There is nothing more tragic than talking to individuals in this situation. Maybe they have been downsized by a company, they are working for a small employer who does not provide health insurance, they cannot afford it. Maybe they are 55, 60 years old, retired, but they are not old enough for Medicare. Maybe they have a history of illness and they do not work for a large employer and they cannot buy health insurance on the individual market.

These are our friends and neighbors, and we need to help them. Eleven million of them are children, and 75 percent of the people who are uninsured work for small businesses or own small

businesses, or are the dependents of people who work for or own small businesses.

That is the first thing that we need to do with health care reform. We are going to have an opportunity to do that tomorrow. We are going to have an opportunity to pass an accessibility bill that will open up health insurance to millions of people who currently do not have it, and we are going to do that with a number of things in the bill. Some of them provide tax relief to people so they can better afford health insurance on the individual market.

One important provision that I cosponsored allows small employers to pool together in associations, the Chamber of Commerce, the Farm Bureau, the Psychologist Association. They can pool together in an association. The association can sponsor health care plans. Then the small employers can buy those plans for their employees and they can have health care, the same way big employers offer health insurance to their employees today. We are going to have an opportunity to vote on that bill tomorrow.

We are also going to have an opportunity, Mr. Speaker, to vote on the whole issue of accountability, so that, again, when people get health insurance, and that is the number one thing, we ensure that they get the care their physician prescribes when they need it, before they get seriously ill, before they die, and we do that without big government, without increasing costs in a way that increases the number of uninsured. We will have an opportunity to do that also in the next couple of days.

Now, in considering how we can hold HMOs accountable, the problem is this, and most Americans are familiar with it. The concern is maybe less what their insurance covers than the fact that when they get sick, their HMO may not provide the coverage they are supposed to provide. A lot of people have been in that situation. Other people are afraid of being in that situation.

The best thing to do about that is to give individuals and their physicians access to speedy, low cost, internal and external review before independent physicians when the plan has denied their care. So here would be an example, and I am going to use this example several times throughout this discussion, Mr. Speaker.

Let us suppose you belong to a managed care plan or you are a participant in it. You have a heart problem. Your cardiologist recommends beta blockers. That is a drug that will help clear up the arteries if they are blocked. The health care plan says no, you do not need beta blockers. More conservative treatment is appropriate.

We need to make certain that people can have access to external review procedures under those circumstances. They can appeal, in a low cost, quick, timely way, to a panel of independent specialists, cardiologists who are not controlled by the health care plan, and those cardiologists decide whether or not that treatment is medically necessary under those circumstances.

Professionals in any field should be reviewed by other professionals and specialists in that field. We can do that. We are going to have the opportunity to vote for legislation that does that.

It may be appropriate to back that up with liability, limited kinds of liability against the health care plan, to reinforce that external review procedure. So it the plan does not go along with the decision of the independent physicians, they can be sued and they can be hammered with punitive damages under those circumstances.

What we want to avoid, Mr. Speaker, is open-ended liability against employers in particular and against labor unions, in addition to against health care plans, that will jack up the cost of health insurance by billions of dollars, moving that money out of health care and into litigation; moving people out of treatment rooms and into courtrooms.

If we pass a bill that does that, Mr. Speaker, we are going to make the problem worse instead of better, because we are going to vastly increase the number of people in the United States who are uninsured.

It is my concern that the bill being offered by my colleagues, Mr. NORWOOD and Mr. DINGELL, would do exactly that. I say this with the sincerest of respect for their passion and their dedication on this issue, but I am concerned that their bill, the Norwood-Dingell bill, opens up precisely the kind of liability that will jack up the number of uninsured in the country by moving people again out of treatment rooms and into courtrooms.

The Norwood-Dingell liability provision is open-ended liability in hundreds of State courts around the country for any result that someone claims to be negative in a health care case, if that result can be connected in any way to any aspect of the operation of any health plan, with unlimited damages, including punitive damages, for the employer, for a labor union if it is a labor-management plan, and for the employees of the employer and the labor union, and, in fact, for contractors or accountants or people associated with the employer or the labor union if they assisted in any way in setting up the health care plan. Again, it would move billions of dollars out of treatment, out of health care, into litigation. That is not good for anybody.

So much for my preface, Mr. Speaker. I want to get to the language in the Norwood-Dingell bill. It would be kind of hard to read it this way, so let me turn it around.

The Norwood-Dingell bill allows any cause of action, there it is in bold, against any person, it does not define ''person,'' so that means the employer, it means the health care plan, it means employees of the employer or the health care plan, for any personal injury, and they define that to mean a physical injury or a mental injury, so it cannot be an economic injury, but allows a cause of action against any person for any physical injury that is connected to or arises from, in connection with or that arises out of, the provision of insurance, the administrative services, or medical services, or the arrangement thereof.

This is not just a cause of action for the denial of a benefit. It is not just a cause of action when a health care plan goes against the treating physician or the external reviewer. It is much more broadly written than that. It could not be more broadly written. It is a cause of action for any injury arising out of or in connection with in any way the operation or arrangement of a health care plan.

Now, Mr. Speaker, I am a lawyer. When I read this language, I put my lawyer's hat on and I thought, now, what kind of lawsuits are we going to see in response to that kind of language?

Well, just a couple of what we lawyers call hypotheticals. They are hypotheticals in the sense that they have not actually happened because we have not actually passed this bill, but they are the kinds of cases that will be brought if we do pass this bill.

First the classic case. Let me go back to my beta blocker example. When physicians treat clogged arteries, they have to choose whether to use beta blockers, which is a drug or a cardiac cath, a minor surgery or some more aggressive kinds of surgery or treatment.

So, let us suppose that somebody goes to their cardiologist in a managed care plan, and the cardiologist decides to grant a cardiac cath, to prescribe a cardiac cath, and the plan reviews that decision by the treating physician and denies the cardiac cath and, as a result, some kind of injury arises.

Well, that is a physical injury arising out of the provision of medical services, so clearly a cause of action would be warranted. But let us suppose that the plan grants the treating physician's decision and allows the cardiac cath and an injury results. That too is a physical injury in connection with or arising out of the operation of a health plan and you can sue the health care plan for that.

Or let us assume the health care plan says look, we do not even want to review this. We are going to let the physicians prescribe whatever they want, and go along with that, and a bad result occurs. Then you could sue the plan for not reviewing what the physician does, and that would be a physical injury arising out of or in connection with the arrangement of a health care plan and a cause of action would lie under the Norwood-Dingell bill.

That cause of action, remember, is against any person. Not just the plan, but the employer who purchased the plan, the restaurant owner, the small restaurant owner who went out and decided he was going to try to provide

health insurance to his people and linked up with a managed care network, or a big employer with a big HR department and tries to operate these plans in a conscientious way. You could sue them. You could sue the employees of the big employer who helped set up the plan. You could sue a contractor or consultant that you relied on. All of these people would be open to lawsuits for punitive damages in State courts around the country.

That is a pretty obvious case. Let us take a different case, again with the beta blocker example. Let us suppose that a plan has a quality assurance plan. Many managed care plans do. So they go out and they try to make sure their physicians are up-to-date in all the latest kinds of medical developments. So they go out and give seminars on when you use beta blockers and when you use a cardiac cath or more kinds of aggressive treatment, and the physicians go to these seminars.

Then a patient is going to one of these physicians, and the physician recommends beta blockers in a particular case and you get a bad result or what somebody alleges is a bad result or a physical injury. Now you can sue the plan because they were not aggressive enough in recommending cardiac caths.

But let us suppose the physician recommends the cardiac cath. Now you could sue the plan because in the way it operated its quality assurance plan they were not aggressive enough in recommending beta blockers. Or if they did not have a quality insurance plan you could sue them for that. Or if they did not have enough seminars in their quality assurance plan, you could sue them for that. Or if they did not require that the physicians attend all the seminars, you could sue them for that. And what would constitute an adequately and properly run quality assurance plan would be determined in State courts in jurisdictions all around this country, even though many of these plans are national plans.

So what a plan that was hired by a big employer would have to do with regard to quality assurance plans would differ from one circuit court in one State to another circuit court in another State. And if they got it wrong, if a jury believed they got it wrong, they would be open to unlimited damages, including punitive damages, and you could sue the employer and the employer's employee as well, although I will get to that language in a minute.

Let me give one more example, and I could give hypotheticals with my lawyer's hat on all night long. Let us assume a situation where somebody is having some heart pain or chest pain. They belong to a managed care network. They try and make an appointment with the cardiologist. They do not get in for a week or so, and, as a result, their condition worsens.

Now they say well, you do not have enough cardiologists who are close enough to me so I could get an appointment. So, again, you sue the plan. You say you have to have more cardiologists than this within a certain number of miles from me, and all the other plan participants as well.

Again you have the same kind of lawsuit, and again you have the standards for what is quality care being determined for national plans in State courts after the fact in jury deliberations in circuit courts all around this country. If you get it wrong, why, you owe punitive damages.

By the way, you can, of course, sue the people who consulted with you in determining how much cardiologists you had to have and the employees you hired to determine how many cardiologists you had to have, and all resulting in billions of dollars being transferred out of the health care system, out of the treatment room, into the court room.

Moreover, Mr. Speaker, not only would the plan and the employer in these circumstances be subject to punitive damages, they would not be able to avail themselves of any malpractice limits that had been passed in State statutes, because these actions are not for malpractice, these are actions for negligence or whatever the State statute provided in the operation of the health care plan.

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So it would not sound, as we lawyers call it, it would not arise out of a malpractice action. Therefore, you would not be allowed the limits that you would have in a malpractice action.

Let us go to the liability of the employer under these circumstances. I want to say, the bill contains, in a different provision, and I did not have it all here, a shield for employers from lawsuits. So the bill does have a defense. It says you cannot sue employers, except in certain circumstances.

These are the circumstances under which you can sue the employer or other plan sponsor, and that, of course, would include labor unions, in the event of a labor-management plan. You can sue the employer or the labor union for the exercise of discretionary authority to make a decision on a claim for benefits; not deny a claim for benefits, but whenever the employer or the labor union makes a decision on a claim for benefits.

So let us go back to the first hypothetical and put a lawyer's hat back on again. The case was where the question was whether the cardiologist would recommend beta blockers or whether the cardiologist would recommend a cardiac cath or some more aggressive treatment.

If the employer exercises his discretionary authority to deny the care recommended by the cardiologist, he has obviously made a decision on claim for benefits on the exercise of his discretionary authority, and if injury results, the employer would be open to lawsuits.

Remember, this includes small employers, not just big employers. It does include the big employers, the big national plans, whose employees by and large are satisfied with their health care.

Suppose the employer grants or sustains the benefits and a bad result occurs. Now you can sue the employer saying, you were negligent in the exercise of your discretionary authority in sustaining the benefits. You should have overruled them.

But let us say the employer says, I do not want to get in this kind of liability. I am not going to do anything. I am not going to be involved in this process.

In the first place, they could be liable under ERISA. Under ERISA, the basic network of laws under which all this operates, the plan sponsor is supposed to be a fiduciary. They are supposed to operate the trust for the benefit of the participants.

If you explicitly refuse to exercise your discretionary authority on behalf of the participants, you have violated ERISA. But if you say, I am not going to exercise my discretionary authority, I am going to let the plan do everything, Mr. Speaker, you have exercised your discretionary authority not to exercise your discretionary authority, and you could be sued for that.

If I was counsel for the employer, I would say that is the most dangerous thing of all, because when you get before a jury, and I am going to bring this home to real life and real lawsuits in just a minute, when you get before a jury, you are going to have to explain to the jury why you did not care enough to try and oversee in any way the operation of your health care plan when somebody was injured as a result of that.

That kind of lawsuit is the least in the liability that the employer faces. And remember, there are punitive damages for this. There is no shield in this bill for the employer against punitive damages under any circumstances. Remember, you could sue the employees of the employer or the labor union under these circumstances.

I think you might be able to defeat this defense in other ways. Again, I don't want to get too exotic here with my hypotheticals, but I think you could say if an employer hires a health care plan and does not engage in adequate due diligence, does not look into enough whether that health care plan was a good plan, maybe willfully neglects doing that, that is the exercise of the discretionary authority to hire a bad plan when you should have known it was a bad plan, and you should have known it would result in affecting decisions made on claims of benefits, and as a result, the entire shield is removed.

Those are the kinds of hard cases when there is a serious injury to somebody that makes bad law. Those will be pushed in every courtroom in the country.

Let me go over again, and I am going to wrap this up in a minute, Mr. Speaker, but let me go over again what we

are talking about here, and the dangers that we are talking about: again, open-ended liability for employers, labor unions, health care plans, their employees, contractors, associations, for any physical injury that arises or is connected in any way with the operation or administration of any health care plan.

This is going to result in billions of dollars being spent in litigation, in avoiding litigation, in settling litigation that is not going to go to health care. It is going to result in a diminution, a lessening, Mr. Speaker, of benefits for individuals who have insurance, and a vast increase in the number of people who do not.

The final points. Again, the Norwood-Dingell bill does not define ''person.'' So again, anybody can be sued: the health care plan, the employer, any of their employees. Employers are going to have to have directors and officers liability insurance for their employees who run human resources operations. They are going to have to have insurance on their employees, in order to get health insurance for the employees.

Winning is not everything. This is very important to understand. If I am a lawyer and I am representing somebody who has been hurt, and I do not criticize lawyers in saying this, they have an absolute obligation to zealously represent their client in an attempt to recover whatever they can recover for them if they have been physically injured. You are going to sue everybody. You are going to name everybody, including the employer.

Now, this defense is what we lawyers call an affirmative defense. So you are going to be sued in State court, you are going to raise this affirmative defense in the answer. When you file your original papers, you going to say, no, I was not exercising my discretionary authority, so under Federal law you cannot sue me.

Okay, immediately what is called the interrogatories go out. Immediately they ask you for every document relating to how you developed your health care plan or how you were involved in this particular decision. After that they begin the depositions. They will depose whoever it was, anybody who was involved in any way or should have been involved with choosing the health care plan. Meanwhile, of course, the legal bills are adding up, because of course you are having your lawyers write memos to try and determine what exactly this means, because these terms in here are not defined, so thousands and thousands and thousands of dollars in legal fees are adding up.

Then after the interrogatories and after the depositions, you file what is called a motion for summary judgment. In other words, you say to the court, look, it is evident from the information we have gathered so far that you cannot sue me under this bill. Now you are up to $40,000, $50,000, spent in legal fees, even if there is not a basis for claiming that you exercised your discretionary authority to make a decision on benefits.

How is anybody going to know, because this is entirely new law? We are making it up in this bill. Many of these terms are undefined. Then, if you lose at that point, and very often a judge will exercise his discretion not to grant a motion for summary judgment and let the case go to a jury, now you are before a jury, and a jury is making a judgment about whether you exercised discretionary authority. So this legal term here, this aspect of Federal law, is going to be defined by juries all over the country.

Mr. Speaker, I talked to some people who came into my office who owned restaurants. I am the chairman of the Committee on Small Business, so I talk a lot to small business people. Small business people by and large want good employees, so they want to shape compensation packages to get good employees. They are by and large very distressed that they usually cannot offer as good health care as the big employers can because they cannot fashion big pools.

I asked them what would happen, what they would do if they were faced with this kind of liability. These were restaurant owners. The restaurant business is a business where many people who work in that business do not have health insurance. Many restaurant owners do not offer health insurance. I asked them what they do. They said, we will drop the health insurance. We cannot open ourselves to this kind of liability. These are not wealthy people.

If we talk to people who run big companies, who want their health plans to be good so people are satisfied because they have to compete for good employees, what are they going to do when their costs start going up? I hope none of them drop their coverage. At least the cost of the coverage is going to have to go up. They are going to have to reduce the number of benefits. They are going to have to increase the number of employees. They are going to have to pass along costs to their employees, and they are going to have access to poorer quality health insurance.

That is unprecedented liability for employers. I just reviewed that. External review is useless. The Norwood-Dingell bill requires resort to external review in the event of a denial of a claim. Well, most of the actions I have just talked about do not involve denying a claim, so the external review that I talked about in the beginning that is the answer to the problem of accountability would not even be available. We cannot go to external review on the issue of whether a quality assurance plan was adequate or not.

Also, the bill permits people to avoid external review when there is injury suffered before the external review panel can meet. So if the heart condition gets worse in the week while you are waiting for external review, you can get around it and you can sue.

We ought not to be getting people out of external review. That is the right answer. We ought to be encouraging people to go into external review so that physicians are reviewing the decisions of physicians, not juries or courtrooms reviewing the decisions of physicians.

Finally, Mr. Speaker, the liability provisions in the Norwood-Dingell bill would apply to private sector employees, but would not apply to Federal employees. They would not apply to Congressmen. This is a liability provision which is supposedly good for people, but once again, Congress would exempt itself from the operation of this procedure.

Now, I have talked with some Members today. They indicated to me that, no, they thought well, maybe you could not sue if you were a Federal employee. Maybe today you could not sue the Federal Government, and right there you have a difference, because the Norwood-Dingell bill allows you to sue employers. Under current law, you cannot sue the Federal Government.

But they have told me, but you can at least sue the health care plan or the carrier with whom the Federal Government contracts. So they say, well, no, the Federal employees are excluded from the Norwood-Dingell bill. That is true, but that is because they can already sue their health plans or their health carriers.

Here is what title V, section 890 107(C) of the Federal regulations say with regard to actions by employees of the Federal Government.

It says, ''A legal action to review final action by the OPM,'' the Office of Personnel Management, and you must go first to the Office of Personnel Management if you have a claim, ''involving such denial of health benefits must be brought against OPM and not against the carrier or the carrier's subcontractors. The recovery in such a suit shall be limited to a court order directing OPM to require the carrier to pay the amount of benefits in dispute.''

So under current law, which would not be changed by the Norwood-Dingell bill, Federal employees cannot sue their carriers, Federal employees cannot sue the Federal Government, but under this provision, employers, private employers, would be subject to actions.

Mr. Speaker, this does not have to be all or nothing at all. We do not have to go on with the current system, where people have rights, supposedly, under health care contracts, but no effective way of enforcing those rights. We can have accountability. We can do it through tightly-written, low-cost, easily accessible external review procedures where physicians are reviewing the decisions of other physicians. We can back that up with liability, in cases where the external review process is ignored or where it is fraudulent or where it is frustrated.

The least we need to do with the Norwood-Dingell bill is to make clear that

liability against the employer is strictly limited to cases where the employer directly participated in the denial of benefits. We need to make clear that punitive damages are strictly limited or not allowed. We need to require exhaustion of external review.

We need to be certain that where we allow quality of care actions, we make clear in the law what quality of care is, so that people know what the law is and can set up their health care plans accordingly, and we do not have that judgment being made in State courts around the country.

The reason, again, is because all of this makes a difference to real people who are really confronted with illness and the threat of illness. There are too many people in the United States today, Mr. Speaker, who do not have health insurance, and most of them do not have health insurance because it costs too much. Every time we increase the cost of health insurance, it means more and more people are not covered. Patient protections do not help you if you do not have insurance.

We have the chance in the next couple of days to pass good bills to increase accessibility, to increase the availability of private health insurance to people who do not have it, good private health insurance to these employees of small employers. We have the chance to hold HMOs accountable to get people in treatment rooms where they ought to be, not at home ill and untreated, and not in courtrooms afterwards, after they become seriously ill.

We can do these things. We have that opportunity. I want to close by saying that I welcome the fact that the bills have come this far. There are many competing factions in this House, and it is because of the passion and the energy of those factions that we have a bill and we have the opportunity to vote on it.

I have been working intensively on this for 2 years. I have wanted to see this day come. I am glad we have this opportunity. But let us not do something that will hurt the very people that we are trying to help. Let us not punish the employers and the small employers in this country and their employees by driving up the cost of health insurance to them in a way that is not necessary to ensure the kind of accountability that we all seek in the health care system.

□ 2030

## GENERAL LEAVE

Mr. GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the special order by the gentleman from Iowa (Mr. BOSWELL).

The SPEAKER pro tempore (Mr. WELDON of Florida). Is there objection to the request of the gentleman from Texas?

There was no objection.

## TEXAS' EXPERIENCE WITH MANAGED CARE REFORM: A MODEL FOR THE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. Speaker, I want to thank you and also thank our minority leader for allowing me to have this second hour tonight and follow the gentleman from Missouri. Obviously, I agree with the gentleman from Missouri (Mr. TALENT) because Missouri has been the ''Show Me State'' all of my life, and for the next hour from Texas we are going to show him why he is wrong in his statements.

Mr. Speaker, I would like to first talk about that in the last 2 years in Texas we have had basically the same law that we are trying to pass here tomorrow and Thursday, and the examples offered by the gentleman from Missouri just do not hold water, at least they have not in the State of Texas.

First a little background. Before I was elected to Congress, I actually helped manage a small business in Houston, a printing business. One of my jobs in that business was to shop for our insurance and to make sure our 13 or so employees had adequate coverage, because our company was under a union contract and we could buy it from the union benefit plan or buy on our own if it was either equivalent or better, and so we did that.

And having experience of shopping for a number of years for insurance as both a manager and one who had to make sure we also paid the bills at the end of the week so we could afford it, I bring that kind of experience of a small business, even though I do not serve on the committee.

The other thing I would like to mention, the gentleman talked a great deal of time about threats of suits for employers, and it is not in the intention of myself or the sponsors of the Norwood-Dingell bill that employers will be responsible unless they make those medical decisions. I have offered in my own district and even here in Washington to the National Association of Manufacturers, give me the language and we will sponsor it as an amendment to make sure that employers are not held liable unless they are putting themselves in the place of a health care provider or health care decision-maker. That is saying to their employees, No you cannot do this or you cannot do that.

Again, having been a manager, I know that sometimes employers and businesses can afford a Cadillac plan that pays for a lot. Sometimes they can only afford a Chevy plan that does not pay as much. But just so they are getting what they are paying for, for their employees; and that is what I think the managed care reform and HMO reform issue is about and it has been about for the last 2 years.

Let me follow up too, the gentleman had mentioned that this bill does not cover Federal employees. Well, right now as a Federal employee or as a State government employee, we have the right to sue our insurance company. We have the right under our plan. All we are trying to do with this bill is to provide to all the other Americans some of the same rights as Members of Congress have. And also it covers the Federal insurance plans, whether it be BlueCross or whatever other plans, because there are so many of them that the consumer would have the right to go to the courthouse ultimately.

So there was a lot of things the gentleman said during his time; and hopefully during the next hour we will hear a lot of folks who have real-life experiences from the State of Texas, because we have had a Patients' Bill of Rights under State law for over 2 years, and it only covers insurance policies that are licensed by the State of Texas.

That is why we have to pass something on the Federal level, because 60 percent of the insurance policies in the district I represent come under ERISA, come under Federal law. Even though the State of Texas 2 years ago passed these very same protections, we have to do it on the Federal level to cover the citizens of Texas who do not come under the State insurance policy.

In fact, this next hour hopefully we will have a lot of folks, and people who like to hear Texas accents will hear them for the next hour, because we will talk about the Texas experience with a little bit of help from some of our Texas colleagues and some from other parts of the country.

Mr. Speaker, let me address some of the issues. The insurance industry and managed care organizations and HMOs have been repeatedly trying to scare the American people saying the bill that we are going to vote on, the Norwood-Dingell bill, would dramatically raise premiums and force employers to drop health insurance. I even heard one of the special interest groups say that this number would be as high as 40 percent.

Mr. Speaker, once they have spread all of this inaccurate information, let me give the experience that not only we have in Texas but also from the Congressional Budget Office. The Congressional Budget Office is a nonpartisan agency. They analyzed the Patients' Bill of Rights and said that the best they could determine, that the cost to the beneficiaries under the Patients' Bill of Rights may cost $2 a month. That is less than the cost of a Happy Meal to provide fairness and protection and accountability.

But in the State of Texas, even if one does not agree with the Congressional Budget Office, and sometimes I disagree with their estimates, we need to look at real-life experience for the last

2 years in Texas. Again, Texas passed this same legislation in 1997, and it became effective in September of 1997; and so we have had over 2 years of experience.

In Texas the patient protections included a consensus HMO reform bill that had external appeals and also the accountability issue, the liability. And over the first 2 years there has been no significant increase in premiums. In fact, the analysis shows that the first quarter of 1999, premiums in Dallas and Houston have increased about half the national average.

And we know there are lots of things that go into increases in premiums, particularly with HMOs because of some of the problems they have now. They tried to expand so rapidly, and now they are having to contract and they are also increasing their premiums; but they are doing it around the country.

So in Texas we have not seen any increase in 2 years in health insurance premiums attributable to the Patients' Bill of Rights. In some cases it is attributable to the increased cost for prescription medication or for other reasons. Health care costs in Texas have increased 4 percent in the first quarter compared to 8 percent in the rest of the country. These estimates are based on reality provided by the Texas Medical Association, and it is more than a theoretical study that should be our guide for the HMO debate.

Moreover, beyond the slim cost of the increase, there has been no exodus by employers to drop health insurance coverage, nor has there been any exodus by patients to go to a courthouse.

Mr. Speaker, in an earlier life I was licensed to practice law, and I have to admit we do not have any shortage of plaintiff's lawyers in Texas who will go to court if they have that opportunity. But, again, in the 2 years we have had it, we have not seen more than four suits, and I will talk about that later in the hour if we get to it. But four lawsuits in Texas. Although we have a fifth one that may be out there, but one of them was by one of the insurance companies challenging the law.

So what Texas residents have is health care protections that they needed, and they are enjoying them now; and as Members of Congress we owe the duty to provide those same protections on a nationwide basis. Unfortunately, instead of recognizing the affordability and value of the consensus bill tomorrow, the Norwood-Dingell bill, our Republican leadership seems poised to repeat last year's actions and come up with imitation bills, and we will talk about those over the next hour also.

But I see my colleague, the gentleman from San Antonio, Texas (Mr. RODRIGUEZ). Before he came to Washington, he served in the Texas legislature for a number of years. He knows it is not easy to pass major legislation there unless it is consensus. In fact, the gentleman was in the State legislature in 1997 when Texas passed that law, and I yield to my colleague from San Antonio.

Mr. RODRIGUEZ. Mr. Speaker, as a State representative from Texas I know the situation well, and we in Texas are known for the blue bonnets, the Texas barbecue and the champion San Antonio Spurs, the beautiful Rio Grande; but we are also known for the changes that we have made in managed care reform.

Two years ago, Texas was fortunate to have the foresight to enact and implement its own managed care reform. The days and nights prior to that passage are very similar to tonight and this week here in the U.S. Congress where the discussions are over one side that says that health care costs are going to skyrocket and the other side, the good side, saying that we cannot compromise the health care even at the expense of losing one individual for the almighty dollar.

I am of the thinking that health care should not be about compromising anyone's life, but rather about health care and promotion and education.

Two major issues that have helped address the health care concerns of consumers in Texas are the external review process and the ability to hold an HMO liable through a lawsuit. Through the external review process, hundreds of individuals in Texas have the opportunity to have their cases heard by an outside party. The decisions are made by the doctors chosen by an independent medical foundation. The doctors review the cases and render a decision based on that information.

The best part of it is that it is done in a timely manner. In Texas we take pride in that we mandate the review to occur within 14 days and in cases of life or death, for them to move within 3 days in making those life-threatening decisions.

What is even better is that what the doctor says goes. It is not the way we have it right now where an accountant or an insurance person is the one dictating what should happen versus what the doctor is saying.

Nearly 600 cases have been handled in this manner through the external and internal review in Texas and guess what? Half of them have been ruled on behalf of the patients. So it has gone 50–50. So we feel it has been a very fair system that has been working.

For the States that are not fortunate to have this law, I believe that we need to pass Federal legislation here on the Federal level that will ensure that all Americans, not just Texans, have that opportunity to have a due process.

A testament to the fact that the Texas' system works is evidenced through the story that was told in an article by the U.S. News and World Report in March. The story is about a young boy, little Travis, who had a medical condition that came from the fact that he had difficulty breathing. And I was hearing the comments by the previous gentleman out here talking about the external review process being useless. The gentleman should tell that to little Travis. That was the difference between life and death.

Because of his condition, his doctor asked the HMO to authorize an on-duty nurse. Hard to believe, but the HMO later refused to pay for that nurse. An internal review of the case by the HMO doctor ended up upholding the HMO decision, so the first internal review they sided with the HMO. But thank God the next step was the external review. An outside doctor reviewed the case and found that little Travis was, indeed, entitled to that nursing care. And this is a case with the HMO playing with a little boy's life and it is a serious situation.

Mr. Speaker, thank God he lived in Texas. Each time he stopped breathing, he and his parents knew that he was within moments of suffocating. Having a nurse on hand part-time provided the necessary care for little Travis who needed it when his parents were not around. The external review process works for many, but for those that do not have that access, it cannot work. We have got to assure that those individuals have access to that opportunity.

For the positive happening for little Travis's case, it is great. But there are too many out there who still suffer under those situations.

I would also like to mention that I believe that the ability to sue HMOs in Texas, there was a lot of talk about the fact that there was going to be a lot of lawsuits and that everyone was going to be sue happy. This is not the case, and we have had it there over 2 years. So the reality is, and I will challenge my colleagues, do not be fearful. It is not going to happen. In the State of Texas only five lawsuits have been filed. Think about it. It is a State of 4 million individuals that are in managed care with only five lawsuits that have been filed.

Members can say what they will about managed care reform, but in Texas it has been working. It is alive and well and serving the best interests of those individuals under managed care.

Mr. Speaker, I want to also just congratulate my fellow colleagues and I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, before my colleague leaves, and I appreciate the gentleman being here, let me give some updated information on the appeals process in Texas. As of August of 1999, during the month of August there were only 23 requests for the independent review. But from November 1 of 1997 to the present, the total requests were 626 appeals in those 2 years. 610 of them were completed. The number they upheld was 47. The number of overturned was 46. And partially overturned was 42. So what we are seeing is about 50–50 for the external appeals process.

Again, they are not clogging up the process, but what they are doing is

making sure people have a right to go outside and ask for an appeals process. They do not really want to go to court in Texas. The 2 years we have had that there have been so few lawsuits, but we have had a lot of appeals and people are getting the health care that they need and these appeals are being done quick. They ask for them, and they can complete them almost within that 30 days.

□ 2045

So instead of waiting for 2 years to get to the courthouse, they are actually able to get that health care that they need. That is what is so important.

Again, in the last 2 years since November, a little less than 2 years because the actual appeals process went into effect November 1 of 1997, again half the decisions are in favor of the insurance company, and about a little over half are in favor of the patient.

So what that means is that I feel much more comfortable as a patient that, instead of the chance of a flip of the coin, that we have a better percentage of upholding HMO's decisions or managed care decisions if they had it. But they are losing about half of them in Texas, actually a little more than half.

So that is why it is so important that we pass on a national level a real strong external review process backed up by the accountability.

The reason we do not have the lawsuits in Texas and what is estimated by the people at home is that we have a good, tough external review process where people get their case heard, they get their health care; or they lay out their case, and they do not receive their health care because they are not entitled to it.

It is tough to go to court after one has been through that external review process and find out that one really does not have enough that even an independent review does not do it.

What worries me is that the Republican leadership this year, with what we are going to do tomorrow, there is going to be a number of other plans that will be considered, every one of them is found lacking in what we need to do.

It is so important that we adopt the Norwood-Dingell bill, it is a consensus bill, a bipartisan bill, and attack or defeat the poison pills that are really there just to cloud the issue and not provide the health care that we need.

Let me talk a little bit about the concern about one of the amendments to move these suits to Federal court. Again, in Texas, they go to State court. Again, having practiced law, I do not have a lot of Federal experience in Federal courts, but there was a reason for that. I would much rather go before judges that are elected than judges on the Federal level.

My worry is, if we move these cases to Federal court, that they will be there for years and years and years. If they have to go to court, one needs to go the quickest one can if one has to.

In Texas, we have not had but three or four cases, maybe five at the most, in 2 years. That is why moving to Federal court in one of the amendments tomorrow would be wrong. It would actually be against the patients ability to have justice.

Mr. Speaker, I yield to the gentleman from East Texas (Mr. TURNER). Again, the gentleman from Texas (Mr. TURNER) served as a State representative in Texas, State Senator, in fact was a State Senator in 1995 when the first Patients' Bill of Rights was passed by the legislature and vetoed by the Governor at that time. But in 1997, he let it become law without his signature. I am glad Governor Bush did that in 1997 and saw the error of his ways.

Mr. TURNER. Mr. Speaker, all three of the Texans here tonight served in the legislature, and we all have fought for this issue in our State legislature, and that is one of the reasons we feel so strongly about the fact that the protections that we have provided in law for all Texans should be protections that every American enjoys.

I am glad to see the gentleman from Iowa (Mr. GANSKE) here tonight who is a medical doctor who has fought hard on the Republican side to help pass the Norwood-Dingell bill, also referred to as the Bipartisan Consensus Managed Care Improvement Act, which I think aptly describes the bill that we are trying to pass because it has been crafted with bipartisan support.

It has been worked on for many, many months. Those who have worked on it have been responsive to any concern that has been expressed about it. We are convinced that it is the right bill, and this is the right time to pass these protections for all Americans.

As the gentleman from Texas (Mr. GREEN) mentioned, I was in the Texas Senate in 1995 when the Texas legislature passed the first patient protection legislation in the country. That bill, unfortunately, was vetoed by Governor Bush.

The legislature came back in Texas in 1997 and passed similar legislation once again, broke it down into four separate bills. Three of those bills were signed by the Governor. The fourth he allowed to become law without his signature.

Unfortunately, when we passed the bill the first time in 1995, even though we passed it with overwhelming support, over 90 percent of the members of each house voting in favor, we passed it at the end of the session, and the Governor was able to veto it without an opportunity to overturn the veto.

But we are here tonight to try to provide the same kind of protections for all Americans that we provided for Texans in 1997.

When we passed that bill in 1995 and again in 1997, we had no idea that it would not apply to all Texans. But an insurance company went to court shortly after we passed our legislation and it had become law, and the courts ruled that a Federal law preempted our State law, and that all insurance plans covered by the ERISA law that the gentleman from Texas (Mr. GREEN) referred to at Federal law meant that those protections that we had provided in our State legislature did not apply to all of those plans that were multi-State plans covered under the Federal ERISA law.

So we have a very awkward situation all across the country today because State after State after State have passed patient protection legislation to protect their patients. Yet, we find there is a Federal law standing in the way that has basically meant that about 40 percent of all the folks that are insured in this country under managed care are not covered by the basic patient protections that their State legislatures have passed over the last 2 and 3 years.

So the Norwood-Dingell bill is designed to change that, to be sure that all people enrolled in managed care plans have the same protections that we believe are just common sense.

Things like ensuring that a patient can go to the nearest emergency room when he has an emergency. Rights like being able to go to the doctor in your own town rather than going to a doctor in an adjoining community. Rights like having access to go to a specialist when one needs one when one's doctor says he wants to refer one to a specialist. Basic rights like not being forced to change doctors and hospitals right in the middle of one's treatment just because one's employer happens to change their managed care company. Basic protections like making sure that medical decisions are made by doctors, not by insurance company clerks.

These are the basic protections that we provided in Texas in 1997, and these are the basic protections that we want to provide for all patients across the United States in the Norwood-Dingell bill.

One of the things that always amazes me, we faced it in 1995 in Texas, we faced it in 1997 in Texas, and now we are facing it here in Washington in 1999, with the managed care companies saying that the sky is going to fall if we pass this legislation. They are claiming that health care costs are going to go up.

They had even gotten the folks who carry their insurance for the employers and the business community all worked up and speaking out against this bill because they think the cost of insuring their employees is going to go up.

As the gentleman from Texas (Mr. GREEN) pointed out, the Congressional Budget Office says the cost of this legislation would be less than $2 a month per patient. Very small cost in my judgment to protect patients.

When it comes right down to it, business people in this country care very much about their employees and their employees health care. I think most businessmen and women understand

that, when they sign up with an insurance company to provide health insurance for their employees, they want a plan that is going to take care of those employees.

Right now, we have a situation where these basic protections are not guaranteed, and some managed care companies, I understand, today, are already providing these, but many are not.

I really think it would be a lot easier for the average businessman or woman in selecting health insurance for their employees to know that every plan, no matter what proposal is laid on their desk, and no matter what price is offered to them for coverage of their employees, that they know these very basic common sense protections are in every plan.

Right now, I think health care is in turmoil in this country. Doctors are not happy, having to make ten and twenty phone calls to a managed care company just to get something approved that they know their patient needs.

I have talked to these doctors. They are really frustrated with the system as we know it today. I have talked to patients who wonder why they cannot get simple care from a specialist simply because their plan denies them access to a specialist. They do not understand that kind of treatment. They do not understand why they cannot go to an emergency room and have a doctor in the emergency room make a decision as to whether or not there is an emergency rather than having to get on the phone and call the insurance company clerk in some far-off city and find out whether or not they can receive emergency treatment. Those kind of basic protections patients deserve. Employers who want to take care of their employees want this kind of protection for their employees as well.

The truth of the matter is, if we are going to have a health care system in this country that works for everybody, the employers, those who are insured, the doctors, and other health care providers, we need to pass this legislation, because the further we go down the road and find patients being abused and managed care companies doing a shoddy job of rendering care, the more we are going to undermine what has become known for many years as the finest system of health care in the entire world.

So what we are really fighting for here tonight is, not only the protection of patients, individual patients and their families, but we are fighting to preserve the finest quality system of health care the world has ever known. We need the stability in health care that this legislation will provide.

Now, the big debate is over this issue of accountability. Should a managed care company be accountable for their decisions? Well, frankly, I think that the answer is pretty obvious. Certainly they should be accountable. All of us are accountable for our decisions. All of us can end up in court if we are negligent or make a mistake.

Frankly, the rule really is pretty simple, I think, that should be applied in this debate; and that is, when health insurance companies make medical decisions, they should be accountable in the same way that one's doctor is accountable when he makes a health care decision. We all know in this country that, if a doctor happens to make a mistake in the operating room, happens to do something that causes injury to one or one's children, that one can go to the courthouse and seek redress, seek recovery of injuries. A child who is paralyzed for life because of a mistake of a medical provider, that family can go to court, be compensated in damages. That is what our American system of legal justice guaranties all of us.

If a managed care company makes a decision that denies one health care when it is covered under the plan, now if it is not covered, it is just not covered and it is not going to be paid for, but if it is covered and, in their review of medical necessity they say one does not need that care, one's doctor is standing there all the while saying, yes, my patient needs that care, and the managed care company says, no, and one goes under the Norwood-Dingell bill and appeals that internally, and one appeals that externally, and one has got a decision, and one finds out that still the decision of the managed care company was wrong, every American ought to have the right to go to the courthouse and seek their damages. That is what the American system of justice is all about.

So if a doctor makes a mistake, he knows he has to go to the courthouse or could go to the courthouse. That is why he buys malpractice insurance. What is wrong with asking managed care companies to also carry malpractice insurance? Every profession in the United States, every individual who is a doctor, a lawyer, an engineer carries malpractice insurance. It is a wonderful thing, insurance. We spread the risk of loss among all of us to protect each of us individually.

Why should we in this hallowed hall of the House of Representatives declare this week that the only group in America that can never be held accountable in a court of law is a managed care insurance company? That is wrong, and we cannot let that happen.

I think we have a good bill. It ensures accountability, and it is drafted in a fair way. The only way one can go to court and sue a managed care company under this legislation is after one has gone through the internal and the external review procedure.

In Texas, the sky has not fallen. In Texas, we have the right to go to the courthouse. As the gentleman from Texas (Mr. GREEN) pointed out, there has only been a handful of lawsuits. In fact, there has only been five filed in Texas.

The author of the legislation that did pass in 1997, Senator David Sibley, a Republican, good friend of mine, carried that bill. He says, and I quote, ''The sky did not fall. Those horror stories raised by the industry just did not transpire.'' Dave Sibley, the sponsor of the bill is a lawyer, former doctor, an ally of Governor Bush.

Even Governor Bush acknowledged in the Washington Post September of this year that he believes the law in Texas has worked well.

I believe every American deserves the protection that we fought to give Texans in 1997. This legislation is long overdue.

I appreciate so very much the gentleman from Texas (Mr. GREEN) reserving this hour to give us the opportunity to talk about this important bill.

I believe the American people want this legislation. I believe the employers of this country who believe in protecting their employees want this legislation. I believe we need to ensure the long-term stability of the best health care system the world has ever known, and this bill moves us along the road in ensuring that.

☐ 2100

Mr. GREEN of Texas. I thank my colleague. Again, having served with the gentleman both in the State legislature, the Senate and the House, and now in the Congress, we have gotten to that point. Because as Texans we brag all the time about how great our State is, and sometimes we puff it up a little bit; but we are not puffing on this legislation. This has worked in Texas, it has provided the benefits, all the accountability, the outside appeals process, the anti-gag orders so doctors can actually talk to their patients; and it has allowed patients to go to the closest emergency room without having to drive by closer emergency rooms.

So there are so many things I am proud of. Always proud to be a Texan, but particularly because of this legislation.

Mr. Speaker, I now want to yield to another good friend who I serve with on the Committee on Education and the Workforce. And I might just mention that her State, California, just recently passed a series of bills just similar to this, and I know Governor Davis signed them into law about a week ago.

I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Texas and would like to compliment him for sharing with us tonight the experience of Texas in health maintenance organization reform. It is particularly appropriate that we are here tonight, because tomorrow, after fighting for more than 2 years, the House actually has a real shot at passing a managed care reform bill. The American people want this. In fact, they are demanding that we pass managed care reform, and I am particularly glad that this House is finally rising to the occasion.

I am also pleased that the Democrats and Republicans have worked together

to support a common sense patient protection bill. It is bipartisan. It is called, in fact, the bipartisan Dingell-Norwood bill. And any of my colleagues who are saying the Dingell-Norwood bill will not work are very, very wrong; and they have to review what has gone on in Texas. If they will pay attention to the Texas experience, they will know that the sky will not fall if we take care of patients when they are covered by a health maintenance organization.

I would like to share also some of the recent accomplishments from my State, the State of California, where just last week Governor Gray Davis signed landmark legislation that put health decisions back in the hands of 20 million patients and their doctors. This comprehensive package is made up of 19 bills, and it will absolutely overhaul the way HMOs do business in California.

A key piece in the package includes managed care accountability. The State now has a new Department of Managed Care, which will act as a watchdog for patients with HMO providers. This State agency is devoted exclusively to the licensing and regulation of health plans. The legislation will also include a new Office of Patient Advocate, which will assist in enrollees with complaints, provide education guidelines, issue annual reports, and make recommendations on consumer issues.

With this legislation, Californians now have the right to an external review of their health care coverage decisions by an independent group of medical experts. By January 1, 2001, this external review program will dispute claims when a patient's treatment has been delayed, denied, or modified.

I am proud to tell my colleagues that the package also includes HMO liability, giving Californians the right to sue their HMO for harm caused by failure to provide appropriate and/or necessary care. This is a much-needed remedy for any family harmed by a decision made by the HMO or by a clerk working for the HMO. Any decision that would delay, deny, or modify medically necessary treatment will be under scrutiny.

In addition, Californians can look forward, under this legislation, to new consumer protections. These protections will include a second medical opinion, upon request for patients; expanded patient privacy rights will prohibit the release of mental health information, unless patient notice is provided; and a prohibition on the selling, sharing or use of medical information for any purpose not necessary to provide health care services.

This legislation in California sets procedures for HMOs to review a treatment request by a doctor to ensure that timely information and decisions regarding a patient's treatment needs come forward at the right time. Patients will be informed of the process used by a doctor when that doctor determines whether to deny, modify, or approve health care services.

In fact, Californians are also guaranteed the right to hold an HMO accountable by seeking punitive damages in court if and when harm comes to a patient. Congress should take note that if California can do it, and if California can pass similar reforms as those in the Dingell-Norwood bill, then, for Heaven's sake, we can pass the same type of legislation for our country. Because California has the population and the economy of a country in and of itself. California has 33 million people, and the challenge has been met.

Tomorrow, the Dingell-Norwood bill is a good starting point for the managed care reform we need in this Nation. The Norwood-Dingell bill provides Americans the ability to choose their own doctor, to get emergency room care, to see a specialist, and unleash their doctor from HMO gag rules on treatment options. And especially important for Americans is that the Dingell-Norwood bill holds HMOs accountable.

This bill has bipartisan support as well as support from more than 300 health care and consumer groups. I am convinced that this bipartisan bill deserves a clean up or down vote. It does not need to have any amendments.

The American people are counting on us to take heed of the Texas and the California accomplishments in HMO reform, so let us focus tomorrow on the consensus we have built. Let us accept no substitutes to the vital patient protections in the Dingell-Norwood bill, and let us again pay attention to what other States have been able to accomplish, such as Texas.

We are going to hear from Wisconsin and North Carolina, and we will see that the people in this country are telling us that they want and they demand health care reform and managed care reform, and we must heed this and go forward tomorrow.

Again, Mr. Speaker, I thank the gentleman from Texas for having this special order tonight.

Mr. GREEN of Texas. I thank my colleague from California. It is great to serve with the gentlewoman on the Committee on Education and the Workforce.

And the gentlewoman is right. In the California experience, it is both rural and urban. Just like Texas is rural and urban. So it will be a great example of making it work in this country from one coast to the other coast. We need to make sure that we have real patient care and managed care reform.

I would like to now yield to my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON), who came in the same class as I did, in 1993.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding to me and arranging for this special order for us to talk about the provision in the bipartisan manage care reform bill known as the Dingell-Norwood bill. I am pleased to have this opportunity to discuss it before we debate it on the floor tomorrow.

I am proud to be one of the original cosponsors of the bill and to be an advocate for it. I also serve as the co-chair of a health task force. And as an individual coming from a rural area, where a lot of our patients are still uninsured, I can also be a very strong advocate for this bill, which gives protection for managed care.

We have just heard recently that, indeed, the uninsured have increased. And I am concerned about that because many of the people in my district are indeed part of that uninsured. So my support for the Norwood-Dingell bill does not diminish my advocacy for making sure that we find ways of insuring more of the uninsured. Indeed, it was almost predictable, because we did not do what we could have done earlier when we had the opportunity to look at health care reform that, indeed, this rise would occur. I think we have an opportunity to speak to that, but I do not think one negates the other. So as one who is an advocate for making sure the uninsured are also protected, I strongly advocate the provisions of the bipartisan bill.

This bipartisan bill gives increased access to patients in a variety of areas. It says first that those who have emergencies should not have to have prior approval. They have immediate access for emergency treatment, even at the emergency hospitals of their choice. They should not have to be shifted around to various hospitals in that area.

It also increases the protections for women who want to be protected under this bill. It increases that access. It also increases access for those patients who have special needs and need to have specialty providers in treating their conditions. So the access is enhanced for those who have a managed care program.

Let me just say parenthetically that there are, indeed, good managed care programs. This is not to negate where there are positive managed care programs. This is to improve and to give some minimal standards that the managed care programs that people have should be dependable, they should be held accountable for their care, and they should be aware of defining medical necessity. All of these are to ensure that whatever plans we have, they should be the kind of plans that patients can have confidence in.

I cannot understand why it is that people are afraid of being held accountable. If they say they are going to provide certain services, they should be honored to say that they will be held accountable for those services. Indeed, being held accountable allows a review process. And if in the review process arbitration does not work out, the patient has the right to go to court. They have that opportunity.

Also, the bill protects the provider. And this is very, very important, because many doctors have said they

have been under a gag rule. They cannot tell their patient all of the options that they know would be good for their health care. So they are prevented from telling them options that would perhaps provide the right medical treatment because it is not the most economical treatment in that area. The anti-gag provision in this bill prevents that. It means that we protect the providers and we assure the confidentiality and the professional care between a doctor and their patient. And the patient also has a right in the selection of the provider that is adequately trained in those areas.

All of these provisions go to making the managed care program stronger for patients who have to have these insurance provisions. So I want to say to our colleagues that as we debate this bill tomorrow, that any options or amendments or substitutes that are being offered, and offered in glorious terms as being a cure-all for health care, are, indeed, poison pills. And if we are ensuring that patients have good health care, we have to vote down each and every one of those substitutes as well as those amendments.

So I urge my colleagues to give Americans a choice and, indeed, to give them a clean bipartisan Patients' Bill of Rights. And I thank the gentleman once again.

Mr. GREEN of Texas. Mr. Speaker, I thank the gentlewoman, and I want her to know that I am aware of the devastation in the gentlewoman's district, we talked about it today, from the hurricane. In Texas, we are familiar with hurricanes damaging our coast.

I would like to now yield, Mr. Speaker, to a new Member, a very active new Member from Wisconsin. And like I said earlier, we have people from not only the West Coast in California but North Carolina, on the East Coast, and of course in Texas, and also now the gentlewoman from Wisconsin (Ms. BALDWIN), and I yield to her.

Ms. BALDWIN. Mr. Speaker, I thank the gentleman for organizing this special order.

Time and time again we hear how the United States has the best health care in the world, but that does not matter if a health plan denies meaningful access to the health care system when individuals are sick. Managed care was designed to provide the best health care available at a lower cost. But what does it matter if in addition to our health insurance premium we still have to pay sizable, sometimes enormous out-of-pocket costs for needed tests or treatments that our health plan will not cover.

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There was a time when we paid our health insurance premiums trusting that when we got sick our doctors would make his or her recommendations for treatment and that our health insurance would pay for that treatment. This just does not seem to be the case any more. We no longer trust that the best medical decisions are being made in this system, and too many people with health care coverage are being driven into debt because necessary treatment is not being covered by their managed care company.

As my colleagues know, families in my community in Wisconsin feel very anxious about the state of health care in America. They are increasingly concerned that medical decisions are being made by accountants, by managers, by other insurance company employees instead of the doctors and the patients making the decisions; and too often profit is taking a priority over a sick patient in need.

Patients are losing faith that they can count on their health insurance plans to provide the care that they were promised when they enrolled and faithfully paid their premiums.

We have all read the stories, and those of us who have the privilege of serving here have often heard painful firsthand accounts from families and individuals who sent us here to fight for them, to represent them, people who were denied care or services by managed care providers.

I recall reading an article last winter in Wisconsin about a young man struggling with known Hodgkin's lymphoma. He was told by his doctor that the most promising and potential cure, a bone marrow transplant, was not going to be covered by his plan. Chemotherapy in his case would only slow down the disease. The prognosis they gave him was up to 10 years to live, and according to this prognosis 5 of those years his cancer with chemotherapy would likely to be in some sort of remission. However it would likely come back sometime within the second 5 years and get steadily worse. He underwent a round of chemotherapy because that is what his insurance company would cover. In his case his earlier prognosis was not accurate. It did not even give him 5 years of remission. Instead the cancer re-appeared in only 8 months.

Now this was a highly publicized case in my State, and because of the negative publicity and the public outcry, his insurance company relented and permitted the bone marrow transplant admitting belatedly. According to the medical literature, this was not a treatment that was regarded in the medical literature as experimental. Unfortunately, it was too late for this 41-year-old young man, and he passed away earlier this year.

But people should not have to wage publicity campaigns to shame their health care plans into covering medically necessary procedures. They should have appeals processes, not publicity campaigns.

I was deeply disturbed when I heard of another poignant case in my district. This is a story of a man who is in the hospital. He was recovering from a procedure, and he received a phone call from the representative of his HMO in his room saying that if he stayed in the hospital room past midnight, his insurance company was not going to cover it.

Now this gentleman had just gotten out of intensive care, and it was all he could do practically to reach over and pick up the phone, and I just think how frightening this experience must be for the patient, for the family and for those who hear of it and wonder whether their insurance, their health care plans, their managed care plans are really going to cover them.

As my colleagues know, having a recourse when something goes wrong is so vital, and health plans should not be allowed to escape responsibility for their actions when their decisions kill or injure patients.

Six years ago we were promised reform that would guarantee every American the health care they needed. That vision was not realized. In this time of economic prosperity, in this time of rapidly changing medicine, in this time of political opportunity, I think it is time that we renew our commitment to the health care security for all; and when I think about what that means, I believe that health care security for all encompasses both the notion that we must cover the uninsured and the effort to fully protect those who already have health care coverage but find that is not the security blanket that they thought they had purchased.

Many States have taken steps to establish some of these patient protections. We heard about Texas and California earlier this hour. Unfortunately, most States have only passed a few of the protections contained in this bill before us, and there are many gaps that remain to be filled. Even States with strong consumer protection laws cannot cover a large number of their residents, the 50 million Americans who receive their insurance from a self-insured employer plan under ERISA and are not protected under State law.

We need comprehensive Federal legislation that provides a minimum standard of patient protections for all Americans. The Norwood-Dingell bill will do just that, and I hope tomorrow that this Congress rises to the occasion to pass this vital legislation.

Mr. GREEN of Texas. Mr. Speaker, I appreciate our colleague from Wisconsin in being here this evening and joining in this. We only have a few minutes left before our colleague from Iowa (Mr. GANSKE) comes to the floor. Having watched Dr. GANSKE over the last number of weeks and sitting in my office, returning phone calls, thank goodness an hour earlier in Texas, and I can catch up on that, and his efforts on managed care reform and his efforts over the last, in the last session of Congress.

Let me talk before we close about some of the bills or the competitive bills tomorrow to the Norwood-Dingell bill. There will be a bill called the Comprehensive Access and Responsibility Act introduced by the gentleman

from Ohio (Mr. BOEHNER). Which is one of the two alternatives. It falls very far short of the Norwood-Dingell bill and the protections that are in there. The biggest problem is it does not cover as many Americans as the Norwood-Dingell bill. It is very limited. Moreover, the bill has no provision to hold HMOs accountable for the decisions that harm their customers that are enrollees, and every other business in America is subject to liability for poor judgment, and why should not the health plans be any different?

Finally, this bill does not allow chronically ill patients to designate their specialist as a primary care provider. As our colleague from Wisconsin mentioned, there are times that you might need if it is an oncologist, if you have a cancer, if you have some other type of illness, you might want to designate that specialist as your primary care person, and that is in the Norwood-Dingell bill.

The other alternative by a couple Members of Congress, the gentleman from Oklahoma (Mr. COBURN), the gentleman from Arizona (Mr. SHADEGG), it is called the Health Care Quality and Choice Act. Now again for most folks who watch Congress and they understand that there is no requirement that the actual title of the bill reflect what is in the body of the bill, and we do not have any truth in titling here in Congress, because their bill again falls short. It would force patients harmed by their HMOs to go to Federal court so you can get behind all the Federal cases, and in Texas most of the Federal cases are drug cases, and they have preference; criminal cases have preference. So their bill would require you to go to Federal court.

First, the Federal system is much more difficult and expensive to access than State courts, and there are fewer of them, so patients will be forced to travel long distances, and particularly in rural areas, but even in Houston we have many more State courts in Harris County, Texas, than we ever have Federal courts. And worse yet, Federal law gives that priority to criminal cases over civil cases. So, in other words, maybe a decision will be made on whether you should have that bone marrow transplant. By the time you get to Federal court after all the other criminal cases are there, it may be 5 or 6 years later, and health care delayed is health care denied.

The Dingell-Norwood consensus bill is the only bipartisan bill that we have that recognizes medical necessity, that allows the patient and the doctor to define medical necessity based on the medical history and the specific need of that patient.

Appeals process. Again, modeled after the Texas law, allows patients to appeal the decision of their HMO to an independent external panel of specialists.

Access to specialists. As I said earlier, the bill requires health care plans to include access to specialists and offer access to specialists that the patient needs.

Emergency room coverage. The bill provides guaranteed access to emergency services to managed care enrollees and requires a plan to pay for those services if a prudent lay person believes that they are in a health, in a life-threatening situation, and I use the example: I am a lay person. I do not know if I am having chest pains because of the pizza I had last night or it is because I am actually having a heart attack. I should not have to make that decision. That is why we need to go to the closest emergency room.

But the most important and the final issue is accountability. The reason the appeals process in Texas works is because ultimately they could go to court, and it is also the most controversial; but again this is modeled after the Texas law, and we have over 2 years experience. This bill allows Americans harmed by their HMOs to seek redress in the State court. However, to prevent frivolous cases, they can only sue after they have exhausted their appeals and the patient is harmed. The provision is tightly crafted so not only to hold the medical decision maker accountable.

And let me say in brief I had, a couple of years ago I had the opportunity to speak to the Harris County Medical Society, and after talking about some of the bills I have been working on, the first question from a doctor was, and by the way, I joked about my daughter having 2 weeks in medical school, and she was not quite ready to do brain surgery. The first question from that doctor to me said, you know your daughter after 2 weeks in medical school has more training than the person I call to treat my patients.

That is what is wrong with our medical system we have now. We do have the greatest health care system in the world. People come from all over the world to get to us to have that system, but we are denying it to some of our folks who have insurance, and we need to change that. We need to make sure that we restore that health care provider and that doctor so they can talk to their patient.

The reason, reasons the consensus bill are so insistent on accountability provision, because if you do not have that, you will not have, they will not have the incentive to change their practices, and while opponents of the strong binding consensus bill claim it would dramatically increase health costs, we know in Texas it has not increased health costs in 2 years; and what we found in Texas, that patients are right and about half their appeals in the health care plans honor that decision because they do not want to get sued. All the people want is their health care. They do not want to have to go to court; they do not want to have to go to State court, much less Federal court that is in some of the alternatives.

I would hope that my colleagues tomorrow would reject the poison pill amendments. Sure we need to do additional access, and I would hope we can do that on the floor of the House sometime but without trying to dirty up the waters on providing access in modernization of the HMO process.

I have had my colleagues talk about earlier that all we are asking for is some guidelines for managed care to deal with their customers and our constituents and the doctors' patients. In fact, over the past 5 years all 50 States have passed laws to protect patients in State-regulated plans. Some of them are stronger than others, and these alternative bills essentially disregard the advances that are made in each State and moreover more people into Federal regulation would lose protections.

These laws have been passed by Democratic and Republican legislators. They have been signed into law by Democratic and Republican governors. But the Republican leadership would jeopardize the health care of millions in these protections unless we pass it tomorrow.

Mr. Speaker, I again thank my colleagues who were here tonight and all those who are listening because tomorrow, Wednesday, and Thursday this week this House will make some major decisions; and if we make the wrong decision like we did last year, then we will continue to have people denied adequate health care in our country. Our country is too great to do that.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, Will enactment of the Norwood-Dingell Bill lead to skyrocketing health care costs?

Since Texas began to implement a series of managed care reforms in 1995, our HMO premium increases have mirrored or trailed those premium hikes in other states that don't have managed care reform bills in place.

Nationally, health care costs have increased by 3.7 percent in 1998 while in Texas, the costs increased by only 1.10 percent for the same period.

Will enactment of the Norwood-Dingell Bill lead to frivolous law suits?

Since Texas enacted its Patient's Bill of Rights in 1997, there have been only five lawsuits in a managed care system that serves four million patients.

This number of lawsuits is low because our patients are fully using the external review process that is a component of the Norwood-Dingell bill. More than 700 patients have used the external review process in the past two years to appeal the decisions made by health plans. Of those, about half of the decisions have gone in favor of the HMOs.

Will the Norwood-Dingell Bill result in employers dropping their employees from health care coverage and thus drive up the number of uninsured families?

It may be too early to tell using our state's example. But the fact remains that as HMOs have increased penetration in recent years, so has the nubmer of uninsured. That is the case in Texas and around the nation.

Since the Texas Legislature made managed-care plans liable for malpractice, there have been five known lawsuits from among the 4 million Texans who belong to HMOs.

''The sky didn't fall,'' said Sen. David Sibley, the Republican who championed the Texas

version of the Patient's Bill of Rights. ''Those horror stories,'' envisioned by the health insurance industry ''just did not transpire.''

While it is too early to see the full effect on my state it is evident that the implementation of this legislation has had a dramatic effect on resolving complaints between patients and their health plans—before they get to the courthouse.

Clearly this legislation has acted as a prime motivator for HMOs to settle their disputes with their patients. Regrettably, the vast majority of Americans do not have this option. That's why it is vital that we have national Patient's Bill of Rights that has some teeth in it—that permits patients to suit their HMOs when treatment decisions result in injury or death as well as granting patients access to emergency care and specialty care that is not currently allowed.

I strongly believe that the Texas experience strongly speaks to the benefits of empowering patients and doctors so that they can work with the insurance companies in ensuring that our health care system provides the best care for all Americans.

Republican Health Care Bill:

The Republicans introduced the Quality Care for the Uninsured Act. This legislation does move the health care debate forward. But not very far. It is not a bipartisan bill and it does not address that entire scope of health care delivery or what's wrong with managed care.

At best the Republican bill nibbles around the corners of health care debate. It provides for Medical Savings Plans and 100 percent deductibility of individual insurance premiums for the self-insured and uninsured.

This legislation does nothing to increase access to emergency services or ob-gyn. It does nothing to address the lopsided nature of the managed care equation in which insurance companies make most of the patient decisions, while doctors and the patients themselves are left in the waiting room.

BI-PARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT (H.R. 2723)

H.R. 2723 that has already been introduced by Representatives CHARLES NORWOOD and JOHN DINGELL truly addresses the consumer and provider issues that have undermined the health care in America. I am a cosponsor of this legislation.

Its independent external appeals process will help patients get care quickly and resolve disputes without resorting to a court fight.

Once the appeals process has been exhausted patients will be able to hold health care plans accountable when they make negligent decisions that result in patient injury or death. At the same time, this legislation includes safeguards to protect employers from lawsuits and punitive damages against health plans that comply with the external review determination.

This legislation also provides patients with other essential protections including access to specialty care, emergency care, clinical trials and direct access to women's health services. Patients who need to go out-of-network for care will have access to a point-of-service option.

I look forward to a fair debate between our bi-partisan Patient's Bill of Rights versus the Republican Leadership's alternative. Once the American people fully understand what's in each bill—I am confident that the bi-partisan bill will prevail.

The majority of Americans would rather have a strong say in how they receive medical treatment than nibbling at the edges of this important problem.

Support and protect the Norwood-Dingell Bill; it's the only way to put doctors, nurses, and patients back into the business of patient care.

Mr. SANDLIN. Mr. Speaker, the Lone Star State has been a leader in health insurance reform. The Texas Legislature enacted a law in 1997 which protects patients' rights when insurance companies stand in the way of common sense and good medicine.

So what has happened in my home state over the past two years? Have our courts been overrun with frivolous lawsuits? Are families saddled with growing premiums? Are HMOs being run out of business? No. Not by a Texas mile.

Last week the Washington Post noted that only five lawsuits have been filed against health plans in Texas. That's five lawsuits in two years. Of the roughly six hundred complaints submitted to the independent review system established under the Texas law, about half of the cases have been resolved in favor of the patients, half in favor of the insurance companies. And premiums have not increased in our state. In fact, we enjoy some of the lowest premiums in the country. Almost everything is big in Texas.

And now the Lone Star State is not alone. California and Georgia have enacted health care legislation that will enable policyholders to sue their HMOs. And the majority of members of this body favor similar bi-partisan legislation.

Mr. Speaker, the question is no longer whether such provisions are a good idea, or even whether they are supported by legislators across the land and here in Washington. The question now is whether or not we, the House, will even have a chance to consider this measure. It will take, from the Republican leadership, the courage to stand up to big insurance companies and their scare tactics. And, I think, it will take an ounce of good old Texas courage.

GENERAL LEAVE

Mr. GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and include their extraneous material on the subject of this special order speech that I and my colleagues have given tonight.

The SPEAKER pro tempore (Mr. TOOMEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

WHILE COVERING UNINSURED, LET'S FIX MANAGED CARE

(By U.S. Rep. Gene Green)

As the Congress prepared to debate several HMO reform bills this week, House Speaker Dennis Hastert, R-Ill., has stated his intention to include in the managed-care reform debate, health-care-related tax cuts. These incentives, called the ''access package,'' are intended to allow tax cuts to the 44 million uninsured Americans who cannot afford health-care coverage.

While it is important that everyone has access to affordable health care, the issue that Congress has been debating for several months and that we should resolve, is how to reform our current managed-care system. If we are truly concerned about the uninsured, let's expand health-insurance access to them—insurance that will actually provide quality health care. Various managed-care proposals will be debated, but it is important to look beyond the titles to see what each proposal would do to really protect patients.

The fact is, 48 million Americans belong to self-funded health-insurance plans that offer very little protection for individuals from neglectful and wrongful decisions made by their insurance plans. Although some states—Texas, for instance—have passed laws that protect consumers from health-insurance malpractice, the protections enacted by states only affect insurance policies licensed by the state. We need a national set of guidelines for health-plan conduct.

The Dingell/Norwood consensus managed-care reform proposal is the only bipartisan bill that provides the necessary protections to revamp the current managed-care system. This bill, developed over weeks of negotiations, would provide every American in an HMO or managed-care plan the fundamental rights they need to ensure they receive quality health care. Its major provisions are:

Medical necessity: Allows the patient and the doctor to define medical necessity based on the medical history and specific needs of the patient.

Appeals process: Allows patients to appeal the decision of their HMO to an independent, external panel of specialists.

Access to specialists: Requires health plans that include access to specialists to offer access to the specialist that the patient needs.

Emergency room coverage: Provides guaranteed access to emergency services to managed-care enrollees and requires the plan to pay for those services if a ''prudent layperson'' believes they are in a life-threatening situation.

Accountability: Allows patients harmed by their HMO to hold their health plan accountable in state court.

While other bills claim to provide these same protections for patients, one look beyond their titles proves otherwise. The Comprehensive Access and Responsibility Act, introduced by Rep. John Boehner, R-Ohio, does not apply to all Americans. It only covers employer-sponsored health plans, and leaves out the most vulnerable insurance consumers—those who do not have an employer to negotiate for them. Moreover, this bill has no provision to hold HMOs accountable when their decision harms a patient.

The other alternative is sponsored by Rep. Tom Coburn, R-Okla., and Rep. John Shadegg, R-Ariz. This bill would force patients harmed by their HMO to seek remedies in federal court. The practical impact of this provision would be devastating to patients. First, the federal court system is much more difficult and expensive to access than state courts. There are fewer of them, so some patients could be forced to travel long distances. Worse yet, because federal law gives priority to criminal cases over civil cases, patients seeking remedies could be forced to wait years while the backlog of criminal cases clears. Finally, this bill does not allow chronically ill patients to designate their specialist as their primary-care provider. This means that every time they need to see their doctor, they have to go to another primary-care doctor first and get a referral.

Accountability and enforcement for medical decisions is the critical issue in the HMO debate. Without an effective accountability provision, managed-care companies will never have an incentive to change their practices of placing profits before patients. And while opponents of the strong and binding Norwood-Dingell bill claim it would dramatically increase health costs, we in Texas know it won't. The majority of the ''expensive'' provisions in the bill—which include

accountability, decisions of medical necessity and external appeals—were modeled after the Texas law. What we have found in Texas is that patients are right in about half of their appeals and health plans honor that decision. Since the law took effect, health-cost increases in Texas have been a reflection of rising prescription drug costs and inflation—just as we have seen in every other state.

It is our responsibility to ensure that patients get the high-quality health care they pay for and deserve. When Americans buy health insurance, they should not have to lose their relationship with their doctor or worry if their insurance plan will pay for the medical bill as they are heading to the emergency room. It is time that we provide patient-protection rights for consumers and for managed-care plans to be made accountable for delivering quality care and respecting basic consumer rights.

## CONTINUATION OF DISCUSSION ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I appreciate the remarks of my colleagues from across the aisle as they relate to health care. I am going to continue the discussion on health care, and if my colleagues from Texas want to contribute to some of this, that would be just great; and I will be happy to recognize them periodically.

Let us talk a little bit about how people receive health care in this country.

So I have a chart here I want to share with my colleagues.

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Let us just assume that this square represents all of the health insurance market, and the circle represents, both red and white in the circle, employer-based health insurance. So that you have about two-thirds of employer-based health insurance, consisting of employers offering fully insured products, i.e., you have your small business that contracts with an HMO. About one-third of employer-based health insurance is what we call self-funded employer plans. Then you have, outside of the employer-based health insurance, you have health insurance that is provided by churches and certain nonprofit organizations, Medicare, Medicaid, public sector employees, i.e., government employees, both Federal and State, and you have individuals who buy insurance policies.

Now, Congress passed a law related to pensions about 25 years ago called the Employee Retirement Income Security Act, and those people who receive insurance from their employer, those within the circle here, are under that law, the ERISA law.

Now, about two-thirds of those employer-based programs are under both Federal and State regulation. To some extent states regulate those plans, but the white area here is totally regulated by the Federal law.

The problem is in this area that frequently there are jurisdictional disputes between whether the State has the right to oversee those plans in some ways, or the Federal Government does, and that frequently ends you up in court fighting that out or with legal disputes. That needs to be clarified by Congress.

But one thing is pretty clear, and that is that there has been a universal feeling that if you are in an employer-based plan, both the red and the white in this circle, that then you are shielded from any responsibility, any legal responsibility, for bad actions that could result from the medical decisions that your health plan makes. The health plan is shielded from their negligent actions. That is something we need to address here in a few minutes.

Now, we are going to be debating in the next two days both a bill related to increasing the number of people in this country that are inside this square, i.e., those that have insurance, and we are going to be debating what quality of care those who are inside the circle receive.

Let me speak for a minute about those that are off the chart, the 44 million Americans that do not have health insurance.

This number has gone up steadily over the last several years. As a percentage of the number of people in this country, however, it is staying about the same, about 16.2 percent. In other words, the number of people in our country is increasing as well.

Who are those people who are not inside the box, that do not have health insurance? They are primarily the young, i.e., those between 18 and 24, and the poor, and there is a sizable percentage of them who qualify for Federal programs already, but they are not enrolled.

There are 11 million uninsured children in this country today. More than half of those children qualify for Federal programs to pay for their insurance, either through Medicaid or through what we call the children's health insurance plan, the CHIP program.

Why are they not enrolled if they are qualified? Frequently it is a matter that the parents do not even know about it, or the states and Federal Government have not done a very good job in making sure that people who qualify take advantage of those benefits. That would go a long way. If you could reduce the number of uninsured children in this country by 5 million simply by getting those children into the programs that already exist, you have made a big dent in the number of uninsured. We ought to do that.

We are going to be debating on the floor some tax measures, some measures related to changes in what are called association health plans; there will probably be some debate on medical savings accounts, some things like that.

Some of those areas I agree with; some I have some problems with. I am worried that with the association health plan measure in the access bill that it could have unintended consequences to actually increase the cost of insurance for those who are, for instance, in the individual market, the individual health insurance market. Nevertheless, we are going to have a debate on that. I anticipate there will be some support for that bill from both sides of the aisle. Then we are going to have a debate on how to improve the health care for those people in this country who are already spending a lot of money on health care.

But while I have this chart up here, I think it is useful to point out something, because there was a recent study by the Kaiser Family Foundation on the relative cost of lawsuits in comparing those people who are in the ERISA plans who are shielded, whose plans are shielded from liability, to those that are in non-ERISA plans where you can obtain legal redress against your HMO if they commit an injury to you or your loved one.

Remember this: Government employees are in non-ERISA plans. That means that government employees have a right to sue their HMO. But if you receive your health insurance from your employer, either through an employer offering fully insured products, like HMOs or self-funded products, you do not.

So this is a good comparison, the comparison on premiums and on the incidence of lawsuits between those that can sue, i.e., churches, people in churches or public sector employees or individuals, versus those that cannot.

The Kaiser Family Foundation found out that the incidence of lawsuits in those who are in plans where you can sue is very low, and that the cost, the estimated cost for providing that right to those who do not have it, would be in the range of 3 to 12 cents per month per employee. That is a rather modest cost when you think about how that could prevent something truly awful.

Let me describe a case that is truly awful. We have here a little boy, a beautiful little boy about 6 months old, and he is tugging on his sister's sleeve. His name is James.

Sometime shortly after this picture was taken he became sick. At about 3 in the morning he had a temperature of 104 or 105, and his mother, Lamona, looked at him and she knew he needed to go to the emergency room because he was really sick. So she phones her HMO on a 1–800 number and says, ''My little boy is really sick and needs to go to the emergency room.'' Some disembodied voice over a 1–800 telephone line who has never seen Jimmy Adams says, ''Well, I guess I could let you go, but I am only going to authorize you to go to one hospital that we have a contract with.'' The mother says, ''That is fine, where is it?'' The medical reviewer says, ''I don't know. Find a map.''

Well, it turns out it is a long ways away, 70-some miles away, and you

have to drive through Atlanta to get there. So at 3 in the morning mom and dad wrap up little Jimmy and they start out in their truck. About halfway through they pass three hospitals that have emergency rooms, but, you know, they have not received an authorization from their HMO to stop there, and, if they do, their HMO is not going to pay for it.

They are not medical professionals. They do not know exactly how sick Jimmy is, so they decide to push on. Unfortunately, before they get to the authorized hospital, I would say an unreasonably long distance from where their home is, little Jimmy has a cardiac arrest.

So picture mom and dad trying to keep Jimmy alive in the car while they are driving like crazy to get to the hospital emergency room that has been authorized. They pull in to the driveway to the hospital, the mother leaps out holding little Jimmy screaming ''help me, help me,'' and a nurse comes running out and starts mouth to mouth resuscitation. They put in the IVs, they pump his chest, they get him moving, they get him going, the little guy is tough and he lives.

Unfortunately, because of that medically negligent decision, that medical judgment by the HMO that caused the cardiac arrest before he got in a timely fashion to an emergency room, little Jimmy ends up with gangrene of both hands and both feet. No blood supply to both hands and both feet, and both hands and both feet turn black and dead.

So, what happens? This is little Jimmy after his HMO care. Under that Federal law, the only thing that that HMO is liable for is the cost of the amputations of both his hands and both his legs.

This little boy will never be able to play basketball. This little boy will never be able to wrestle. Some day, when he gets married, he will never be able to caress the cheek of the woman that he loves with his hand.

I asked his mother how he is doing. Well, he is learning how to put on his bilateral leg stump, his leg prosthesis with his arm stumps, but he needs a lot of help in getting on his bilateral hooks. He is always going to be that way. He is doing great. He is a courageous little kid.

But I ask you, how is it that when HMOs under employer systems are making medical judgments and decisions that can result in losing your hands and your feet, that the only thing those plans are responsible for is the cost of the amputations? Is that fair? Is that justice? If that HMO had known that they would be liable, they would have been much more careful, and they would have said, ''Take him to the closest emergency room,'' not 70 miles away. That would have helped prevent this.

It is cases like this that have come before the Federal judiciary that has caused our Federal judges to be so frustrated, because the only recourse that Jimmy has at this point in time is the fact that the HMO paid for his amputations. That has caused some judges like Judge Gorton in Turner v. Fallon to say, ''Even more disturbing to this court is the failure of Congress to amend a statute that, due to the changing realities of the modern health care system, has gone conspicuously awry from its original intent.'' That statute that he is talking about is the Employee Retirement Income Security Act, ERISA, that 25 years ago was meant to be a plan that would protect employees in terms of their pensions.

☐ 2145

It has been turned on its head as a protection for employers and for health plans, not for employees. Federal judges are saying, Congress, fix it.

Judge Garbis, in the case Pomeroy v. Johns Hopkins, says the prevalent system of utilization review now in effect in most health care programs may warrant a revaluation of ERISA by Congress so that its central purpose of protecting employees may be reconfirmed.

A judge looked at this case involving little Jimmy Adams. He reviewed the case. Do you know what he said? He said, the margin of safety by that HMO was ''razor thin.'' I would add to that, about as razor thin as the scalpel that had to cut off his hands and his feet.

Judge Bennett, in Prudential Insurance Company v. National Park Medical Center, said, ''If Congress wants the American citizens to have access to adequate health care, then Congress must accept its responsibility to define the scope of ERISA preemption and to enact legislation that will ensure every patient has access to that care.''

So I ask my colleagues on both sides of the aisle, but especially my colleagues, my fellow Republicans, do the right thing in the next 2 days, and you will be fulfilling Republican principles.

What are those principles? Those principles that we Republicans have talked about are individual responsibility. We have been for tort reform, we have been for States' rights, we have been for market reform. We have been for adequate enforcement on some of the legislation we have passed. We are all for fairness.

Let me go into this in a little bit more detail. I do not know how somebody who has voted for welfare reform, where we say that if a person is able-bodied, that they have a responsibility to go out and work, to get an education to work and support their family, that is a Republican principle of responsibility. That was the major thrust of our welfare reform bill.

Republicans have repeatedly on this floor, my fellow Republicans, myself included, said that if somebody commits murder or rape, then they ought to be responsible for that. How can we say that a health plan or an HMO which makes a medical decision that results in a little baby boy losing his hands and feet, that they should not be responsible? I do not know how one can justify his other actions. Do we only talk about responsibility if it does not involve some big special interest money? Let us think about this for a minute.

How about the issue of tort reform? This is tort reform. This is fairness. When we have a system that is tilted, that is unbalanced, it creates distortions. What we are talking about is that there is no other industry in this country that has this type of liability shield.

If an automobile manufacturer came to us and said, you know, I do not think under ERISA we should be liable for any of the bad things we do, or if an airplane manufacturer said that, I think they would get laughed off Capitol Hill. I mean, if they do a negligent action that cost the lives of our constituents, then they should be liable. They are not coming to us for that.

So we have this bizarre situation where an organization which is making daily life and death decisions by a 25-year-old antiquated law that needs to be updated in one particular area has an exemption from responsibility for their actions.

States' rights, let us talk about that for a minute. Today in our Republican Conference we had a discussion on patient protection legislation. I pointed out that a couple of the bills that will come up in the next 2 days seek to take away from State jurisdiction personal injury and move it into Federal courts.

After we had a discussion about that, which I am going to discuss some more, I said, somewhat tongue in cheek, to a colleague of mine from South Carolina, I just, I just do not understand how a successor for John C. Calhoun, the major proponent of States' rights, how Republicans who have repeatedly said, hey, we need to get big government off your back and devolve power back to the States, and we have said that on education, we have said that on welfare, we have said that on all sorts of things, I do not know how a representative from South Carolina could be for moving this to Federal court under two of the bills that we will, I hope, defeat in the next 2 days. And my friend said, yes, but John C. Calhoun is dead. And a voice from the back of the room said, yes, but he passed away because of his HMO.

Well, I think that when we are looking at States' rights, this is really important. Since the beginning of our Constitution, in the area of personal injury, this has been an issue that has been handled at the State level.

My father managed a grocery store. What was one of the things he always watched out for? A grape on the floor in the produce department, because somebody could slip on a piece of produce and hurt themselves, and once in a while that happened. Once in a while then you had a lawsuit arise out of that. That is handled, if you are talking about any national retail chain, whether you are talking about

Target or whether you are talking about Wal-Mart, anything like that today is handled in your local State court. That is where it should be handled.

But under two of the bills that we are going to be debating, the major thrust of the liability provisions is that you take those out of State jurisdiction and put them into Federal. That just stands our Federal-State relationship on its head. It would be the biggest usurpation of Federal big government power that I think I have ever seen in Congress, and unnecessary.

What the bipartisan consensus managed care bill says is that when we have a problem that requires that you go to court because of a health plan's problem, you simply go back to State court, to a jurisdiction where it has always been in the past. We are not creating a new cause of action, we are simply returning it back to where it was before 25 years ago.

Why is that important? Well, when we are talking about the issue of Federal versus State jurisdiction, I would read this report by Chief Justice William Rehnquist, Chief Justice of the Supreme Court. He said, ''This principle was enunciated by Abraham Lincoln in the 19th century and Dwight Eisenhower in the 20th century. Matters that can be handled adequately by the States should be left to them. Matters that cannot be handled should be undertaken by the Federal Government.''

Do Members know what? I will bet there is not a single Congressperson here who has gotten a phone call from one of his constituents complaining that their State court has not been able to take care of those problems of personal injury. I do not think that we are going to find very many Congressmen that think that their States are not able to handle this, their State courts are unable to handle this. So the bill that I support simply says, return the jurisdiction to that.

Look, if a State wants to pass a law like Texas did on managed care liability, or like California did, they can devise whatever law they want to. Under the bill, the bipartisan managed care consensus bill, we do not tell them how to do it in California or how to do it in Texas. For all I know, a State could pass a law that would say, we do not think that any employer ought to be liable for anything. And under our bill, that is the way it would be handled in that State, because I believe philosophically that this is where the decision should be made, in the States. I am willing to walk the talk.

I wonder if the gentleman from Texas (Mr. GREEN) would like to interject a comment.

Mr. GREEN of Texas. I thank my colleague, one, for being willing to do this night after night, and I know how firm he is in his belief, because I have watched the gentleman in our committee, in the Subcommittee on Health in the Committee on Commerce.

The fear I have from some of the options tomorrow, some of the poison pill amendments, as we call them, is that transfer to Federal court, in my experience as a lawyer, again, practicing law, I did not want to go to Federal court. I had one case in my almost 20 years of practicing law that was in Federal court, but I liked the State court one because you could get to court quicker, you had more access, more judges in the court.

Again, the Federal courts under our rules now, and we voted for them, they would give preference to criminal cases. I want that to still be the case. I want them to be able to handle the drug cases in the Southern District of Texas, because that is the overwhelming number we get in our Federal courts. I do not want to continue to add more cases to the Federal court when they cannot deal with the criminal cases now.

So that is what worries me about allowing these to be brought in Federal court. It will just delay it. They will have to be behind the criminal cases. Why should we not take advantage of the State courts, because these are State issues? Typically, insurance has been a State-regulated commodity, except on ERISA, but we have a right as a Member of Congress and as a Congress to say, on these issues, go back to your State court. I think that is good.

The gentleman used the great example of his father, who managed produce. If somebody had slipped on that grape, they were going to State court. Whether it is Wal-Mart or Safeway or anyone else, why should they not be able to go to State court, just like they would if there is a personal injury?

Mr. GANSKE. Reclaiming my time, Mr. Speaker, I think the gentleman would agree, if a Wal-Mart came to Congress and said, we think that we ought to take slip and fall injury out of State court and make it a Federal law, a Federal tort, does the gentleman not think they would be laughed off Capitol Hill?

Mr. GREEN of Texas. I would hope so. Again, I thank the gentleman for yielding to me. There are certain cases the Federal court needs to be dealing with.

We have not created Federal courts on the floor of this House. The Senate has trouble even filling the vacancies. But there are so many more opportunities for justice to be had in the local and State courts.

Like I said, in Harris County, Texas, Houston, Texas, we have dozens more State judges than we do Federal judges. And again, we have State courts for civil jurisdiction, and we have the district courts, depending on the size of the loss. We could go to a county court if it is a small loss, whereas on the Federal level, you are in there, whether it is your small case, you are in there with those multi-million dollar cases, but also you are behind the criminal cases.

Again, our experience in the Southern District of Texas with the border region we have that comes up to Houston, most of the cases in our Federal District Courts are drug cases and criminal cases. They do not try as many civil cases as they used to. All these issues would be behind those criminal cases, because I want them to do those criminal cases. We want that justice swift for someone who is accused of violating our law, so they can either be found not guilty, or start serving their time.

Mr. GANSKE. Let us be specific about this. The two bills that are going to come before us that would move an entire area of State law into the Federal courts are the Coburn-Thomas substitute and the Houghton substitute.

What are some practical implications for that? The gentleman has already alluded to some of them. Let me speak from Iowa's perspective. I represent central and southwest Iowa. In Iowa we have 99 counties. There is a State courthouse. There is a county courthouse in every one of those counties, and a State court, but there are only two Federal courts in Iowa, one in Des Moines and one in Cedar Rapids.

In Texas, I know there are 372 State courts, but there are only 39 Federal courts. Texas is a bigger State than Iowa. How about in Oklahoma? There are 77 State courts, but one Federal court.

What does that mean? That means that if we look at being able to get our say in court, and we have to go to Federal court in Iowa, someone may be traveling 200 miles to get into Des Moines, instead of going to the county seat. In Texas, I imagine, out in the panhandle, it could be significantly longer distances. Then you have the travel expenses, and as you mentioned, under a law that passed Congress about 25 years ago, the Federal judiciary is bound to handle criminal cases first before they can handle these.

□ 2200

And Chief Justice Rehnquist has told us that the Federal court system in the last 2 years has had a 22 percent increase in their caseload. They do not want this jurisdiction. They are understaffed now. If we look at current Federal judicial vacancies, there are currently 65 judicial vacancies. Twenty-two Federal jurisdictions, because of the case overload, are called emergency jurisdictions. We anticipate that there will be another 16 vacancies in the next 6 months.

That adds up to an understaffed Federal system, long distances, and for what purpose? The State courts are doing their job. I can hardly believe that some of my Republican colleagues would be in favor of expanding the big Federal Government in this area at the expense of their States.

And we have talked about the fact that criminal case filings in Federal court are up 15 percent in 1998 alone. That is because Congress has passed some laws related to increased criminal penalties. We have talked about the

fact that those criminal cases have priority in the Federal cases. So what does this mean? It means that consumers are not going to get a speedy resolution of their problem with an HMO if they have to go to Federal court.

Now, some people, i.e. some of the HMOs, they would love it if they could delay 5 or 6 or 7 years. They would especially love it if we do not change ERISA because maybe the patient is dead by then and at that point in time under the ERISA law they would be liable for nothing.

In Chief Justice Rehnquist's 1999 proposed long-range plan for the Federal courts he said, ''Congress should commit itself to conserving the Federal courts as a distinctive judicial forum of limited jurisdiction in our system of Federalism. Civil and criminal jurisdiction should be assigned to the Federal courts only to further clearly define a justified national interest, leaving to the State courts the responsibility for adjudicating other matters.''

And I have here a letter from the National Association of Attorneys General that says, ''Any Federal legislation enacted should at a minimum provide full authority for states to enforce all legal standards independently of Federal entities.''

I have here a letter from the National Conference of Chief Justices relating to this Federal-State issue. They say relating to court jurisdiction, ''Following the exhaustion of administrative remedies and consistent with the general principles of Federalism, State courts should be designated as the primary forum for the consideration of benefit claims.''

I think that quite frankly if the national governors are aware that we are about ready to take away State jurisdiction in something like this, they are going to come out pretty darn strongly against a piece of legislation that usurps State authority.

Now, let me move on to something that the gentleman from Missouri talked about in terms of how our bill, the bipartisan managed care bill, the Norwood-Dingell bill either does or does not protect employers, because this is a crucial point. I would say that it does protect employers. As a physician who ran a medical office, and who has a lot of friends who run medical offices, employing a lot of people providing health insurance for them, I would not be in favor of a bill that would say that they would now be liable for a decision by their HMO that they have contracted with for their employees that would put them at risk. The bill that we have does not.

We simply say this: that if one hires an HMO as a business and that HMO makes a decision that results in an injury to the patient and you as an employer have not entered into that decision, then you are not liable. Period.

I have here an assessment by one of the leading law firms in the country that deals with the Employee Retirement Income Security Act, the ERISA law. They analyzed the language in our bill that is designed to protect employers. They specifically addressed the claims by those opponents to our legislation. They say that those claims that our bill does not protect employers do not represent an accurate analysis of the employer protections in the bipartisan bill. The claims that the bill would subject plan sponsors or employers to a flood of lawsuits in State courts over all benefit decisions and suggests that plan sponsors, i.e. employers, would be forced to abandon their plans is incorrect for the following reasons:

Number one, most lawsuits would not be against employers. Under current ERISA preemption, lawsuits seeking State law remedies for injury or wrongful death of group health plan participants are already allowed in numerous jurisdictions; and those cases show that those suits are normally brought against HMOs, not against employers.

Mr. DREIER. Mr. Speaker, if the gentleman from Iowa will yield, I would simply like to congratulate my friend and tell him that I have just filed a rule, which in fact, will allow us to have the freest, fairest debate that we have had in over a quarter century on the health care issues.

We anxiously look forward to bringing that measure up tomorrow morning here on the House floor, and we will continue to debate it into Thursday. And I thank the gentleman for yielding, and I look forward to his continued remarks.

Mr. GANSKE. Mr. Speaker, I thank the gentleman from California (Mr. DREIER), chairman of the Committee on Rules for his comments.

Mr. Speaker, let me continue on talking about this analysis that was done by a leading law firm on how the bill that I support, the Norwood-Dingell bill, bipartisan consensus managed care reform act actually does protect employers. And there are about four or five points that this legal brief makes.

First is that lawsuits would not be against plan sponsors. Second is that plan sponsor is limited. Third is that the statute's plain meaning limits employer liability. And the fourth is that they point out several reasons why the private sector health care would not be destroyed.

This is what is in our liability provision. It basically says that if there is a problem, it goes back to State jurisdiction. But we do not want to increase the number of lawsuits. We want people to get the care that they need before they lose their hands or lose their feet like the little boy who I showed. So what we do is we say that an HMO should have an internal appeals process in a timely fashion, but that if the patient or family is not still happy with a denial of care at the end of the internal appeals, they go to an external appeal by an independent peer panel of doctors that can make a binding decision on the health plan and does not need to follow the plan guidelines.

In other words, they can consider those plan guidelines on medical necessity, but they can take into consideration the medical literature, prevailing standards of care, NIH consensus statements. In other words, the things that are necessary in order to make a determination.

We say they cannot overrule a specific exclusion of coverage. And so let me just say there is nothing in this legislation that prevents an employer who has business in many different States from being able to design a standard benefits package. There is nothing in this bill that says that they now have to follow State mandates as it regards to benefits.

All we are saying is that if they are up front and say they do not cover bone marrow transplants, then that independent panel, even if the patient needs it, cannot tell the health plan that they have to give it. But if they do not have a specific exclusion and that patient needs it, then the independent panel can tell the plan they have to provide it; and if the plan follows the recommendation, then we have a fair compromise.

The Democratic side of the aisle made a big compromise on this. It is that if the health plan follows that recommendation by the independent panel, then there can be no punitive damages against that employer; and that would be a punitive damages relief not just for group health plans but also for all other health plans. Individuals as well. Not just for ERISA plans but for non-ERISA plans. That is a major compromise, but it is a fair one because if the plan follows the recommendation of the independent panel that has made the decision, then they cannot be maliciously liable for someone else's decision.

But we need to have the liability provision in there as the ultimate inducer to the HMO to follow the law. Why is that? Let me give an example from Texas. Texas just passed this HMO reform bill that includes liability for health plans. In that bill they say that if a physician recommends treatment to a patient, say a patient is in the hospital but the HMO says no, we do not want to pay for it but the physician says, hey, this patient could suffer injury, then under the law that dispute is supposed to go immediately to a peer review organization for a determination. It is supposed to be sent there, the determination is supposed to be sent there by the plan.

Well, about a year or so ago after this law was passed in Texas, a psychiatrist who was taking care of a man who was suicidal. He was in the hospital. The psychiatrist thought that this man could commit suicide and so he told the health plan this patient needs to stay in the hospital. The health plan said no we are not going to pay for it any more. Send him home, and told the family that. Now, under Texas law they were required in that situation to get an independent peer

review decision, but they did not. They did not follow the law. They just told the patient to leave. So the patient went home that night. He drank half a gallon of antifreeze and he died. It took him 2 days of a horrible, painful death.

Now, in that circumstance under Texas law, that health plan is now liable. They did not follow the law. If we did not have liability, why would any plan ever follow the law? It will take about two or three cases like that and then the health plans in Texas will decide, we had better follow the law before a patient goes home and commits suicide.

That is part of the reason why we need enforcement. But I honestly think that if we combine the appeals process, if we combine the provisions in our bill related to emergency care, related to clinical trials, related to physicians being able to tell their patients all of their treatment options, and we follow an internal and external appeals process, that we are actually going to decrease the incidence of injuries, and we are going to decrease the number of lawsuits.

□ 2215

That in fact has been what Texas has found out.

Before they passed the Texas law, the HMOs, the business groups, they lobbied furiously against that law. They said the sky will fall, the sky will fall. There will be an avalanche of lawsuits. Premiums will go out of sight. The HMOs will all leave Texas.

What has happened? There has just been a couple lawsuits like the one I mentioned where the plans did not follow the law. Premiums have not gone up any faster in Texas than they have anywhere else. In fact, they still have lower than average premiums. There were 30 HMOs in Texas before this law passed. There are 51 HMOs in Texas today. The sky did not fall.

There have been over 600 decisions made to resolve disputes because of that Texas law, and more than half of them have been decided in favor of the health plans; and that has provided an adequate relief to the patients to know that they are getting the right care. But half of the time the independent panels have decided for the patient, and so they have gotten the treatment before an injury has occurred.

This is just common sense. All our bill does in terms of ERISA is say that, let the State jurisdiction as it relates to liability function. In Texas, one has to follow these rules and regulations. There are protections for employers. That is the law as it relates to liability.

California just passed an HMO liability bill. That would be the way that it would be handled in California. This is federalism. This is returning power to States. This is following up on Republican principles where the States are the crucible of democracy. This is following the Constitution. This is following the remarks of the Supreme Court Justice who says, please, do not load up the Federal judiciary any more than what would be absolutely necessary for national security. Do not take away jurisdiction from the States if they are doing a reasonable and good job; and they are in this area.

So I just have to ask my Republican friends, it seems to me that if they are for States rights, if they are for responsibility, then they would be against a bill that would remove this authority from the States. They would be against the Coburn-Thomas bill. They would be against the Houghton substitute. They would be for the Norwood-Dingell bill. Those are Republican principles, and they will be done at a very modest cost.

As I said before, we are looking at, for an average family of four, potentially an increase in the cost of premiums of about $36 a year. That is money that my constituents tell me is well worth it if it can reassure them that they are going to be treated fairly by their HMO.

So when we have our debate in the next day or so on this, let us try to get past some of the special interest smoke and mirrors and Chicken Little statements. Let us do something right. Let us do something for justice. Let us correct a problem that Congress created 25 years ago. Let us be for our principles of States rights and responsibility, and not tilting the deck against a fair market.

Let us be for the Norwood-Dingell Bipartisan Managed Care Reform Act. Vote, I would say to my colleagues, however my colleagues want on the access bill. My colleagues are going to have to balance some of those individual provisions. If it passes, it will go to conference. But I would urge my colleagues strongly to vote against the Coburn-Thomas bill and against another substitute that would be against our Republican principles of States rights and individual responsibility.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999, AND H.R. 2723, BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT OF 1999

Mr. DREIER (during special order of Mr. GANSKE) from the Committee on Rules, submitted a privileged report (Rept. No. 106–366) on the resolution (H. Res. 323) providing for consideration of the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts, and for other purposes, and for consideration of the bill (H.R. 2723) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage, which was referred to the House Calendar and ordered to be printed.

## DRUG PROBLEMS IN AMERICA

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I thank the Chair for the opportunity to come before the House this evening, as I do on most Tuesday evenings when the House is in session, to talk about an area of responsibility that I inherited in this particular session of Congress. That responsibility is Chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Relations of the House. It is an investigations and oversight panel of Congress.

One of its primary responsibilities is to try to develop a coherent and effective national drug policy. It is a very difficult task, but a very important task, because illegal narcotics have taken an incredible toll among our citizens.

We have a costs estimated at $250 billion a year affecting our economy, not only the cost of criminal justice, but lost employment, social disruption, costs that just transcends every part of our society. Those are the dollar and cents costs, not talking about human suffering and the effects on families and children across our Nation. Certainly illegal narcotics must be our biggest social problem.

Additionally, the statistics are staggering as to the number of people incarcerated. Somewhere between 1.8 million and 2 million Americans are in jails and prisons, Federal facilities, across the Nation. It is estimated that 60 to 70 percent of those individuals incarcerated are there because of a drug-related offense.

Now, there are many myths and misconceptions about some of these problems related to illegal narcotics. Tonight, I would like to touch upon a few of them.

As Chairman of this subcommittee with this responsibility, I have tried to not ignore the problem, not ignore the various alternatives, but try to have an open, free, and honest debate in our subcommittee and also stimulate it here in the Congress and the House of Representatives and among the American people, because we have a very, very serious problem facing our Nation.

In that regard, we have held a number of hearings, on average, three or four a month in this year. Prior to my

assuming that responsibility, that responsibility was held by the former chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice on which I served. That individual who chaired that responsibility and that subcommittee was the gentleman from Illinois (Mr. HASTERT) who is now the Speaker of the House of Representatives. He reawakened some of the interest in this topic and also certainly gave impetus to congressional action for a refocus, reexamination of this issue.

I might, as I have done in the past, review a bit of the history of the illegal narcotics problem and the efforts of this Congress and past Congresses to deal with this problem.

During the Reagan administration, and having been a staff member in the other body during 1981 to 1985, I witnessed firsthand the beginning of what was actually a war on drugs, a multifaceted approach to attacking illegal narcotics, drug abuse, and misuse by our population. That was continued for the most part through the Bush administration until, again, this House of Representatives and the United States Senate and the White House were all dominated by one party in 1992 with that election.

It happened to be the year I was elected, so I saw firsthand the dismantling of any real Federal effort with regard to illegal narcotics. The national drug policy was pretty much taken apart, dismantled. Our interdiction efforts, which is a national responsibility were decimated, halved.

The source country and international programs, also a Federal responsibility, were cut dramatically, also halved. Most of the resources were put into treatment programs and to other priorities that, again, changed dramatically.

The Drug Czar's office was dramatically reduced in size, probably 70 percent reduction. Appointees of the administration were individuals who had a different philosophy, ''just say maybe to illegal narcotics.''

Some of that has had a very specific result with our population. Attitudes particularly among leaders of Congress and the Nation, and also our chief health officer for the country, certainly those attitudes certainly do impact our population's thinking and particularly the actions of our young people.

I have used these charts before to show exactly what happened. Tonight I will use them once again. Even today, we had Governor Gary Johnson, a Republican Governor from New Mexico who participated in a national symposium on a new attitude towards illegal narcotics. He talked about and also has made statements that the war on drugs has been a failure.

I submit that the war on drugs has basically, again, closed down in the 1990 to 1993 period. Again, a Federal responsibility was Federal expenditures for international programs. International programs would be stopping illegal narcotics at their source.

This is an interesting chart in that it shows, again, a dramatic reduction. My colleagues see back where the Republicans, new majority took over. Right now, in 1999, we are getting back in 1992 dollars to where we were in 1992 and 1999 on these international programs.

These international programs do make a difference. For example, let me cite, if I may, one success that we have seen from the Coast Guard. The Coast Guard seized a record 111,689 pounds of cocaine with a street value of $3.9 billion in fiscal 1999, an increase of 35 percent over last year, the agency said on Tuesday.

□ 2230

More than two-thirds of the cocaine seized in 1999 was the Miami-based 7th Coast Guard district that included Florida, South Carolina, Georgia, Puerto Rico, the Virgin Islands, and most of the Caribbean. Secretary of Transportation who oversees the Coast Guard, and in this case Secretary Slater, attributed the record seizures in part to a 10-month-old counternarcotics initiative in the Caribbean. And that, of course, was funded by the initiative that was undertaken by the gentleman from Illinois (Mr. HASTERT) some 2 years ago in restarting a war on drugs and, again, a Federal responsibility to stop drugs at their source and interdicting them.

What I have spoken to here is really the success of the interdiction. This chart shows the failure of interdiction and the cutting in just about half of expenditures for interdiction, that is stopping drugs as they come from their source, before they reach our border, utilizing the Coast Guard, the military and other Federal resources to stop drugs cost effectively as they come from their source to our borders.

We can see the dramatic close-down of the war on drugs in 1993 and we can see the restart again under the new leadership of the House of Representatives under Republican control of the House. Again, we are back in 1999 to about where we were in 1992, and we have some very specific results for our efforts for those expenditures. We have seen not only a dramatic increase in the seizures of cocaine but also less cocaine on the streets in the United States. So we know that this interdiction works.

What is interesting is we know what does not work, and that is the policy of this past administration. We saw the charts with funds and efforts for our international programs to stop drugs cost effectively at their source and also to interdict drugs before they reach our borders. This is a very interesting chart. It shows from the 1980s, the late 1980s to 1992, this would be part of the Reagan and Bush era, and we can see a declining in 12th grade drug use. This would be lifetime annual in the red here, green is lifetime annual use and 30 day use.

So in all of these usages by 12th graders, we see a decline up until this change in the drug policy. Then we see, again, the change in Federal leadership, the attitude, the ''just say maybe,'' cutting the drug czar's office, cutting the programs as far as the supply, the incredible supply of illegal narcotics coming into the country, and then this upsurge. Then again in 1995, the Republicans took control, began instituting this policy and changing it, and now we see a decline and beginning of a reversal. Because we know that a multifaceted approach to illegal narcotics works.

First, we have to stop drugs cost effectively at their source, then we must interdict those illegal narcotics before they come in. And I might say, even to those legalizers, to those who have been in town, including Governor Johnson of New Mexico, promoting legalization of what are now illegal narcotics, even under their plan, it would still be a requirement for the United States to stop illegal narcotics at their source. They would be illegal, even if they were legalized in the United States; drugs through interdiction.

And, again, education, which I think Governor Johnson and others have been promoting along with legalization, does not work. We find the same thing that is very interesting in this administration's approach to tobacco. They have done everything they can to bring tobacco companies into lawsuits. They have expended incredible historic amounts in anti-narcotics advertising and have forced attention to the problem as far as education of young people. But what is interesting, even the most recent statistics that they show, even with all this effort, shows that we still have an upsurge in the use of tobacco products among our young people.

So it does not work by itself. Education is one of a number of elements that must be used. This is very interesting to show; that as the Federal efforts for interdiction and source country program eradication declined, and again a change in policy, we saw our young people using more illegal narcotics.

What is really sad is some of the statistics that have evolved from this situation. And I just received today the latest figures, which were released in August, published the last June of 1999, on the number of drug deaths in the United States. These are deaths from drug-induced causes.

My colleagues have heard me cite before on the floor of the House of Representatives over 14,000 drug deaths, and that was in 1996. The policy that we have seen promoted by this administration and this Congress now has us up to 15,973 deaths in 1997. These are drug-induced causes in the United States. That is a 7.6 percent increase.

I added up the statistics from this report just received today on the number of drug deaths since 1993, the beginning of this administration's policy, and it

is 72,232 deaths. I am sure that we will reach 100,000 before the end of this tenure. So we have still a continuing problem. We have more and more deaths caused by illegal narcotics.

Part of the problem, as I have explained before in these special orders, is that the cocaine and the heroin that we see on the streets today is not the cocaine or heroin that was on the streets in the 1970s or 1980s. In those years we saw cocaine and heroin of sometimes 4 to 10 percent in purity. Today, we are seeing on a very common basis a purity of 60 and 70 percent. We are seeing heroin and cocaine that is deadly in form. And many of these deaths are attributed to young people who are trying illegal narcotics, and do not recover in many instances from first-time use, or by combining those very potent and high purity illegal narcotics with other substances of abuse.

Again, we see record numbers of deaths from drug-induced causes in the latest statistics produced, I believe, by the Department of HHS. Again, these just came out.

Of course, we have the deaths that I cited that are very easy to identify, and then we have the deaths that I also report. And whether we legalize or decriminalize what are now illegal narcotics, we would still have situations like this. This was reported in this week's October 2 edition in Carnesville, Georgia, a lady by the name of Shannon Nicole Moss has been in jail since May for allegedly taking cocaine during her pregnancy and causing the death of her daughter. Ms. Moss, 21, gave birth to twins on April 21, but one child, Angel Hope Schneider, died shortly after birth. Franklin County Investigator Chad Bennett said Ms. Moss tested positive for both cocaine and methamphetamine. The child's death was consistent with cocaine use by the mother, said Bennett.

I do not know if this young baby's death will be counted in these statistics. I doubt it. But as I have cited, there are thousands of other deaths that are related to illegal narcotics.

In this week's Christian Science Monitor we see another example of drug use and abuse among our population. This particular story focuses on Plano, Texas. It says, ''With its gated communities, leafy parks, and Fortune 500 jobs, Plano is not the sort of town to have a big city drug problem. At least that is what most residents thought. Then, in 1997, some of the young people of Plano discovered the latest craze, heroin, and started overdosing at the rate of one a month. The youngest victim was a 7th grader, Victor Garcia. The oldest and most famous was former Dallas Cowboy, Mark Tuinei. The string of deaths, 18 in Plano, along with half a dozen from nearby towns, does not appear to be over.''

We have cited Plano as an example of a very prosperous community, just like the one I come from in Central Florida, north of Orlando, which is my district. We have had over 60 drug-related deaths. Deaths by drugs and drug overdoses now exceed homicides in our central Florida communities. So we see a tremendous impact of illegal narcotics on our communities. I am not sure what difference legalization would make in people overdosing, and particularly young people, on these illegal narcotics.

If it was not bad enough that we had cocaine and heroin, we have on the scene and coming from primarily Mexico, also an international import and again a Federal responsibility to control this type of activity, a report of methamphetamines spiraling out of control in some of our communities. This is a report that appeared in this week's news media and it is date lined Tulsa, Oklahoma. ''The number of methamphetamine labs in Oklahoma is exploding. State records show that officials have discovered 60 times the number of clandestine laboratories making methamphetamines than they had found just 5 years ago. State officials call problems with the highly-addictive drug epidemic. And they said the meteoric rise in the drug's popularity has to do in how easy it is to make.''

This is not a harmless illegal narcotic, and it is illegal. ''Oklahoma Highway Patrol Trooper David 'Rocky' Eales,'' the story went on to say, ''was killed in an attempt to serve methamphetamine-related warrants on September 25. Another trooper was wounded.''

It is also interesting to note, and I have some information that we received in one of the hearings that we conducted on legalization of what are now illegal narcotics, and we did try to conduct an open hearing on that subject, but we had a scientist who produced these images. I think I have shown these images one other time about methamphetamine, and this is one of the drugs that some folks would like to legalize. This particular photograph, and these images, demonstrate the long-lasting effects that methamphetamine has on the brain.

The brighter colors reflect greater dopamine-binding capacity. Dopamine function is critical to emotional regulation and it is involved in the normal experience of pleasure. It is also involved in controlling an individual's motor functions. The scan on the left is a nondrug user. The second scan is a chronic methamphetamine abuser who was drug free for 3 years prior to this image. The third scan is a chronic meth abuser who was drug free for 3 years prior to the image. The last brain is a scan of an individual newly diagnosed with Parkinson's Disease, a disease known to deplete dopamine.

□ 2245

So you see what methamphetamine, the so-called harmless, what is now an illegal narcotic that some would like to make legal, does to individuals. Drugs are dangerous. This is very clear scientific evidence produced again by a scientist, not by a congressional committee, about the effects of this particular illegal narcotic.

I wanted to also cite tonight again some of the comments that have been made in this national forum that talked about legalization or a new approach to illegal narcotics, and let me say that I am open to any reasonable approach that we can take to deal with this mounting problem. Our subcommittee has been open, we have held hearings on the question of legalization, of decriminalization, on the problems of incarceration, on enforcement, on interdiction, on the source countries, and we will be doing one in just a few weeks on our first anniversary of our national education program to review all of these programs' effectiveness and various approaches.

But the meeting that was conducted today and this week in Washington about new approaches featured, I guess, a new rage on the drug, national drug scene, and that is New Mexico Governor Gary Johnson. He again has said that the Nation's War on Drugs has been a multibillion-dollar failure and unjustifiably throwing thousands of people in prison and lying to children about the dangers of marijuana. I happened to catch some of that particular presentation of Governor Johnson, a Republican from New Mexico, and I wanted to respond to some of the points that he has raised.

Again, one of these is graphically illustrated by one of the substances that some proponents would like to legalize, and we can show similar graphic displays for other substances, and we have one, another one here we will just put up here. But we do have, in fact, scientific evidence that there is danger to the brain from cocaine, from heroin, from methamphetamine, and it is documented, and the Governor has said that the War on Drugs has been a multibillion-dollar failure. In fact, I think he stated that we went from 1 billion in the 1970s to $18 billion. I think if we look at the way the dollars have been spent, again there were dramatic decreases in a multi-faceted approach to combat illegal narcotics both at the source and through interdiction.

I have often showed the treatment dollars, and we do not have a chart of that tonight, but in fact the chart would show you that treatment dollars since 1992 have in fact doubled, and we are spending a great deal of that $18 billion on treatment programs. I would as much as anyone would like to see a reduction in those expenditures, but we find that if we take out one element, whether it is a source country, international programs, interdiction, law enforcement, education, treatment or prevention, then the efforts begin to crumble and the effect, as we have seen, is devastating particularly among our young people.

He made a rash statement, and I heard him say that soon we will be spending the entire national gross product on enforcement, and that just

is not correct. The Governor is incorrect, that of the $18 billion that we will be spending this year, a small percentage of that is on enforcement although that is Federal money and there are substantial dollars spent at the State and local level.

The question is:

Does a liberal policy work or does a tough enforcement policy work and are they cost effective?

Let me take these charts down and again cite one of the best examples that we have of a liberal policy, and I believe in a legalization or liberal policy we would have to look at some model where they have tried this.

And again we have to point to Baltimore. I do not have a whole lot of areas, although Washington, D.C., is now trying to emulate this program that they adopted in Baltimore with free needle exchanges and, again, a more liberal attitude.

But this is an interesting chart that was given to me by the head of our Drug Enforcement Agency in one of our hearings, and I will recite it.

In Baltimore we saw the population in 1950 at nearly a million drop to, it is around 600,000 now, not half, but on its way down. We saw a small number of heroin addicts, and this was the population of the heroin addicts, about 39,000 in 1996. The latest figures or unofficial figures are 60,000, and I cited a council person from Baltimore who said 1 in 8 citizens in Baltimore are now addicted to heroin.

Now this is a liberal policy, this needle exchange policy. We have seen that that policy, and again, if we had legalization, I do not know what would stop people from becoming addicted, but in fact we have 1 in 8 in this city as a heroin addict, which is absolutely astounding, a model I do not think any of us would want to copy.

I have also pointed out as a counter example New York City with Mayor Giuliani, and I bring this up again, a tough enforcement policy, and Governor Johnson said that we are spending too much money, and I think, if we look and go back and look at per capita expenses, dollar expenses, and we compared New York with Baltimore, we would see that there would probably be similar expenditures.

But this particular chart shows the narcotics arrests index and the crime index, and we see that crime is going down as the number of tough enforcement was undertaken in that city. Pretty dramatic figures in New York, and let me cite a few of them, if I may.

First of all, the total number of major felony crimes fell from 1993 to 1998 in New York City by 51 percent. Just from 1997 to 1998 with a zero tolerance policy there was 11 percent decrease in major felony crimes. In New York City murder and nonnegligent manslaughter also declined. There was a 67 percent decrease from 1993 to 1998, and in just one year, from 1997 to 1998, an 18 percent decrease in murder and nonnegligent manslaughter.

And what about some other crimes? Total felony and misdemeanor narcotics arrests in the city actually increased, and we went from less than 70,000 to 120 between 1993 and 1998, but in that period of time you saw the dramatic decrease in murders. In fact, in New York City in 1998 it was the lowest number of murders committed in New York in 36 years. The murders fell from approximately, this chart will show, from over 2,000 in this period, 1991 to somewhere in the 600 to 629 in 1998, dramatic decreases as there were some increase in narcotic offenses.

So the cost effectiveness of these programs, and I am sure if we looked at the social implications, the destruction of families, abuse in Baltimore, and we look at what has taken place in New York City, we would see that we have, in fact, a success, and again not a total success. We still have some dramatic problems not only in New York.

But what is amazing, if you look at this last chart again, as a result of Mayor Giuliani's zero tolerance policies that he established and based on what the murder rate was before he took office, over 3,500 people just in New York City are alive today who otherwise would be fatality statistics. That is a pretty dramatic figure.

The other misconception that Governor Johnson stated in his speech, and again I heard part of it today; he said that, and I think he was citing more in his State; he said there were arresting Mexican citizens coming across the border for $200, and he said if we looked at the profile of people arrested, you would find marijuana users selling a little bit of marijuana and crack users selling a little crack and going to jail for that. Those were some of his comments.

I did not take it down in shorthand, but there are many myths about people who are in prison for drug related offenses, and the most recent study that our subcommittee found was one that was conducted in New York State by that New York State Office of Justice, and it was a rather telling example of what is really taking place with those convicted of various offenses related to narcotics, and this was again in spring, very recent. We had testimony to this affect, that there are roughly 22,000 individuals serving time in New York State prison for drug offenses. Again this is very comprehensive study. Eighty-seven percent of them are actually serving time for selling drugs, 87 percent of them are there for selling drugs. Seventy percent of them have had one or more felony convictions on their record.

So these are not just these innocent little Mexicans crossing the border for $200 reward or some innocent marijuana users selling enough marijuana to supply his habit or some minor crack dealer. Seventy percent of these 22,000 individuals have one or more felony convictions on their record.

Of the people who are serving time for drug possession charges, 76 percent were actually arrested for sale or intent to sell charges that eventually pled down to possession. So there is a great myth about who is behind bars and why they are there and what offenses they have committed.

We also found from this study and in our hearing about New York drug offenses that the 1998 arrestee drug abuse monitoring program report issued by the National Institute of Justice documents an estimated 80 percent of persons arrested each year in New York City tested positive for drugs. So we have a situation where these people have, who are arrested also, have illegal narcotics in their system, and that is also part of the problem, and we do need to revisit our treatment programs both at State level and the Federal level.

☐ 2300

But there is a great myth about who is serving time. This study was quite interesting, because it showed and documented very specifically that, at least in New York State, you really have to try, you have to commit a number of serious felonies and you have to be a dealer in very large quantities of hard illegal narcotics to make your way into prison. You had to work to get into prison in New York. We found that same pattern in other states. So the information that Governor Johnson used is not correct.

He also said half the arrests in the United States involved United States Hispanics selling marijuana. I do not know where he got that figure. I have never seen that figure.

We do know that the latest statistics that our subcommittee has received from DEA and HHS do indicate that one of the victims of illegal narcotics are teenage Hispanics and young Hispanics; that, in fact, with addiction, they have the highest percentage of increases.

What we also know from the most recent report that I have received is that the biggest problem with addiction among our young people, and I would think it would be alcohol, is not alcohol, but in fact is marijuana, another startling fact. Of course, many people do not want to deal with facts or reality on this subject. They want to deal with their own personal viewpoint.

The Governor also, I heard him say, Governor Johnson, that the war on drugs was 1,000 miles wide and a half inch thick. The war on drugs in fact is thousands and thousands of miles wide and, as you may have seen by what I illustrated, it was reduced down to an inch thick. But the war on drugs does not work when you have no resources in it, and they were eviscerated by this Congress back in 1993, 1994 and 1995 under this Democrat-controlled House of Representatives, Senate and the presidency. That approach did not work, and we had some very, again, well-documented results. That was not and is not today pleasing.

His final comment was ''stop arresting the entire country.'' Again, this is

Governor Johnson. I do not think any of us want to arrest anyone. We do know that individuals that have used illegal narcotics, probably marijuana is one of the most frequently. Maybe it does not have all of the effects of some of the other hard drugs that we cited, cocaine, heroin, methamphetamines. We have shown here we do know the levels of purity are much, much higher than that marijuana that was used in the seventies and eighties, and it also has an effect on the brain.

Again, we do know from facts that today our biggest problem with addiction among young people, again, I was even surprised by this, and these are statistics that are DEA and HHS documented, our biggest problem with addiction now is marijuana with our young people. Whether it gets to be a gateway drug or not is a question for debate, and we certainly had plenty of testimony that did point to the first use of that substance or other substance abuse and then on to harder drugs.

Legalization just has not been acceptable as an alternative, and neither has decriminalization, although we are looking very carefully at the programs we have for those incarcerated. We have also looked at the Arizona model, which is not a decriminalization, and had testimony from officials from Arizona who do take first-time drug offenders and give them alternatives before their final sentencing, but the sentencing is withheld pending their performance. The moment that they backslide or get back into the narcotics habit, which is a tremendous problem, recidivism with illegal narcotics use in these programs, those individuals do go on, are sentenced and serve time.

So, again, I think everyone wants to see that our prisons are free of so-called casual drug users. But, again, the people that end up there, unfortunately, commit felonies and crimes while under the influence of these illegal narcotics, were selling quantities of illegal narcotics which would be illegal under decriminalization or the legalization scheme that has been mentioned by anyone to date.

What is interesting is even with these efforts to liberalize national drug policy, even the latest surveys, and again the surveys can be subject to the way the questions are asked or framed, but the latest surveys that we have, this one is by the Melman Group and it was a survey by telephone of 800 registered voters at the beginning of September, found some of these topics on the public's mind.

Voters want education, Social Security and drug trafficking to be top priorities of the Congress and the President. HMO restrictions and illegal drugs are top worries for the largest number of voters. We have heard most of the special orders tonight on the topic of HMOs. I am the soul one on the second subject, illegal drugs.

Women and minorities are more likely to think that drug issues should be a top national priority. The poll also found that Americans want cracking down on drug smuggling to be Washington's highest priority. Preventing drugs from entering the United States, reducing the supply, is the most important effective way to deal with the problem. Again, this poll of 800 Americans showed three-fourths of Americans favor increasing funding for interdiction. Even with the $2 billion price tag, the majority still favor increasing funding for interdiction. By more than two to one, voters favor additional dollars on interdiction over anti-drug advertising.

As I said, our subcommittee continues to monitor the reinstitution of our national and international efforts on interdiction and source country programs. We will be carefully reviewing our $200 million with private donations, probably half a billion dollar total expenditures for an anti-drug advertising program, the first year of which will have been concluded this past week, and we will do a hearing on that and review an examination of those expenditures and the effectiveness of that program.

Congressional Democrats, the poll finally says, enjoy an advantage over Republicans on almost every issue except keeping illegal drugs out of the U.S. I am not sure what that means for Republicans, being a Republican, but at least hopefully I am on the right side of one issue.

The rest of the special order that I wanted to do tonight really would get away from the topic of legalization, decriminalization or liberalization, as Governor Johnson of New Mexico has advocated, and talk about again one of our responsibilities, which is stopping illegal narcotics that are coming into the United States.

Again, under any of these schemes, no matter how wild they may be for liberalization or decriminalization or legalization, one of the responsibilities of this Congress, of any administration, will be to stop these hard drugs from coming in to the United States.

☐ 2310

The source of more than 50 percent or probably in the 60 or 70 percent of all illegal antibiotics, we could start with marijuana, go on to cocaine, heroin, methamphetamine, the source of all the hard narcotics and even, again, the soft narcotic, if you want to call it that, marijuana, coming into the United States is through Mexico. Most of the cocaine and heroin is now produced in Colombia, but they have melded forces with corrupt officials in Mexico and corrupt dealers in Mexico, and these gangs are now filtering and transiting illegal narcotics through Mexico.

Mexico is our big problem on an international level, and will continue to be. That is in spite of the fact that our trade with Mexico has been at an all-time high. We have given Mexico, as I have cited, incredible trade advantages, both with NAFTA, and we have underwritten Mexico in its financially difficult times.

The United States' exports to Mexico now surpass U.S. exports to Japan, making Mexico our second most important export partner. However, with NAFTA, exports to the United States, from the United States to Mexico, were $71 billion in 1998. Imports to the United States from Mexico were $87 billion. We experienced in 1998 a $15.7 billion trade deficit, so we are good partners, we have given them help. We are good neighbors, good allies. We have given them a trade advantage that is now hurting us economically.

The U.S.-Mexican border is 2,000 miles long and 60 miles deep on either side of the border, consisting of four U.S. States, California, Arizona, New Mexico, and Texas, all on the borders, of course. They border six Mexican States. We have 45 border crossings with an estimated 278 to 351 million persons legally crossing the border from Mexico to the United States in 1998.

The INS, at great expense, apprehended 1.5 million undocumented immigrants on the southwest border in fiscal year 1998. According to DEA, almost all of the estimated six tons of heroin produced in Mexico in 1998 will reach the United States markets. Mexico remains a major source country for marijuana and heroin sold in the United States.

The DEA estimates that the majority of methamphetamine available in the United States is either produced and transported to the United States or is manufactured in the United States now by Mexican drug traffickers.

According to the United States Department of State, Mexico continues to be the primary haven for money laundering in all of Latin America. This of course has had incredible consequences in Mexico. The Baja Peninsula along this end is completely controlled by drug traffickers. In fact, this chart shows Mexico-based drug trafficking. The Yucatan Peninsula is controlled by drug traffickers, and different states and such regions of Mexico are almost totally controlled by drug traffickers.

I cited methamphetamine, a new phenomenon. It is incredible, but 90 percent of the methamphetamine seized in Iowa this year came from Mexico. That is from the U.S. Attorney's office in Iowa's northern district. About 85 percent of the methamphetamine in Minnesota, all the way up, it is not even on this chart, in Minnesota is smuggled from Mexico. The source is the Minneapolis Star Tribune, in an investigation that was conducted there.

Most of the methamphetamine available in the upper Midwest is trafficked by Mexican-controlled criminal organizations connected to sources of supply in California and Mexico that were based in smaller midwestern cities with existing Mexican-American populations. The source of that is the Drug Enforcement Administration, in a 1996 report.

Unfortunately, even with all this activity, with the trade benefits, financial benefits, pledges of cooperation with Mexico, drug seizures are dramatically down. The amount of heroin seized from 1997 to 1998 dropped 56 percent. The amount of cocaine dropped some 35 percent in the same year. The number of vehicles seized from 1997 at sea went from 135 to 96, a 9 percent decrease.

We have asked for maritime cooperation. We have not gotten it. We have asked for seizure cooperation. We have not gotten it. We have also asked for extradition of Mexicans who have been involved in illegal narcotics.

Tonight let me display a couple of folks we are looking for and describe them. To date we have not had a single Mexican major drug trafficker extradited.

This individual is Lewis Ignacio Amezcua-Contreras, and this individual is one of the chief producers of methamphetamine in really the world. Recently, despite overwhelming evidence, all Mexican drug charges have been dismissed. We are hoping that this individual will be extradited to the United States.

Again, our requests, this Congress passed a resolution, the House of Representatives several years ago, asking for cooperation in extradition of major drug traffickers. To date, we have not had one Mexican major drug kingpin extradited.

We have another star tonight in our array of requests for extradition. This is another individual that we have asked for. This is Vincent Carrillo Fuentes. He is a major cocaine trafficker. He has not been arrested. We think he is at large in Mexico. He is a United States fugitive. This is another individual.

There are 45 of these major drug traffickers we would like extradited to stand trial, it is the thing they fear most, in the United States. I would say for both of these individuals, I believe there are some substantial rewards in the million dollar range, so if anyone would like to turn these individuals in, I am sure they would also like to receive the reward that is available.

United States officials testified before my subcommittee that there are 275 extradition requests that are pending with Mexico. Mexico has only approved 45 extradition requests since 1996, and as I said, not one major Mexican drug kingpin. Only 20 of the extradition requests that Mexico has approved have been drug-related, and only one of those has been a Mexican citizen. But again, there have been no major drug kingpins.

On November 13, 1997, the United States and Mexico signed a protocol to the current extradition treaty. I think that treaty goes back to 1978. The protocol is basically the way the extradition would operate, and all the details.

The protocol has been ratified by United States Senate, the other body, and is currently being delayed in Mexico's Senate. To date they still have not resolved or approved an extradition protocol with the United States.

Additionally, this Congress several years ago asked Mexico for cooperation in enforcing the laws on the books. It was not a tough request: extradition, maritime cooperation. The United States customs agency ran an undercover operation called Operation Casablanca. This undercover operation was the largest money laundering sting in the history of the United States, absolutely incredible money laundering.

Members will not be able to see this chart too well. Maybe they can focus for a few minutes. Let me talk a little about this. Forty Mexican and Venezuelan bankers, businessmen, and suspected drug cartel members were arrested, and 70 others were indicted as fugitives.

The United States informed Mexican counterparts of the operation, but they did not tell them all the details because they feared Mexican corruption would or could endanger the lives of some of our agents.

□ 2320

And as we know from history, one of our agents, Kiki Camarena, was brutally murdered in Mexico and even today some of his murderers and those involved in his horrible death have not been brought to justice.

Operation Casablanca involved three of Mexico's most prominent banks, Bancomer, Banca Serfin, and Confia, and all of these three major banks were implicated in the investigations. A former senior United States Customs agent who led the Casablanca probe declared that the corruption reached the highest levels of the Zedillo government when he implicated the defense minister in this event.

Mr. Speaker, it is my hope that we can have justice prevail in this situation and next week we will continue the rest of the story as it relates to corruption in the Mexican Government and Mexican drug trafficking.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for before 5:00 p.m. today on account of personal reasons.

Mr. LAHOOD (at the request of Mr. ARMEY) for today on account of attending the funeral of Bishop Edward O'Rourke.

Mr. HILL of Montana (at the request of Mr. ARMEY) for today on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, October 12.

Mr. DUNCAN, for 5 minutes, today.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1255. An act to protect consumers and promote electronic commerce by amending certain trademark infringement, dilution, and counterfeiting laws, and for other purposes; to the Committee on the Judiciary.

## ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 6, 1999, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4649. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modification of Procedures for Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV99–905–4 IFR] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4650. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading [Docket No. PY–99–004] (RIN: 0581–AB54) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4651. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Subpart B-

Regulations [Docket No. TB–99–07] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4652. A letter from the Administrator, Food and Safety Inspection Service, Department of Agriculture, transmitting the Department's final rule—Addition of Mexico to the List of Countries Elligible to Export Poultry Products into the United States [Docket No. 97–006F] (RIN: 0583–AC33) received September 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4653. A communication from the President of the United States, transmitting a request for emergency funds for the Department of Defense to be used to meet the critical readiness and sustainability needs that emerged from operations in Kosovo; (H. Doc. No. 106–140); to the Committee on Appropriations and ordered to be printed.

4654. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4655. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7300] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4656. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Amateur Service Rules to Provide For Greater Use of Spread Spectrum Communications [WT Docket No. 97–12 RM–8737] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4657. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Manson, Iowa) [MM Docket No. 99–91 RM–9529] (Rudd, Iowa) [MM Docket No. 99–92 RM–9530] (Pleasantville, Iowa) [MM Docket No. 99–93 RM–9531] (Dunkerton, Iowa) [MM Docket No. 99–95 RM–9533] (Manville, Wyoming) [MM Docket No. 99–97 RM–9535] received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4658. A letter from the Associate Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996 [CC Docket No. 96–115] Telecommunications Carriers' Use of Customer Propriety Network Information and Other Customer Information; Implentation of the Non-Accounting Safeguards of the Communications Act of 1934, As Amended [CC Docket No. 96–149] received September 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4659. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: (VSC–24) Revision (RIN: 3150–AG36) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4660. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 106–139); to the Committee on International Relations and ordered to be printed.

4661. A letter from the Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Reexports to Libya of Foreign Registered Aircraft Subject to the Export Administration [Docket No. 990827238–9238–01] (RIN: 0694–AB94) received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4662. A letter from the Director, Office of the Procurement and Property Management, Department of Agriculture, transmitting the Department's final rule—Agriculture Acquisition Regulation; Part 415 Reorganization; Contracting by Negotiation [AGAR Case 96–04] (RIN: 0599–AA07) received October 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4663. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Coastal Zone Consistency Review of Exploration Plans and Development and Production Plans (RIN: 1010–AC42) received September 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4664. A letter from the Acting Regulations Officer, Office of Process and Innovation Management, Social Security Administration, transmitting the Administration's final rule—Administrative Review Process; Prehearing Proceedings and Decisions by Attorney Advisors; Extension of Expiration Dates (RIN: 0960–AF07) received October 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 1497. A bill to amend the Small Business Act with respect to the women's business center program; with an amendment (Rept. 106–365). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 323. Resolution providing for consideration of the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts, and for other purposes, and for consideration of the bill (H.R. 2723) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage (Rept. 106–366). Referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. S. 452. An act for the relief of Belinda McGregor (Rept. 106–364). Referred to the Private Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. TAUZIN, Mr. OXLEY, and Mr. BLUNT):

H.R. 3011. A bill to amend the Communications Act of 1934 to improve the disclosure of information concerning telephone charges, and for other purposes; to the Committee on Commerce.

By Mr. BARTON of Texas (for himself, Mr. MCINTOSH, Mr. PICKERING, and Mr. KASICH):

H.R. 3012. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to protect Social Security trust funds and save Social Security surpluses for Social Security; to the Committee on the Budget.

By Mr. YOUNG of Alaska:

H.R. 3013. A bill to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants, and for other purposes; to the Committee on Resources.

By Mrs. BIGGERT (for herself, Mr. OSE, Mr. ENGLISH, Mr. SCHAFFER, Mr. LIPINSKI, Mr. BACHUS, Mr. MCINTOSH, Mr. ROYCE, Mr. WELDON of Florida, and Mr. FOLEY):

H.R. 3014. A bill to amend title 18, United States Code, with regard to prison commissaries, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

H.R. 3015. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Ways and Means.

By Mr. CLYBURN (for himself, Mr. SPENCE, Mr. SPRATT, Mr. GRAHAM, Mr. SANFORD, and Mr. DEMINT):

H.R. 3016. A bill to designate the United States Post Office located at 301 Main Street in Eastover, South Carolina, as the ''Layford R. JOHNSON Post Office''; to the Committee on Government Reform.

H.R. 3017. A bill to designate the United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the ''Richard E. Fields Post Office''; to the Committee on Government Reform.

H.R. 3018. A bill to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the ''Marybelle H. Howe Post Office''; to the Committee on Government Reform.

H.R. 3019. A bill to designate the United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, as the ''Mamie G. Floyd Post Office''; to the Committee on Government Reform.

By Mr. CROWLEY (for himself, Mr. SHERMAN, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. LARSON, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. MENENDEZ, Ms. PELOSI, and Mr. HOEFFEL):

H.R. 3020. A bill to make illegal the sale of guns, ammunition, or explosives between private individuals over the Internet; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3021. A bill to extend the authority of the THOMAS Paine National Historical Association to establish a memorial to THOMAS Paine in the District of Columbia; to the Committee on Resources.

By Mr. MARKEY:

H.R. 3022. A bill to amend the Communications Act of 1934 to improve the disclosure of information concerning telephone charges, and for other purposes; to the Committee on Commerce.

By Mr. PASTOR:

H.R. 3023. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; to the Committee on Resources.

By Mr. SMITH of New Jersey:

H.R. 3024. A bill to amend the Communications Act of 1934 to restrict the transmission of unsolicited electronic mail messages; to the Committee on Commerce.

By Mr. SOUDER (for himself, Mr. ANDREWS, and Mr. MCINTOSH):

H.R. 3025. A bill to establish a national clearinghouse for youth entrepreneurship education; to the Committee on Education and the Workforce.

By Mr. TRAFICANT:

H.R. 3026. A bill to direct the Secretary of Transportation to complete construction of the Hubbard Expressway in the vicinity of Youngstown, Ohio; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Pennsylvania (for himself, Mr. ABERCROMBIE, Ms. KAPTUR, Mr. ARMEY, Mr. MURTHA, Mr. COX, Mr. LEACH, Mrs. TAUSCHER, Mr. SAXTON, Mr. TAYLOR of North Carolina, Mr. KUCINICH, Mr. ROYCE, Mr. BURTON of Indiana, Mr. GILMAN, Mr. WICKER, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. GRAHAM, Mr. CRAMER, Mr. HAYES, Mr. ROHRABACHER, Mr. SHERWOOD, Mr. PITTS, Mrs. FOWLER, Mr. DELAY, Mr. GOSS, Mr. WATTS of Oklahoma, Mr. GIBBONS, Mr. BARTLETT of Maryland, Mr. SNYDER, Mr. ORTIZ, Mr. ANDREWS, Ms. BROWN of Florida, Mr. HINCHEY, Mr. SCHAFFER, Mr. SISISKY, Mr. GOODE, Mr. HOEFFEL, Mr. DICKS, Mr. KANJORSKI, Mr. THORNBERRY, Mr. STENHOLM, Mr. PICKETT, Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. RYAN of Wisconsin, Mr. HALL of Texas, Mr. LAZIO, Mr. REYES, and Mr. SANDERS):

H.R. 3027. A bill to propose principles governing the provision of International Monetary Fund assistance to Russia; to the Committee on Banking and Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX:

H.J. Res. 70. A joint resolution providing for expedited emergency humanitarian assistance, disaster relief assistance, and medical assistance to the people of Taiwan; to the Committee on International Relations.

By Mr. STRICKLAND:

H. Con. Res. 192. Concurrent resolution expressing the sense of Congress regarding support for nongovernmental organizations participating in honor guard details at funerals of veterans; to the Committee on Armed Services.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

255. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 27 memorializing Congress to call on the Government of Japan to issue a formal apology and reparations to the victims of its war crimes during World War II; to the Committee on International Relations.

256. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 15 memorializing the President and Congress to take action necessary to honor our country's moral obligation to provide these Filipino veterans with the military benefits that they deserve, including, but not limited to, holding related hearings, and acting favorably on legislation pertaining to granting full veterans benefits to Filipino veterans of the United States Armed Forces; to the Committee on Veterans' Affairs.

257. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 7 memorializing the Congress of the United States to index the AMT exemption and tax brackets for inflation; to the Committee on Ways and Means.

258. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 23 memorializing the President and Congress of the United States to evaluate the problems caused by relocating film industry business to Canada and other foreign nations, to evaluate the current state and federal tax incentives provided to the film industry and to promote trade-related legislation that will persuade the film industry to remain in California; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. OBERSTAR and Mr. BOUCHER.

H.R. 82: Mr. DUNCAN and Mr. MCNULTY.

H.R. 123: Mr. EWING.

H.R. 142: Mr. HEFLEY.

H.R. 271: Ms. PELOSI and Mr. BLAGOJEVICH.

H.R. 303: Mr. LEACH, Mr. MENENDEZ, Mr. CLYBURN, Mr. LUCAS of Kentucky, Mr. BARR of Georgia, and Ms. MCCARTHY of Missouri.

H.R. 354: Mr. JACKSON of Illinois and Mr. LAHOOD.

H.R. 460: Mr. MCHUGH.

H.R. 531: Mr. EVANS.

H.R. 534: Mr. ORTIZ and Mr. REYES.

H.R. 654: Mr. HORN.

H.R. 728: Mr. SKELTON.

H.R. 783: Mr. SNYDER, Mr. GUTIERREZ, Mrs. NAPOLITANO, and Mr. LEACH.

H.R. 784: Mr. BAIRD and Mr. VITTER.

H.R. 860: Mr. HOLDEN.

H.R. 976: Mr. DEFAZIO.

H.R. 979: Mr. PALLONE, Mr. WEYGAND, Mr. LUCAS of Kentucky, Mrs. CHRISTENSEN, Mr. WATT of North Carolina, Mr. LEWIS of California, Mr. JACKSON of Illinois, Mr. UDALL of New Mexico, and Ms. STABENOW.

H.R. 1032: Mr. BURR of North Carolina.

H.R. 1046: Mr. VENTO.

H.R. 1082: Mr. HALL of Ohio and Mr. STRICKLAND.

H.R. 1093: Mr. HOEKSTRA.

H.R. 1168: Mr. BENTSEN, Mr. STUPAK, Mr. BAIRD, Mr. BILBRAY, and Mr. ORTIZ.

H.R. 1176: Mr. LUTHER.

H.R. 1221: Mr. HAYES and Mr. SHAYS.

H.R. 1248: Mr. THOMPSON of California.

H.R. 1274: Mr. FOLEY.

H.R. 1294: Mr. VITTER.

H.R. 1322: Mr. TOOMEY.

H.R. 1325: Mr. DEUTSCH.

H.R. 1329: Mr. HOSTETTLER, Mr. BAKER, and Mr. NETHERCUTT.

H.R. 1422: Mr. GONZALEZ, Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. SANDLIN, and Ms. BERKLEY.

H.R. 1445: Mr. JENKINS, Mr. WISE, Mr. TOWNS, and Mr. KINGSTON.

H.R. 1505: Mr. EVANS.

H.R. 1592: Mr. MASCARA.

H.R. 1593: Mr. KIND.

H.R. 1621: Mr. WEXLER and Mr. BAIRD.

H.R. 1644: Mr. BAIRD.

H.R. 1686: Mr. HUTCHINSON and Mr. RAHALL.

H.R. 1728: Mr. HOEFFEL and Mr. RYAN of Wisconsin.

H.R. 1987: Mr. CANNON, Mr. HUTCHINSON, Mr. DREIER, Mr. BONILLA, Mrs. FOWLER, Mr. KUYKENDALL, Mr. CALVERT, Mr. HOBSON, and Mr. HAYWORTH.

H.R. 2053: Mrs. KELLY.

H.R. 2059: Mr. COYNE, Mr. HOLDEN, Mr. ETHERIDGE, and Mr. REYES.

H.R. 2121: Mr. LAMPSON, Mr. WATT of North Carolina, Mr. GEORGE MILLER of California, and Mr. CAPUANO.

H.R. 2240: Mr. FRANKS of New Jersey.

H.R. 2241: Ms. DELAURO, Mr. VENTO, Mr. YOUNG of Florida, Mr. WELDON of Florida, Ms. WOOLSEY, and Mr. KINGSTON.

H.R. 2252: Mr. BLUMENAUER and Mr. CLAY.

H.R. 2287: Mr. LANTOS.

H.R. 2420: Mr. TAYLOR of North Carolina, Mr. REYES, Mr. RAHALL, and Mr. RYAN of Wisconsin.

H.R. 2492: Mr. FROST and Mr. TOWNS.

H.R. 2498: Mr. JONES of North Carolina, Mr. VENTO, Mr. LAFALCE, and Mr. KENNEDY of Rhode Island.

H.R. 2544: Mr. BARCIA, Mr. MCINNIS, Mrs. NORTHUP, Mr. TANCREDO, and Mr. WELDON of Florida.

H.R. 2551: Mr. BLUNT, Mr. STENHOLM, Mr. BONILLA, Mr. SANDERS, Mr. GREENWOOD, Mr. KUCINICH, Mr. LEWIS of Kentucky, and Ms. DANNER.

H.R. 2594: Mr. HORN, Mr. CONYERS, Ms. PELOSI, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. BONIOR, Mr. LEWIS of Georgia, and Mr. WEINER.

H.R. 2640: Mrs. THURMAN.

H.R. 2673: Mr. BONIOR.

H.R. 2706: Mr. FROST, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. WYNN, and Mr. SANDERS.

H.R. 2711: Mr. LAFALCE.

H.R. 2720: Mr. FOLEY.

H.R. 2723: Mr. BORSKI, Mr. GONZALEZ, Mr. SCOTT, Mr. GUTIERREZ, Mr. FRANKS of New Jersey, Mr. HALL of Ohio, Mr. JEFFERSON, and Mr. LAMPSON.

H.R. 2726: Mr. HALL of Texas, Mr. COLLINS, Mr. TRAFICANT, and Ms. GRANGER.

H.R. 2733: Mr. FRANK of Massachusetts, Mrs. KELLY, Mr. OXLEY, and Mr. SHERMAN.

H.R. 2738: Mrs. CLAYTON, Mr. WAXMAN, and Mr. DOYLE.

H.R. 2784: Mr. HALL of Texas.

H.R. 2807: Mr. REYES.

H.R. 2819: Mr. EVANS and Mr. DOOLEY of California.

H.R. 2824: Mr. WAMP.

H.R. 2837: Ms. BERKLEY.

H.R. 2901: Mr. TERRY.

H.R. 2902: Mrs. MINK of Hawaii, Mr. EVANS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. BONIOR, Mr. PAYNE, Mr. OLVER, Mr. DEFAZIO, Mr. BALDACCI, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. VENTO, and Ms. WATERS.

H.R. 2959: Mr. SAM JOHNSON of Texas.

H.R. 2973: Mr. BARCIA.

H.R. 2982: Mr. LEWIS of Georgia, Mr. FATTAH, and Mr. FARR of California.

H.R. 2990: Mr. BRYANT, Mr. DEMINT, Mr. WATTS of Oklahoma, Mr. BILIRAKIS, Mr. CUNNINGHAM, Mr. CHABOT, Mrs. NORTHUP, and Mr. BACHUS.

H.R. 3006: Mr. GEORGE MILLER of California.

H. Con. Res. 132: Ms. STABENOW.

H. Con. Res. 186: Mr. ISAKSON, Mr. TALENT, Mr. HEFLEY, and Mr. FOLEY.

H. Con. Res. 189: Mr. BOEHLERT and Mr. BEREUTER.

H. Con. Res. 190: Mr. KOLBE and Mr. COOK.

H. Res. 298: Mr. FATTAH, Mr. JEFFERSON, Mr. KANJORSKI, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. FORBES, Mr. MEEHAN, Mr. HASTINGS of Florida, Ms. MILLENDER-MCDONALD, Mr. WYNN, and Mr. SABO.

H. Res. 303: Mr. HOSTETTLER and Mr. THUNE.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

59. The SPEAKER presented a petition of South Amboy City Council, relative to Resolution No. 199–99 petitioning the members of the U.S. Senate and the House of Representatives to oppose any budgetary cuts inimical to the Community Block Grant funding and HUD's budget; to the Committee on Banking and Financial Services.

60. Also, a petition of Cleveland City Council, relative to Resolution No. 1587–99 petitioning for a Congressional investigation into HUD's handling of Longwood and Rainbow Apartments; to the Committee on Banking and Financial Services.

61. Also, a petition of the City Council of Orange Township, relative to a resolution petitioning Congress to enact H.R. 1168; jointly to the Committees on Science and Transportation and Infrastructure.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

*Vol. 145* WASHINGTON, TUESDAY, OCTOBER 5, 1999 *No. 133*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, our prayer is like breathing. We breathe in Your Spirit and breathe out praise to You. Help us to take a deep breath of Your love, peace, and joy so that we will be refreshed and ready for the day. Throughout the day, if we grow weary, give us a runner's second wind of renewed strength. What oxygen is to the lungs, Your Spirit is to our souls.

Grant the Senators the rhythm of receiving Your Spirit and leading with supernatural wisdom. In this quiet moment, we join with them in asking You to match the inflow of Your power with the outflow of energy for the pressures of the day. So much depends on inspired leadership from the Senators at this strategic time. Grant each one what he or she needs to serve courageously today. Thank You for a great day lived for Your glory. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

SCHEDULE

Mr. MCCAIN. Mr. President, today the Senate will resume consideration of the pending amendments to the FAA bill. Senators should be aware that rollcall votes are possible today prior to the 12:30 recess in an attempt to complete action on the bill by the end of the day. As a reminder, first-degree amendments to the bill must be filed by 10 a.m. today. As a further reminder, debate on three judicial nominations took place last night and by previous consent there will be three stacked votes on those nominations at 2:15 p.m. today. Following the completion of the FAA bill, the Senate will resume consideration of the Labor-HHS appropriations bill.

I thank my colleagues for their attention.

AIR TRANSPORTATION IMPROVEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the pending amendments to the FAA bill.

Pending:

Gorton Amendment No. 1892, to consolidate and revise provisions relating to slot rules for certain airports.

Gorton (for Rockefeller/Gorton) Amendment No. 1893, to improve the efficiency of the air traffic control system.

Baucus Amendment No. 1898, to require the reporting of the reasons for delays or cancellations in air flights.

Mr. MCCAIN. Mr. President, I am sorry that I was not here yesterday when the debate began. Nevertheless, I rise in support of S. 82, the Air Transportation Improvement Act. As everyone should be aware, this is ''must-pass'' legislation that includes numerous provisions to maintain and improve the safety, security and capacity of our nation's airports and airways. Furthermore, this bill would make great strides in enhancing competition in the airline industry.

If Congress does not reauthorize the Airport Improvement Program (AIP), the Federal Aviation Administration (FAA) will be prohibited from issuing much needed grants to airports in every state, regardless of whether or not funds have been appropriated. We have now entered fiscal year 2000, and we cannot put off reauthorization of the AIP. The program lapsed as of last Friday. Every day that goes by without an AIP authorization is another day that important projects cannot move ahead.

If we fail to reauthorize this program, we may do significant harm to the transportation infrastructure of our country. AIP grants play a critical part of airport development. Without these grants, important safety, security, and capacity projects will be put at risk throughout the country. The types of safety projects that airports use AIP grants to fund include instrument landing systems, runway lighting, and extensions of runway safety areas.

But the bill does more than provide money. It also takes specific, proactive steps to improve aviation safety. For example, S. 82 would require that cargo aircraft be equipped with instruments that warn of impending midair collisions. Passenger aircraft are already equipped with collision avoidance equipment, which gives pilots ample time to make evasive maneuvers. The need for these devices was highlighted a few months ago by a near-collision between two cargo aircraft over Kansas. Unfortunately, that was not an isolated incident.

On the aviation safety front, the bill also: provides explicit AIP funding eligibility for the installation of integrated inpavement lighting systems, and other runway incursion prevention devices, requires more types of fixed-wing aircraft in air commerce to be equipped with emergency locator transmitters by 2002, provides broader authority to the FAA to determine what circumstances warrant a criminal

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

history record check for persons performing security screening of passengers and cargo, reauthorizes the aviation insurance program, also known as war risk insurance. This program provides insurance for commercial aircraft that are operating in high risk areas, such as countries at war or on the verge of war. Commercial insurers usually will not provide coverage for such operations, which are often required to advance U.S. foreign policy or to support our overseas national security operations. The program expired on August 6, 1999, and cannot be extended without this authorization, gives the FAA the authority to fine unruly airline passengers who interfere with the operation or safety of a civil flight, up to $10,000 per violation, authorizes $450,000 to address the problem of bird ingestions into aircraft engines, authorizes $9.1 million over three years for a safety and security management program to provide training for aviation safety personnel. The program would concentrate on personnel from countries that are not in compliance with international safety standards, authorizes at least $30 million annually for the FAA to purchase precision instrument landing systems (ILS) through its ILS inventory program, authorizes at least $5 million for the FAA to carry out at least one project to test and evaluate innovative airport security systems and related technologies, including explosive detection systems in an airport environment, requires the FAA to maintain human weather observers to augment the services provided by the Automated Surface Observation System (ASOS) weather stations, at least until the FAA certifies that the automated systems provide consistent reporting of changing meteorological conditions, allows the FAA to continue and expand its successful program of establishing consortia of government and aviation industry representatives at individual airports to provide advice on aviation security and safety, requires that individuals be fined or imprisoned when they knowingly pilot a commercial aircraft without a valid FAA certificate, requires the FAA to consider the need for (1) improving runway safety areas, which are essentially runway extensions that provide a landing cushion beyond the ends of runways; (2) requiring the installation of precision approach path indicators, which are visual vertical guidance landing systems for runways, prohibits any company or employee that is convicted of an offense involving counterfeit aviation parts from keeping or obtaining an FAA certificate. Air carriers, repair stations, manufacturers, and any other FAA certificate holders would be prohibited from employing anyone convicted of an offense involving counterfeit parts.

This bill requires the FAA to accelerate a rulemaking on Flight Operations Quality Assurance. FOQA is a program under which airlines and their crews share operational information, including data captured by flight data recorders. Information about errors is shared to focus on situations in which hardware, air traffic control procedures, or company practices create hazardous situations.

It requires the FAA to study and promote improved training in the human factors arena, including the development of specific training curricula.

It provides FAA whistleblowers who uncover safety risks with the ability to seek redress if they are subject to retaliation for their actions.

The legislation provides employees of airlines, and employees of airline contractors and subcontractors, with statutory whistleblower protections to facilitate their providing air safety information.

These provisions will be critical in the continuing effort to enhance safety and reduce the accident rate.

Of all the bills that the Senate may consider this year, the Air Transportation Improvement Act should be easy. This bill is substantially the same as the Wendell H. Ford National Air Transportation System Improvement Act, which this body approved last September by a vote of 92–1. If anything, this bill is better than last year's. There is no rational reason why we can't take care of this quickly.

Because S. 82 is so similar to last year's FAA reauthorization bill, I will skip a lengthy description of every provision, particularly those that have not changed. Nevertheless, I do want to remind my colleagues of a few key items in this legislation and describe what has changed since last year.

The manager's amendment to this bill, which is in the nature of a substitute, has at least three critical parts that are worth highlighting. First and foremost, S. 82 reauthorizes the FAA and the AIP through fiscal year 2002. Second, the bill contains essential provisions to promote a competitive aviation industry. Third, it will protect the environment in our national parks by establishing a system for the management of commercial air tour overflights. With the help of my colleagues, I have worked long and hard on all of these issues.

The provisions in S. 82 that have generated the most discussion are the airline competition provisions. As I have said many times, the purpose of these provisions is to complete the deregulation of our domestic aviation system for the benefit of consumers and communities everywhere. According to the General Accounting Office, there still exist significant barriers to competition at several important airports in this country. These barriers include slot controls at Chicago O'Hare, Reagan National, and LaGuardia and Kennedy in New York, and the Federal perimeter rule at Reagan National.

In a recent study, the GAO found that the established airlines have expanded their slot holdings a the four-slot constrained airports, while the share held by startup airlines remains low. Airfares at these airports continue to be consistently higher than other airports of comparable size.

It does not take a trained economist to figure that out. If you restrict the number of flights, then obviously the cost of those flights will go up.

Additionally, the federal permimeter rule continues to prevent airlines based outside the perimeter from gaining competitive access to Reagan National.

This GAO report reinforces my view that the perimeter rule is a restrictive and anti-competitive Federal regulation that prohibits airlines from flying the routes sought by their customers. According to testimony presented to the Commerce Committee by the Department of Transportation, the perimeter rule is not needed for safety or operational reasons. For that matter, neither are slot controls. Therefore, these restrictions simply are not warranted.

So long as the Federal Government maintains outdated unneeded restrictions, which favor established airlines over new entrants, deregulation will not be complete. Slot controls and the perimeter rule are Federal interference with the market's ability to reflect consumer preferences. We should not be in the position of choosing sides in the marketplace.

With respect to Reagan National, I would like to make one final point. Just last month, the GAO came out with another study confirming that the airport is fully capable of handling more flights without compromising safety or creating significant aircraft delays. The GAO also found that the proposal in this bill pertaining to perimeter rule would not significantly harm any of the other airports in this region. I believe the GAO's findings demonstrated that there are no credible arguments against the modest changes proposed in this bill.

Although the reported version of S. 82 increased the number of new opportunities for service to Reagan National compared to last year's bill, an amendment that will be offered by Senators GORTON and ROCKEFELLER will bring the total number of slot exemptions back to the level approved by the Senate last year. It is sadly ironic that an airport named for President Reagan, who stood for free markets and deregulation, will continue to be burdened with two forms of economic regulation—slots and a perimeter rule. But some loosening of these unfair restrictions is better than the status quo, and so I will not oppose the amendment.

Fortunately, the competition-related amendment being offered by Senator GORTON and others includes several significant improvements to the reported bill. Most notably, the slot controls at O'Hare, Kennedy, and LaGuardia airports will eventually be eliminated. This is a remarkable win for consumers and a change that I endorse wholeheartedly. Furthermore, before the slot controls are lifted entirely, regional jets, and new entrant air carriers will

have more opportunities to serve these airports. The typically low cost, low fare new entrants will bring competition to these restricted markets, which will result in lower fares for travelers. Travelers from small communities will benefit from increased access to these crucial markets.

I am not alone in believing that the competition provisions in the bill are a big step forward for all Americans. Support for these competition-enhancing provisions is strong and widespread. I have heard from organizations as diverse as the Western Governor's Association of Attorneys General, the Des Monies International Airport, and Midwest Express Airlines. All of them support one or more of the provisions that loosen or eliminate slot and perimeter rule restrictions.

But it was a letter from just an average citizen in Alexandria, VA that caught my attention. He said that he feels victimized by the artificial restrictions placed on flights from Reagan National. His young family is living on one paycheck. He says that his family budget does not allow them the luxury of using Reagan National, which is less than ten minutes from his home. To him, using Reagan National seems to be ''a privilege reserved for the wealthy and those on expense accounts.'' For the sake of his privacy I will not mention his name, but this is precisely the type of person who deserves the benefits of more competition at restricted airports like Reagan National.

In summary, this bill represents two years of work on a comprehensive package to promote aviation safety, airport and air traffic control infrastructure investment, and enhanced competition in the airline industry. Our air transportation system is essential to the Nation's well being. We must not neglect its pressing needs. If we fail to act, the FAA will be prevented from addressing vital security and safety needs in every State in the Union. I urge all of my colleagues to support swift passage of this legislation.

I thank Senator HOLLINGS and his staff, Senator ROCKEFELLER, Senator GORTON, and all members of the Commerce Committee who have taken a very active role in putting this legislation together. It is a significantly large piece of legislation reflecting a great deal of complexities associated with aviation and the importance of it.

Approximately a year ago, a commission that was mandated to be convened by legislation reported to the Congress and the American people. Their findings and recommendations were very disturbing. In summary, these very qualified individuals reported that unless we rapidly expand our aviation capability in America, every day, in every major airport in America, is going to be similar to the day before Thanksgiving. I do not know how many of my colleagues have had the opportunity of being in a major airport on the busiest day of the year in America. It is not a lot of fun.

I do a lot of flying, a great deal of flying this year, more than I have in previous years. I see the increase in delays, especially along the east coast corridor. I have seen when there is a little bit of bad weather our air traffic control system becomes gridlocked and hours and hours of delay ensue. These delays are well documented.

The committee is going to have to look at what we have done in the air traffic control system modernization area. We are going to have to look at what they have not done. There are a number of recommendations, some of which we have acted on in this committee, some of which we have not. But if we do not pass this legislation, then how can we move forward in aviation in this country?

I believe any objective economist will assure all of us that deregulation has led to increased competition and lower fares. But some of that trend has leveled off of late because of a lack of competition, because of a lack of ability to enter the aviation industry.

This is disturbing to me because the one thing, it seems to me, we owe Americans is an affordable way of getting from one place to another; and more and more Americans, obviously, are making use of the airlines.

I can give you a lot of anecdotal stories about what the effective competition is. For example, at Raleigh-Durham Airport, when it was announced that a new, low-cost airline was going to be operating out of that airport, the day after the announcement, long before the airline started its competition, the average fares dropped by 25 percent—a 25-percent drop in average airfares.

We have to do whatever we can to encourage the ability of new entrants to come into the aviation business. My greatest disappointment in deregulation of the airlines is that the phenomenon which was generated initially has not remained nearly at the level we would like to see it.

There are problems many of my colleagues, including the Senator from West Virginia, have talked about at length—of rural areas not being able to have just minimal air services. That is why we are dramatically increasing the essential air service authorization, so that more rural areas can achieve it.

I also think it is very clear the air traffic control system is lagging far behind. I think there is no doubt that we have had problems with passengers receiving fundamental courtesies and rights which they deserve. That is why there has been so much attention generated concerning the need for some fundamental, basic rights that passengers should have and receive from the airlines. For example, the debacle of last Christmas at Detroit should never be repeated in America, what airline passengers were subjected to on that unhappy occasion. Yes, it was generated by bad weather, but, no, there was no excuse for the treatment many of those airline passengers received on that day and other passengers have received in other airports around the country, only the examples were not as egregious, nor did they get the widespread publicity.

If you believe, as I do, if we continue the economic prosperity that we have been enjoying in this country, we will continue to see a dramatic and very significant increase in the use of the airlines by American citizens, we have major challenges ahead.

I do not pretend that this legislation addresses all of those challenges, but I do assert, unequivocally, that if we pass this legislation, pass it through the body, get it to conference, and get it out, we will make some significant steps forward, including in the vital area of aviation safety.

I again thank Senator GORTON and Senator ROCKEFELLER for all their hard work on this issue. I remind my colleagues that in about 5 minutes, according to the unanimous consent agreement, all relevant amendments should be filed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that notwithstanding the 10 a.m. filing requirement, it be in order for a managers' amendment and, further, the majority and minority leaders be allowed to offer one amendment each.

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

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Baucus amendment No. 1898.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I be permitted to call up an amendment that I have at the desk.

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

AMENDMENT NO. 1907

(Purpose: To establish a commission to study the impact of deregulation of the airline industry on small town America)

Ms. COLLINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. BURNS, Mr. BAUCUS, Mr. ROBB, Mr. HOLLINGS, Mr. ROCKEFELLER, and Mr. HARKIN, proposes an amendment numbered 1907.

Ms. COLLINS. 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:

At the appropriate place insert the following new section:

**SEC. ___01. AIRLINE DEREGULATION STUDY COMMISSION.**

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, 3 upon the recommendation of the Majority Leader, and 2 upon the recommendation of the Minority Leader of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, 3 upon the Speaker's own initiative, and 2 upon the recommendation of the Minority Leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms 'air carrier' and 'air transportation' have the meanings given those terms in section 40102(a).

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission shall consult with the Comptroller General of the United States and may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $950,000 for fiscal year 2000 to the Commission to carry out this section.

(2) AVAILABILITY.—Any sums appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

Ms. COLLINS. Mr. President, I rise today to offer an amendment to the FAA reauthorization bill to establish an independent commission to thoroughly examine the impact of airline deregulation on smalltown America. I am very pleased to be joined in this effort by several cosponsors, including Senators ROCKEFELLER, BURNS, BAUCUS, ROBB, HOLLINGS, and HARKIN.

This amendment is modeled after a bill I recently introduced that would authorize a study into how airline deregulation has affected the economic development of smaller towns in America, the quality and availability of air transportation, particularly in rural areas of this country, and the long-term viability of local airports in smaller communities and rural areas.

For far too long, small communities throughout this Nation, from Bangor, ME, to Billings, MT, to Bristol, TN, have weathered the effects of airline deregulation without adequately assessing how deregulation has affected their economic development, their ability to create and attract new jobs, the quality and availability of air transportation for their residents, and the long-term viability of their local airports. It is time to evaluate the effects of airline deregulation from this new perspective by looking at how it has affected the economies in small towns and rural America.

Bangor, ME, where I live, is an excellent example of how airline deregulation can cause real problems for a smaller community. Bangor recently learned it was going to lose the services of Continental Express. This follows a pullout by Delta Airlines last year. It has been very difficult for Bangor to provide the kind of quality air

service that is so important in trying to attract new businesses to locate in the area as well as to encourage businesses to expand.

Nowadays, businesses expect to have convenient, accessible, and affordable air service. It is very important to their ability to do business. Although there have been several studies on the impact of airline deregulation, they have all focused on some aspects of air service itself. For example, there have been GAO studies that have looked at the impact on airline prices.

Not one study I am aware of has actually analyzed the impact of airline deregulation on economic development and job creation in rural States. Indeed, we have spoken to the GAO and the Department of Transportation, and they are not aware of a single study that has taken the kind of comprehensive approach I am proposing. Moreover, one GAO official told my staff he thought such a study was long overdue. We need to know more about how airline deregulation has affected smaller and medium-sized communities such as Presque Isle, ME, and Bangor, ME. We need to focus on the relationship between access to affordable, quality airline service and the economic development of America's smaller towns and cities.

During the past 20 years, air travel has become increasingly linked to business development. Successful businesses expect and need their personnel to travel quickly over long distances. It is expected that a region being considered for business location or expansion should be reachable conveniently, quickly, and easily via jet service. Those areas without air access or with access that is restricted by prohibitive travel costs, infrequent flights, or small, slow planes appear to be at a distinct disadvantage compared to those communities that enjoy accessible, convenient, and economic air service.

This country's air infrastructure has grown to the point where it now rivals our ground transportation infrastructure in its importance to the economic vibrancy and vitality of our communities. It has long been accepted that building a highway creates an almost instant corridor of economic activity for businesses eager to cut shipping and transportation costs by locating close to the stream of commerce.

Like a community located on an interstate versus one that is reachable only by back roads, a community with a midsize or small airport underserved by air carriers appears to be operating at a disadvantage to one located near a large airport. What this proposal would do is allow us to take a close look at the relationship between quality air service and the communities it serves.

Bob Ziegelaar, director of the Bangor International Airport, perhaps put it best. He tells me: Communities such as Bangor are at risk of being left behind with service levels below what the market warrants, both in terms of capacity and quality. The follow-on consequences are a decreasing capacity to attract economic growth.

He sums it up well. A region's ability to attract and keep good jobs is inextricably linked to its transportation system. Twenty-one years after Congress deregulated the airline industry, it is important that we now look and assess the long-term impacts of our actions. The commission established by my amendment will ensure that Congress, small communities, and the airlines are able to make future decisions on airline issues fully aware of the concerns and the needs of smalltown America.

Mr. President, I thank the chairman of the committee and the ranking minority members of both the subcommittee and the full committee for their assistance in shaping this amendment. I look forward to working with them. I know they share my concerns about providing quality, accessible air service to all parts of America. I thank them for their cooperation in this effort and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, obviously, this Senator from West Virginia is already a cosponsor of the amendment. There are very few people who would know the situation in this amendment as well as the Senator from Maine. Her State, as many rural States, has had a major reaction to deregulation. Economic development is always the first thing on the minds of States that are trying to grow and attract their population back. This is simply asking for a commission to study the effects of deregulation on economic development. I think it is very sensible. I think it highlights a real agony for a lot of States. It is highly acceptable on this side.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also thank the Senator from Maine. I do understand there have been some very negative impacts on Bangor and other parts of the State of Maine associated with airline deregulation. It needs to be studied. We need to find out how we can do a better job, as I said in my earlier remarks, allowing smaller and medium-sized markets to receive the air service they deserve which has such a dramatic impact on their economies.

I thank the Senator from Maine for her amendment. Both sides are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1907.

The amendment (No. 1907) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NOS. 1948 AND 1949, EN BLOC

Mr. MCCAIN. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments numbered 1948 and 1949, en bloc.

The amendments are as follows:

AMENDMENT NO. 1948

(Purpose: To prohibit discrimination in the use of Private Airports)

At the appropriate place insert the following:

**SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.**

(a) PROHIBITING DISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.—Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

**"§ 40123. Nondiscrimination in the Use of Private Airports**

''(a) IN GENERAL.—Notwithstanding any other provision of law, no state, county, city or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.

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AMENDMENT NO. 1949

(Purpose: To amend section 49106(c)(6) of title 49, United States Code, to remove a limitation on certain funding)

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Metropolitan Airports Authority Improvement Act''.

**SEC. 2. REMOVAL OF LIMITATION.**

Section 49106(c)(6) of title 49, United States Code, is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

Mr. MCCAIN. Mr. President, these two amendments, along with amendment No. 1893, which was previously offered, have been accepted on both sides. There is no further debate on the amendments, and I ask for their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1948, 1949, and 1893) were agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, it is my understanding that there is now some 304 amendments that are germane that have been filed by the Senator from Illinois. Obviously, that is his right under the rules of the Senate.

I would like for the Senator from Illinois to understand what he is doing. This is a very important piece of legislation. It has a lot to do with safety. The Senator from Illinois should know that. He is jeopardizing, literally, the safety of airline passengers across this country, perhaps throughout the world.

I will relate to the Senator what he is doing. Before I do, I think he should know there are strong objections by the Senators from Virginia, the Senators from New York, and the Senators from Maryland, concerning this whole issue of slots and the perimeter rule—but particularly slots. We have been able to work with the Senators from these other States that are equally affected. It is very unfortunate that the Senator from Illinois cannot sit down and work out something that would be agreeable.

I want to tell the Senator from Illinois, again, this is very serious business we are talking about. We are talking about aviation safety. This is the reauthorization of the Aviation Improvement Program. It requires fixed-wing aircraft in air commerce to be equipped with emergency locator transmitters; it provides broader authority to the FAA to determine what circumstances warrant a criminal history record check for persons performing security screening of passengers and cargo; it extends the authorization for the Aviation Insurance Program, also known as war risk insurance, through 2003; it requires all large cargo aircraft to be equipped with collision avoidance equipment by the end of 2002; it gives FAA the authority to fine unruly airline passengers who interfere with the operation or safety of a civil flight, up to $10,000 per violation; it authorizes $450,000 to address the problem of bird ingestions into aircraft engines; it authorizes $9.1 million over 3 years for a safety and security management program to provide training for aviation safety personnel.

Mr. President, I have three pages. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*Safety-related Provisions in S. 82, Air Transportation Improvement Act*

Extends the contract authority through fiscal year 2000 for Airport Improvement Programs (AID) grants. Federal airport grants lapsed on August 6, 1999, because the contract authority had not been extended. Authorizes a $2.475 billion AID program in fiscal year 2000. (Sec. 103)

Provides explicit AIP funding eligibility for the installation of integrated in-pavement lighting systems, and other runway incursion prevention devices. (Sec. 205)

Requires nearly all fixed-wing aircraft in air commerce, to be equipped with emergency locator transmitters by 2002. (Sec. 404)

Provides broader authority to the FAA to determine what circumstances warrant a criminal history record check for persons performing security screening of passengers and cargo. (Sec. 306)

Extends the authorization for the aviation insurance programs (also known as war risk insurance) through 2003. The program provides insurance for commercial aircraft that are operating in high risk areas, such as countries at war or on the verge of war. Commercial insurers usually will not provide coverage for such operations, which are often required to advance U.S. foreign policy or the country's national security policy. The program expired on August 6, 1999, and cannot be extended without this authorization in place. (Sec. 307)

Requires all large cargo aircraft to be equipped with collision avoidance equipment by the end of 2002. (Sec. 402)

Gives the FAA the authority to fine unruly airline passengers who interfere with the operation or safety of a civil flight, up to $10,000 per violation. (Sec. 406)

Authorizes $450,000 to address the problem of bird ingestions into aircraft engines. (Sec. 101)

Authorizes $9.1 million over three years for a safety and security management program to provide training for aviation safety personnel. The program would concentrate on personnel from countries that are not in compliance with international safety standards. (Sec. 101)

Authorizes at least $30 million annually for the FAA to purchase precision instrument landing systems (ILS) through its ILS inventory program. (Sec. 102)

Authorizes at least $5 million for the FAA to carry out at least one project to test and evaluate innovative airport security systems and related technologies, including explosive detection systems in an airport environment (Sec. 105)

Requires the FAA to maintain human weather observers to augment the services provided by the Automated Surface Observation System (ASOS) weather stations, at least until the FAA certifies that the automated systems provide consistent reporting of changing meteorological conditions. (Sec. 106)

Allows the FAA to continue and expand its successful program of establishing consortia of government and aviation industry representatives at individual airports to provide advice on aviation security and safety. (Sec. 303)

Requires the imprisonment (up to three years) or imposition of a fine upon any individual who knowingly serves as an airman without an airman's certificate from the FAA. The same penalties would apply to anyone who employs an individual as an airman who does not have the applicable airman's certificate. The maximum term of imprisonment increases to five years if the violation is related to the transportation of a controlled substance. (Sec. 309)

Requires the FAA to consider the need for (1) improving runway safety areas, which are essentially runway extensions that provide a landing cushion beyond the ends of runways at certificated airports; (2) requiring the installation of precision approach path indicators (PAPI), which are visual vertical guidance landing systems for runways. (Sec. 403)

Prohibits any company or employee that is convicted of installing, producing, repairing or selling counterfeit aviation parts from keeping or obtaining an FAA certificate. Air carriers, repair stations, manufacturers, and any other FAA certificate holders would be prohibited from employing anyone convicted of an offense involving counterfeit parts. (Sec. 405)

Requires the FAA to accelerate a rulemaking on Flight Operations Quality Assurance (FOQA). FOQA is a program under which airlines and their crews share operational information, including data captured by flight data recorders. Sanitized information about crew errors is shared, to focus on situations in which hardware, air traffic control procedures, or company practices create hazardous situations. (Sec. 409)

Requires the FAA to study and promote improved training in the human factors arena, including the development of specific training curricula. (Sec. 413)

Provides FAA whistleblowers who uncover safety risks with the ability to seek redress if they are subject to retaliation for their actions. (Sec. 415)

Provides employees of airlines, and employees of airline contractors and subcontractors, with statutory whistleblower protections to facilitate their providing air safety information. (Sec. 419)

Mr. MCCAIN. Mr. President, I won't go through them all. This is a very important bill. In this very contentious and difficult time concerning balanced budgets and funding for other institutions of Government, this authorization bill has been brought up by the majority leader, not by me. I hope it is fully recognized. I repeat, the Senators from Virginia, Senator WARNER and Senator ROBB, Senator MIKULSKI, Senator SARBANES, Senator DURBIN, and Senator FITZGERALD's predecessor, all worked together on this issue. We need to work this out and we need to have this authorization complete. I hope we can get that done as soon as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

PRIVILEGE OF THE FLOOR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that John Fisher of the Congressional Research Service be granted the privilege of the floor during the Senate's consideration of S. 82.

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

Mr. FITZGERALD. Mr. President, in response to the distinguished Senator from Arizona, I would be delighted to work with him as best I can. I am sorry we have missed each other in recent days. Obviously, he has dual responsibilities now as a candidate for President of the United States. I would certainly like to continue negotiations with him. I do believe——

Mr. MCCAIN. If the Senator will yield, he knows full well that for the last several months—in fact, ever since he came to this body—the Senator and I have been discussing this issue. It has nothing to do with any Presidential campaign or anything else. The Senator should know that and correct the record.

Mr. FITZGERALD. Well, I understand the last time we talked, I thought the Senator was working to address my concerns. In fact, I didn't realize he supported lifting the high density rule altogether. I guess that is what has taken me by surprise. Senator Moseley-Braun, my predecessor, and Senator DURBIN urged your support to limit the increased exceptions for slot restrictions at O'Hare from 100 down to 30. You had supported that in your original bill which had that 30 figure. You and I had been having discussions with respect to that.

This year, the amendment by Senator GORTON and Senator ROCKEFELLER is what has given me pause because, obviously, that would be going in a different direction than the limitations that were worked out with you, Senator DURBIN, and former Senator Moseley-Braun last year in what was reflected as the original version of S. 82.

Mr. MCCAIN. If the Senator will yield, the fact is, the Senator has been involved in discussions in the Cloakroom, on the floor, in my office, and other places on this issue. If we don't agree, that is one thing, but to say somehow that my attention has been diverted is an inaccurate depiction of the situation.

Mr. FITZGERALD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, since we are on the FAA bill this morning, I will take a few minutes to discuss the issue of airline passenger rights.

In the face of a wave of consumer complaints which are running at twice the number this time last year, the airline industry has proposed a Customer First program. I will take a few minutes this morning to ensure the Senate understands what this program is all about. After the industry released its voluntary proposal, I asked the General Accounting Office and the Congressional Search Service to analyze what the industry had actually proposed. In summary, these two reports—the one done by the General Accounting Office and the one done by the Congressional Research Service—demonstrates, unfortunately, when it comes to the industry's plan to protect passenger rights, there is no ''There there.''

These two reports found the airline industry's proposal puts passenger rights into three categories: first, rights that passengers already have, as in the rights of the disabled; second, rights that have no teeth in them because they are not written into the contracts of carriage between the passenger and the airline; third, rights that are ignored altogether, such as the right to full information on overbooking and ensuring that passengers can find out about the lowest possible fare.

Specifically, I asked the General Accounting Office to compare the voluntary pledges made by the airline industry to the hidden but actually binding contractual rights airline passengers have that are written into something known as a contract of carriage. The Congressional Research Service pointed out:

> . . .front line airline staff seem uncertain as to what contracts of carriage are.

The Congressional Research Service found that:

> . . . even if the consumer knows they have a right to the information, they must accurately identify the relevant provisions of the contract of carriage or take home the address or phone number, if available, of the airline's consumer affairs department, send for it and wait for the contract of carriage to arrive in the mail.

As the Congressional Research Service states with their unusual tact and diplomacy:

> . . . the airlines do not appear to go out of their way to provide easy access to contract of carriage information.

I want the Senate to know the current status of passenger rights so we can begin to strengthen the hand of passengers at a time when we have a record number of consumer complaints.

Two weeks ago, the Senate began the task of trying to empower the passengers with the Transportation appropriations bill. In that legislation, we directed the Department of Transportation inspector general to investigate unfair and deceptive practices in the airline industry. The Department of Transportation inspector general does not currently conduct these investigations so we added the mandatory binding consumer protection language in the Transportation appropriations bill to ensure the Transportation inspector general would have exactly the same authority to investigate these consumer protection issues that I proposed in the airline passenger bill of rights early this session.

On this FAA bill, I am proposing another step to help passengers. The purpose of the amendment I offer is to make sure customers can find out whether the airlines are actually living up to their voluntary commitments by beginning to write them into the contracts of carriage—the binding agreement between the passenger and the airline.

This is what the law division of the Congressional Research Service had to say on that point:

> It would appear that the voluntary aviation industry standards would probably not have the same level of contractual enforceability that the provisions of the ''contract of carriage'' has. Under basic American contract law, the airlines offer certain terms and service under these ''contracts of carriage'' and the consumer accepts this offer and relies on the terms of the contract when he or she buys a ticket. The voluntary industry standards are not the basis of the contract and may lack the enforceability that the conditions of the ''contract of carriage'' may possess.

What especially troubles me is that the airlines are clearly dragging their feet on actually writing these consumer protection provisions in any kind of meaningful fashion.

In fact, one of the proposals I saw from American Airlines stipulates specifically that their pledges to the consumer are not enforceable, that they are not going to be in the contracts of carriers.

Under my amendment on this FAA bill, the Department of Transportation inspector general is going to investigate whether an airline means what it says, whether it is actually moving to put these various nice-sounding, voluntary proposals into meaningful language. I am very hopeful that as a result of this amendment, we are going to know the truth about actually what kind of consumer protection proposals are in the airline industry's package.

This amendment has been shared with the ranking minority member of the committee and the ranking minority member of the subcommittee, and I have talked about it with the chairman of the full committee, Senator MCCAIN. Also, it has been shared with the chairman of the subcommittee.

There are many things in this good bill with which I agree. I am especially pleased, with Senator ROCKEFELLER, Senator MCCAIN, and Senator GORTON, we are taking steps to improve competition. I am very pleased, for example, we are doing more for small and medium-size markets. These are very sensible proposals.

My concern is that together and on a bipartisan basis, we need to persuade the airline industry to put just a small fraction of the ingenuity and expertise they have that has produced one of the world's truly extraordinary safety records—the airline industry's safety record is extraordinary, and I simply want to see them put the ingenuity and expertise they have into trying to ensure that passengers get a fair shake as well.

It is not right at a time like this, particularly when many of the airlines are making such significant profits, to leave airline service for the passengers out on the runway. The figures are indisputable. There are a record number of complaints. I hear constantly from business travelers about the unbelievable problems they have with failure to disclose, for example, overbooking. Many consumers have had problems trying to find out about the lowest fare.

With the binding consumer protection language that was adopted in the Transportation appropriations bill so there will be an investigation into the problems I outlined in the airline passenger bill of rights, we have made a start. Today we will have a chance to build on that by making sure these voluntary pledges begin to show up in the contracts of carriage that actually protect the consumer.

I express my thanks to Chairman MCCAIN and Senators ROCKEFELLER and GORTON for working with me on these matters and particularly to make sure the Senate knows that in many areas, the areas that promote competition and address the needs of small and medium-size airports—this is an important bill. We can strengthen it with this consumer protection amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Oregon for his steadfast advocacy for airline passengers and a range of other issues. I believe he has done this Nation a great service by attempting to see that airline passengers have certain fundamental benefits that most Americans assume they already had before certain information became known to them and to the Senate. I thank him very much. It appears to be a very good amendment.

It has not been cleared yet by Senator ROCKEFELLER. They still have some people with whom they have to talk. I have every confidence we will accept the amendment. I ask that the

Senator from Oregon withhold his amendment at this time until we are ready to accept it.

Mr. WYDEN. Mr. President, I am happy to do that and anxious to work with the chairman and Senator ROCKEFELLER. I will be glad to do that.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I say to my friend from Oregon, there is no plot or underlying purpose not to accept the amendment at this point, but there may be others who have amendments that relate to this area. Let's see what we have. From this Senator's point of view, the Senator from Oregon has made a useful amendment and, at the appropriate time, should there not be any problems that arise—I do not anticipate them—I will have no problem.

AMENDMENT NO. 2070 TO AMENDMENT NO. 1892, AMENDMENT NO. 1920, AS MODIFIED, AND AMENDMENT NO. 2071, EN BLOC

Mr. MCCAIN. Mr. President, I send three amendments to the desk, one by Senator HELMS, which is a second-degree amendment to the Gorton amendment No. 1892, an amendment by Senator BOXER, and an amendment by Senator INHOFE. I ask unanimous consent that they be considered en bloc.

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

The amendments are as follows:

AMENDMENT NO. 2070 TO AMENDMENT NO. 1892

In the pending amendment on page 13, line 9 strike the words ''of such carriers''.

AMENDMENT NO. 1920, AS MODIFIED

Insert on page 126, line 16, a new subsection (f) and renumber accordingly:

''(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Participants carrying out inherently low-emission vehicle activities under this pilot program may use no less than 10 percent of the amounts made available for expenditure at the airport under the pilot program to receive technical assistance in carrying out such activities.

(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

(3) PLANNING ASSISTANCE.—The Administrator may provide $500,000 from funds made available under section 48103 to a multistate, western regional technology consortium for the purposes of developing for dissemination prior to the commencement of the pilot program a comprehensive best practices planning guide that addresses appropriate technologies, environmental and economic impacts, and the role of planning and mitigation strategies.

AMENDMENT NO. 2071

On page 132, line 4, strike ''is authorized to'' and insert ''shall''.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2070, 1920, as modified, and 2071) were agreed to.

Mr. MCCAIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FITZGERALD. Mr. President, I wish to take a few moments now during this lull in activity on the floor to speak to my concerns about lifting the high density rule that governs O'Hare International Airport in my State.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1892

Mr. FITZGERALD. Mr. President, I think the first thing we need to do, in considering the Gorton-Rockefeller amendment to lift altogether the high density rule that governs O'Hare International Airport, is to look at what that high density rule is and why it was first imposed.

The high density rule was imposed not by Congress, although Congress is attempting to repeal it; the high density rule was imposed by the Federal Aviation Administration back in 1968 or 1969. The reason they imposed it at O'Hare was because by then—already the world's busiest airport—demand for flight operations exceeded capacity at O'Hare. Given that situation, in order to prevent inordinate delays to the air traffic system at O'Hare and around the country, they capped the number of operations per hour at O'Hare. They capped those operations at 155 flights per hour—roughly 1 every 20 seconds.

The sponsors of this amendment, and others who are proponents of it, have said: We need to lift that high density rule because it is anticompetitive, and we have to get more competition for more slots and more flights at O'Hare. They point out that just two carriers—United Airlines and American Airlines—control 80 percent of the flight operations at O'Hare International Airport, and there are studies that show that given that duopoly, the prices are higher at O'Hare. And that is true. There is absolutely no question about it.

The idea of increasing competition is great in the abstract. There is only one problem. O'Hare Airport does not have the capacity for more flights.

How do we know that? We know that because the last time Congress considered lifting the high density rule in 1994, the FAA commissioned a study and asked: What would happen if we were to lift the high density rule at O'Hare International Airport? The study, commissioned by the FAA, came back and said if you did that, there would be huge delays at O'Hare International Airport that would reverberate throughout the entire air travel system in the United States of America.

Consequently, following that report, in the summer of 1995, the U.S. Department of Transportation said they would not lift the high density rule at O'Hare because it would add to delays. The reason it would add to delays was because it would put more planes there waiting to take off or land, and that demand for more flights vastly outstripped the capacity at O'Hare.

So the problem with lifting that high density rule is that unless there is more capacity in Chicago, planes are just going to sit on the runway at O'Hare until they can take off.

What is the situation now? We have not lifted the high density rule now. Are there delays at O'Hare? You bet. There are more delays at O'Hare than just about any other major airport in the entire country, with as many as 100 airplanes lined up every morning waiting to take off from the runway.

This proposal is a proposal that would give airlines an unfettered ability to schedule even more flights. Sometimes they schedule 20 flights to take off at the same time. The marketing experts have told the airlines that 8:45 a.m. is a popular time, so schedule your plane to take off at 8:45 a.m. The airlines know darn well only one plane can take off at 8:45 a.m., but as many as 20 of them will be scheduled to take off at that time. What does that mean? That means when you are trying to take off on an 8:45 a.m. flight out of O'Hare, most likely you are going to be sitting on the tarmac waiting to take off.

At least the high density rule is some limitation because it is a limitation on how many airline flights can be scheduled to take off within that 8 o'clock hour. But by lifting this rule, we are saying there is not going to be any limitation. Perhaps the airlines could schedule 100 or 200 or 300 flights to take off in that 8 o'clock hour. People will buy tickets; they think they are going to be able to take off sometime in that hour. They do not realize that is just a bait and switch; that the airlines know full well the passengers are going to have to be sitting on the tarmac waiting to take off.

Does it make sense, at the most congested, most delay-ridden airport, to add even more delays? It makes no sense at all.

I know Senator MCCAIN well. I do believe he is very concerned about competition in the airline industry, and he, in good faith, wants to increase competition in the airline industry. I agree with him wholeheartedly on that point. But I do not agree we want to do it in a way that is going to inconvenience everybody who flies out of O'Hare, and not just everybody who flies out of O'Hare but people all around the country who will suffer because of backlogs and delays at O'Hare International Airport, which is in the center of our country.

Furthermore, there is a provision in this bill—neatly tucked in there—that probably not many people can figure out what it means. Let me read it to you. As I said earlier, United and American have 80 percent of the flights at O'Hare. So if we were to add slots or more flights at O'Hare, you would

think we would want to encourage some new entrants into the market, some other companies. That would bring some more competition, bringing some other airlines into O'Hare.

There is a little provision in here. I wonder who thought of this. Did some Senator think of this?

This is on page 4 of the amendment: ''Affiliated Carriers: . . . the Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements with other air carriers equally for determining eligibility for the application of any provision of these sections regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.''

I bet many people wonder what that means. What that means is that American Airlines' wholly-owned subsidiary, American Eagle, and United Airlines' affiliate, United Express, can be treated equally with new commuter airlines that are trying to get in and get slots out of O'Hare.

This provision in the bill seems to undercut, in my judgment, the argument that this bill would increase competition. In my judgment, competition isn't going to be increased by increasing concentration. The FAA bill before us today will not increase competition due to its definition of the term ''affiliated carrier.'' As the term ''affiliated carrier'' is defined, those carriers that already control the vast majority of capacity at the airport, United and American, will get eligibility for additional capacity and slots.

In addition, many carriers that would benefit from this bill are wholly-owned subsidiaries of the controlling carriers. Later, I hope we can have a discussion on that particular aspect of the bill.

Let me talk a little bit more in depth about the delays we already have at O'Hare, without this idea of increasing the number of flights we are going to have, regardless of the fact that we don't have more capacity for more flights.

This was an article just the other day, September 10, 1999: ''Delays at O'Hare Mounting. For the first 8 months of this year, flight delays at O'Hare soared by 65 percent compared to all of 1997 and by 18 percent over 1998, according to an analysis by the Federal Aviation Administration.''

Why are those delays occurring? In part because in the existing law we already have exemptions from the slot controls put in by the FAA back in 1969. Those slot controls limited the number of flights to 155 operations per hour. By virtue of the 1994 bill we passed in this Congress, before I was here, they allowed more exemptions to those slot rules, and the FAA has been granting those. In fact, I am told the FAA now has about 163 flights an hour at O'Hare. This bill would lift those caps entirely.

This is from August 23, 1999. I said O'Hare is one of the most delay-ridden, congested airports in the country. This article talks about it: O'Hare has one of the worst on-time arrival and departure records of any major airport in the Nation, according to U.S. Department of Transportation data analyzed by the Chicago Sun-Times. For the first 6 months of 1999, O'Hare ranked at the bottom or second to last in percentage of on-time arrivals and departures at the 29 biggest U.S. airports, performing worse than the Boston and Newark airports, the other chronic laggards.

This goes back to the idea that airlines set their own schedules. There are slot controls that limit the number of flights in an hour at O'Hare. You can get from the FAA a slot to take off in a particular hour. You can get a slot, for example, to take off at the 8 a.m. hour. It is up to the airline, then, to schedule when that plane will take off.

It turns out, as the Sun-Times investigative report found, that many of the airlines schedule them all at the same time. At times there have been as many as 80 planes scheduled to take off, all at the same time. Obviously, they can't do that. What that means is that passengers sit on the runway and wait.

Have you ever been in an airplane, sitting on the tarmac with that stuffy air, waiting for the plane to take off? The airlines always blame it on the weather or they blame it on the FAA. They blame it on somebody else. They never blame it on themselves for scheduling all the flights to take off at the same time, which we know as a matter of physics is impossible.

This October 3 article, just this Sunday, was the front-page headline article in the Chicago Sun-Times:

AIRLINES CRAMMING DEPARTURE TIME SLOTS

Airlines at O'Hare Airport schedule so many flights in and out during peak periods that it is impossible to avoid delays, a Chicago Sun-Times analysis shows.

O'Hare can handle about 3 takeoffs a minute at most, [that is one every 20 seconds] but air carriers slate as many as 20 at certain times, slots they believe will draw the most passengers. And they've continued to add flights to crowded time slots, even though delays have been increasing since 1997.

At least today, even as we have these horrible delays, there is some limitation as to how far the airlines can go with this bait-and-switch tactic with consumers. There is some check. That is the check on the absolute maximum number of slots that can be given for takeoffs and landings at O'Hare in a given hour. This bill removes that check. There will be no check then on airlines scheduling departures and arrivals all at the same time, when it is impossible for them all to land or take off at that time. In fact, you could have 200, 300, 400 flights all scheduled to take off at the same time. We are removing any of those caps.

I mentioned that in 1995, the FAA ordered a study of what would happen if we lifted the high density rule. Again, the 1995 DOT study shows that lifting the high density rule more than doubles delay times at O'Hare. That is why they didn't do it. According to this report, a Department of Transportation May 1995 Report to Congress, a study of the high density rule, lifting the rule at O'Hare, ORD, is estimated to increase the average time average annual all-weather delay by nearly 12 minutes, from 11.8 to 23.7 minutes per operation, and besides, that average annual delay is much higher now than it was back in 1995, assuming no flight cancellations occur due to instrument flight rules, weather. This is beyond the average of 15 minutes, the original basis for imposing HDR.

There are many studies that show the problem. This is why the caps were put on at O'Hare. They wanted to stop delays. The studies have all shown that adding just one more slot beyond the capacity of an airport causes an exponential, compounding increase on the delays. In fact, this is a chart that the Federal Aviation Administration prepared on airfield and airspace capacity and delay policy analysis. Once you go beyond the practical capacity of an airport—and for O'Hare, the FAA has said it is 158 flights per hour—the delays skyrocket. In my judgment, if we are saying now we are not going to have any checks on the demand at O'Hare and there is no added capacity, we are going to go right up into this range very fast.

I said yesterday, Mayor Daley from Chicago was supposed to be in Washington last week for an event. We were going to have a taste and touch of Chicago in Washington. There was a huge celebration. There were about 500 people at this reception. We were all there waiting for Mayor Daley. Everybody was asking: Where is Mayor Daley? It turns out Mayor Daley was delayed at O'Hare Airport. In fact, poor Mayor Daley had to sit on the tarmac for 4 hours at O'Hare. He arrived in Washington at 8:30 at night, after the reception was over, and he got the next plane back to Chicago.

That is typical of the kind of delays people incur going through O'Hare. This bill would add to that. I think it is a mistake to do that. It ignores the original reason we had for the high density rule. Furthermore, I think it is unusual for Congress to put on the mantle of safety and aviation experts and decide that we are going to rewrite FAA rules. We ought to take that out of the political process, have the FAA write its own rules, not us rejiggle them from the statutes.

With that, I am not going to mention at this time what I believe will be the extreme safety hazards by trying to cram more flights into less time and space at O'Hare. A flight lands and takes off every 20 seconds at O'Hare. If we are going to cram more in and narrow the distance, maybe it will come down to every 10 or 15 seconds. There is not much room for error. If you are sitting in a plane and you think there is a plane tailgating you, there is a lot of

pressure. All these takeoffs and landings will not give air passengers a great deal of comfort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WYDEN. Mr. President, I ask unanimous consent to address the Senate for a few minutes. I see Chairman MCCAIN, and I wanted to engage him in a brief discussion on a matter involving the Death on the High Seas Act. I have offered several amendments with respect to this issue, but I don't intend to offer them this morning because this bill has several hundred amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I think it is extraordinarily important that the Senate take steps promptly to remedy some of the loopholes in the antiquated Death on the High Seas Act. I have had constituents bring to my attention a tragedy that is almost unique in my years of working in the consumer protection field.

Mr. John Sleavin, one of my constituents, testified before the Commerce Committee that he lost his brother, Mike, his nephew, Ben, and his niece, Annie, under absolutely grotesque circumstances. The family's pleasure boat was run over by a Korean freighter in international waters. The only survivor was the mother, Judith Sleavin, who suffered permanent injuries. The accident was truly extraordinary because, after the collision, there was absolutely no attempt by the Korean vessel to rescue the family or even to notify authorities about the collision. Mr. Sleavin's brother and his niece perished after 8 hours in the water following the collision. It was clear to me that there was an opportunity to have rescued this family. Yet there was no remedy.

We have had very compelling testimony on this problem in the Senate Commerce Committee. The chairman has indicated a willingness to work with me on this. We have a Coast Guard bill coming up, and because this is an important consumer protection issue and a contentious one, I don't want to do anything to take a big block of additional time.

I will yield at this time for a colloquy with the chairman in the hopes that we can finally get this worked out so we don't have Americans subject to the kind of tragic circumstances we saw in this case, where a family was literally mowed down in international waters by a Korean freighter and should have been rescued and, tragically, loved ones were lost. I feel very strongly about this.

I yield now to the chairman of the full committee to hear his thoughts on our ability to get this loophole-ridden Death on the High Seas Act changed, and particularly doing it on the Coast Guard bill that will be coming up.

Mr. MCCAIN. Mr. President, I thank my friend from Oregon. I know he has been heavily involved in this issue for a long time. We will have the Coast Guard bill scheduled for markup. At that time, I hope the Senator from Oregon will be able to propose an amendment addressing this issue. But I also remind my friend that there may be objection within the committee as well. I know he fully appreciates that. There is at least one other Senator who doesn't agree with this remedy. But I think we should bring up this issue and it should be debated and voted on. I think certainly the Senator from Oregon has the argument on his side in this issue.

Mr. WYDEN. I thank the chairman. I am going to be very brief in wrapping this up. I think our colleagues know that I am not one who goes looking for frivolous litigation. The chairman of the committee and all our colleagues on the Commerce Committee know that I spent a lot of time on the Y2K liability legislation this year so we could resolve these problems without a whole spree of frivolous litigation.

But we do know that there are areas, particularly ones where injured consumers in international waters have no remedy at all, when they are subject to some of the most grizzly and unfortunate accidents, where there is a role for legislation and a need for a remedy.

I am very appreciative that the chairman has indicated he thinks it is appropriate that we devise a remedy. I intend to work very closely with our colleagues on the Commerce Committee. I know the chairman of the subcommittee, Senator GORTON, has strong views on this. I am willing to look anew with respect to what that remedy ought to be so we can pass a bipartisan bill. But I do think we have to devise a remedy because to have innocent Americans run down in international waters without any remedy can't be acceptable to the American people.

With that, I ask unanimous consent to withdraw all four of the amendments I have had filed on this bill with respect to the Death on the High Seas Act.

The PRESIDING OFFICER. The Senator has that right. The amendments are withdrawn.

Mr. MCCAIN. Mr. President, I thank the Senator from Oregon. I look forward to working with him on this very important issue.

I suggest the absence of a quorum.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BURNS. Mr. President, I will comment on an amendment we introduced last night and ask for the support of my colleagues. Before I do that, I want to recognize the chairman of the full committee, the Commerce Committee, and my colleagues on the subcommittee. There are many important provisions in this bill. Most importantly, I think it reauthorizes the funding mechanism for airport construction which has been going on around the country. I hardly find a place where there are not improvements being done to the infrastructure for air traffic.

The legislation allows a limited number of exemptions to the current perimeter rule at the Ronald Reagan National Airport. Creating these exemptions takes a step in the right direction to provide balance between Americans within the perimeter and outside the perimeter. The current perimeter rule is outdated and restrictive to creating competition.

We have the best and the most efficient modes of transportation in the entire world. No other country can make such a boast. With the exception, of course, of rail transportation and passengers, we have very competitive alternatives. Now is the time to further enhance our competitive aviation and rail alternatives, although some who live at the end of the lines sometimes question if we have competition in the right places.

These limited exemptions to the perimeter rule will improve service to the nation's capital for dozens of western cities beyond the perimeter—while at the same time ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

As a result, I believe our committee has crafted a limited compromise which protects the local community from uncontrolled growth, ensures that service inside the perimeter will not be affected and creates a process which will improve access to Ronald Reagan National Airport for small and medium-sized communities outside the current perimeter. Montana's communities will benefit from these limited exemptions through improved access to the nation's capitol.

Throughout this bill, our goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provision related to improved access to Reagan National is no different.

Today, passengers from many communities in Montana are forced to double or even triple connect to fly to Washington National. My goal is to ensure that not just large city point-to-point service will benefit, but that passengers from all points west of the perimeter will have better options to reach Washington and Ronald Reagan National Airport.

This provision is about using this restricted exemption process to spread

improved access throughout the West—not to limit the benefits to a few large cities which already have a variety of options.

Let me be clear, if the Secretary receives more applications for more slots than the bill allows, DOT must prioritize the applications based on quantifying the domestic network benefits. Therefore, DOT must consider and award these limited opportunities to western hubs which connect the largest number of cities to the national transportation network.

I request the support of my colleagues on a very important amendment I along with my colleague from Missouri have introduced to this bill. That amendment was added last night. This amendment will establish a commission to study the future of the travel agent industry and determine the consumer impact of airline interaction with travel agents.

Since the Airline Deregulation Act of 1978 was enacted, major airlines have controlled pricing and distribution policies of our nation's domestic air transportation system. Over the past four years, the airlines have reduced airline commissions to travel agents in a competitive effort to reduce costs.

I am concerned the impact of today's business interaction between airlines and travel agents may be a driving force that will force many travel agents out of business. Combined with the competitive emergence of Internet services, these practices may be harming an industry that employs over 250,000 people in this country.

This amendment will explore these concerns through the establishment of a commission to objectively review the emerging trends in the airline ticket distribution system. Among airline consumers there is a growing concern that airlines may be using their market power to limit how airline tickets are distributed and sold.

Mr. President, if we lose our travel agents, we lose a competitive component to affordable air fare. Travel agents provide a much needed service and without them, the consumer is the loser.

The current use of independent travel agencies as the predominate method to distribute tickets ensures an efficient and unbiased source of information for air travel. Before deregulation, travel agents handled only about 40 percent of the airline ticket distribution system. Since deregulation, the complexity of the ticket pricing system created the need for travel agents resulting in travel agents handling nearly 90 percent of transactions.

Therefore, the travel agent system has proven to be a key factor to the success of airline deregulation. I'm afraid, however, that the demise of the independent travel agent would be a factor of deregulation's failure if the major airlines succeed in dominating the ticket distribution system.

Tavel agents and other independent distributors comprise a considerable portion of the small business sector in the United States. There are 33,000 travel agencies employing over 250,000 people. Women or minorities own over 50 percent of travel agencies.

Since 1995, commissions have been reduced by 30%, 14% for domestic travel alone in 1998. since 1995, travel agent commissions have been reduced from an average of 10.8 to 6.9 percent in 1998. Travel agencies are failing in record numbers.

I think it is important we study the issue, get an unbiased commission together, and give a report to Congress. We will see how important the role played by the ticket agents and the travel agencies is in contributing to the competitive nature of travel in this country.

I ask my colleagues to support this important amendment. We are dealing with a subject that needs to be dealt with; this bill needs to be passed. We are in support of it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FITZGERALD. Mr. President, I would like to take advantage of this opportunity to finish one final point to the speech I had given a few moments ago wherein I mentioned the likely delays that would be caused at Chicago O'Hare, and that is the increase in delays that would be caused in Chicago O'Hare and throughout our Nation's entire air traffic system if the high density rule were to be repealed. But right now I mention one other item which is probably the most important matter this Senate confronts in passing statutes to govern our aviation system, and that is the issue of safety.

I alluded earlier to the fact that O'Hare is the world's biggest airport and that there is a takeoff and landing every 20 seconds at O'Hare. Any sixth grader can figure out if we are going to try to run more flights per hour and more flights per minute through O'Hare, we are going to have to bring them in and take them off in less time than 20 seconds. Either that or we will continue mounting delays.

Most likely, we will continue mounting delays. But it is possible the increased congestion and delays would cause the air carriers to be pressuring the FAA to let the planes take off and would be pressuring the air traffic controllers to get planes into the air quicker, and it would be pressuring them to shorten the separation distances between airplanes.

Already in this country, in order to increase capacity at our airports without adding capacity in terms of new facilities and runways, we are doing a number of things. We are reducing separation distances between arriving aircraft.

A couple of years ago, I was doing a landing at O'Hare. I was on a commercial air carrier. We were about to land at O'Hare. Lo and behold, we were about to land on top of another plane that was still on the runway. At the last minute, the pilot lifted up, and we took off again right before we hit the other plane that had not gotten off the runway. Many people have probably been through that experience. It is pretty frightening.

If we are going to cram more flights into the same space at O'Hare, we are going to see more incidents like that. They are already reducing runway occupancy time. You will notice when your plane lands that it hightails it off that runway because it knows there is another plane right behind.

They are doing something that they call land-and-hold operations—they are doing it at O'Hare and across the country—where the plane lands, and it has to get to a crisscross with another runway. They have to hold while another plane lands. Pilots hate to do that, but they are forced to by air traffic control.

We are seeing increasing incidents of triple converging runway arrivals in this country. All of this is designed to put more planes together in time and space. I think it is obvious to anybody that decreases the margin of safety that we have in aviation in this country.

I think that is a great mistake because nothing is as important as the safety of the flying public.

I call your attention to an article that appeared in USA Today. I apologize. The date is wrong on this. It says November 13, 1999. Obviously, that was November 13 of a different year because we haven't gotten to November 13 of 1999. This is actually from 1998.

They had a front-page headline article called: ''Too Close for Comfort. Crossing Runways Debated as Travel Soars. Safety, On-Time Travel on Collision Course, Pilots Say.''

Let me read a quote from this article from USA Today from November 13, 1998.

''They are just trying anything to squeeze out more capacity from the system,'' says Captain Randolph Babbitt, President of the Airline Pilots Association, which represents 51,000 of the 70,000 commercial pilots in the United States and Canada. ''Some of us think this is nibbling at the safety margins.''

Probably at no airport in the country have we nibbled more at the safety margins than at O'Hare International Airport—the world's biggest airport, the world's most congested, the one that has the most delays in this country.

I will read a portion of a letter that was sent earlier this year to the Governor of our great State, Governor George Ryan.

My name is John Teerling and I recently retired, after 31.5 years with American Airlines as a Captain, flying international

routes in Boeing 767 and 757's. I was based at Chicago's O'Hare my entire career. I have seen the volume of traffic at O'Hare pick up and exceed anyone's expectations, so much so, that on occasions, mid-airs were only seconds apart. O'Hare is at maximum capacity, if not over capacity. It is my opinion that it is only a matter of time until two airliners collide making disastrous headlines.

I close with that thought, and I caution the Senate on the effects of our interfering in the rulemaking authority of the FAA, overruling their authority, and by statute rewriting their rules.

I ask unanimous consent that this letter to Governor George Ryan from this former American Airlines captain, John Teerling, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOHN W. TEERLING,
*Lockport, IL, January 18, 1999.*

RE: A Third Chicago Airport
Gov. GEORGE RYAN,
*State Capitol, Springfield, IL.*

DEAR GOVERNOR RYAN: My name is John Teerling and I recently retired, after 31.5 years with American Airlines as a Captain, flying international routes in Boeing 767 and 757's. I was based at Chicago's O'Hare my entire career. I have seen the volume of traffic at O'Hare pick up and exceed anyone's expectations, so much so, that on occasion mid-airs were only seconds apart. O'Hare is at maximum capacity, if not over capacity. It is my opinion that it is only a matter of time until two airliners collide making disastrous headlines.

Cities like Atlanta, Dallas and especially Miami continue to increase their traffic flow, some months exceeding Chicago, and at some point could supersede Chicago permanently. If Chicago and Illinois are to remain as the major Hub for airline traffic, a third major airport has to be built, and built now. Midway, with its location and shorter runways will never fill this void. A large international airport located in the Peotone area, complete with good ground infrastructure (rail and highway) to serve Chicago, Kankakee, Joliet, Indiana and the Southwest suburbs, would be win, win situation for all. The jobs created for housing and offices, hotels, shopping, manufacturing and light industry could produce three to four hundred thousand jobs. Good paying jobs.

Another item to consider, which I feel is extremely important is weather. I have frequently observed that there are two distinct weather patterns between O'Hare and Kankakee. Very often when one is receiving snow, fog or rain the other is not. These conditions affect the visibility and ceiling conditions determining whether the airports operate normally or not. Because of the difference in weather patterns when one airport, say O'Hare, is experiencing a hampered operation, an airport in Peotone, in all probability, could be having more normal operations. Airliners could then divert to the ''other'' Chicago Airport, saving time and money as well as causing less inconvenience to the public. (It's better to be in Peotone than in Detroit).

It is well known that American and United, who literally control O'Hare with their massive presence, are against a third airport. Why? It is called market share competition and greed. A new airport in the Peotone area would allow other airlines to service Chicago and be competition. American and United are of course dead set against that. What they are not considering is that their presence at a third airport would afford them an even greater share of the Chicago regional pie as well as put them in a great position for future expansion.

You also have Mayor Daley against a third airport because he feels a loss of control and possible revenue for the city. This third airport, if built, and it should be, should be classified as the Northern Illinois Regional Airport, controlled by a Board with representatives from Chicago and the surrounding areas. That way all would share in the prestige of a new major international airport along with its revenues and expanding revenue base.

The demand in airline traffic could easily expand by 30% during the next decade. Where does this leave Illinois and Chicago? It leaves us with no growth in the industry if we have no place to land more airplanes. If Indiana were ever to get smart and construct a major airport to the East of Peotone, imagine the damaging economic impact it would have on Northern Illinois!

Sincerely,

JOHN W. TEERLING.

Mr. FITZGERALD. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I would just make a couple of comments in general and not direct it to those who are trying to decrease or increase slots at airports but some philosophical points.

A lot of these rules were set, as has been pointed out, some 30 years ago. Of course, there has been a lot of technology which has developed since that time, and a lot of it which has been in place since that time which allows much more efficient use. We don't have so-called ''buy and sell'' situations anymore. We have slots.

We also have, as I described in my opening statement yesterday, millions of Americans who fly every year, and 1 billion people will be flying in the next decade. We have a tripling of air cargo. We have an enormous increase in international flights. We have an enormous increase in letters and boxes, all of which require flights and all of which require slots. They go to different airports. But the point is everything is increasing.

I don't think that any of us on the floor or colleagues who will be here to vote on various issues can pretend that we can turn around and say: All right, Mr. and Mrs. America. Yes, you are making more income. Yes, you are maybe vacation-conscious. Yes, this is a free market system. Yes, you live in a free country and you want to fly to more places and you have the money now to take your children with you. You are writing more letters. You are sending more packages because more services are available.

We cannot pretend as though we are going to stop this process. I don't want to make the comparison to the Internet because the Internet has a life of its own. But it comes to mind. There are a lot of people who want to stop some of the things going on on the Internet. They can't do it. The Internet has a life of its own. It is the result of the free enterprise system that people decide to buy it or not buy it. That is their choice.

But people also have the choice as to whether they want to fly or not. We are now coming to the point where we have the technology to allow a lot more of that to happen.

I described a visit I made to the air traffic control center in Herndon, VA, which is highly automated and has the highest form of technology. If you want to say: All right. How many flights are in the air right now from 3,000 to 5,000 feet? How many are in the air now from 5,000 to 7,000, or 5,000 to 6,000? They push a button, and they can tell you every flight—because I have seen it—every flight in the country at certain levels. The whole concept of being able to increase flights is going to be there.

No. 1, we have established the fact that Americans are free. This is not the former Soviet Union. People have the right to fly. They have the money to fly. The economy is doing better, and exponentially everything is growing. That case is closed.

If somebody wants to say, let's stop that, let's just say we are going to pretend it was 30 years ago and only so many people can fly, only so many letters can be written, only so many international flights, the Italians and French are going to have to stop, it is OK the Japanese and Germans do it—life does not work like that. People have the right to make their decisions, and it is up to us in Congress to expedite the ability of the FAA to have in place the instruments, the technology, and the funding to make all of this work properly.

I point out one economic thing that comes from the Department of Transportation which is very interesting. This happens to deal with O'Hare. That is an accident; it is not deliberate. But it makes an interesting point because it talks about the benefits if you open up slots and it talks about the deficiencies; there are both. If you open up more slots, you will get a benefit for the consumer that outweighs the total cost of the delays and, in short, the consumer will save a great deal of money, or a certain amount of money, on tickets. They will save money because there will be more competition, because there will be more slots, because there will be more flights. That is the free-market system. That is what brings lower costs.

I do not enjoy flying from Charleston, WV, to Washington, DC, and paying $686 for a flight on an airplane into which I can barely squeeze.

Let's understand, we have something which is growing exponentially and happens to be terrific for our economy. As I indicated, 10 million people work in this industry. You are not going to stop people from sending letters. You are not going to stop people from flying. You are not going to stop people from taking vacations. You are not

going to stop international traffic. None of that is going to happen. We have to accommodate ourselves.

Does that mean there is going to be somewhat more noise? Yes.

Does that mean we have to improve systems, engines, and research that are reducing that noise? Yes, we do.

Does that mean there are going to be more delays? Probably.

But the alternative to that is to say, all right, since we cannot have a single delay and nobody can be inconvenienced a single half hour, then let's just shut all of this off and go back to the 1960s and pretend we are in that era. We cannot do that. We simply cannot do that.

I introduce that thought into this conversation. There will be other amendments and other points that will be made about it. But we are dealing with inexorable growth, which the American people want, which the international community wants, which is now supported by an economy which is going to continue to sustain it. Even if the economy goes through a downturn, it is not going to slow down traffic use substantially because once people begin to fly, they keep on flying; they do not give up that habit.

We are dealing with a fact of life to which we have to make an adjustment in two ways: One, we have to be willing to accept certain inconveniences. I happen to live in one place where the airplanes just pour over my house. I do not enjoy that, but I adjust to it.

Let's deal in the real world here. Flights are good for the economy; flights are good for Americans; flights are good for the world. Packages and letters are all part of communication. There is nothing we are going to do to stop it, so we have to make adjustments. One, in our own personal lives, and, two, we in Congress have to make adjustments by being far more aggressive in terms of expediting funding for research, instruments, and technology that will make all of this as easy as possible.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to add Senator GRASSLEY as an original cosponsor of the Collins amendment No. 1907.

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

AMENDMENT NO. 1892, AS MODIFIED

Mr. MCCAIN. Mr. President, on behalf of Senator GORTON, I send to the desk a modification to amendment No. 1892 offered yesterday by Senator GORTON and ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1892), as modified, is as follows:

On page 9, beginning with line 15, strike through line 11 on page 10 and insert the following:

''(2) NEW OR INCREASED SERVICE REQUIRED.—Paragraph (1)(A) applies only if—

''(A) the air carrier was not providing air transportation described in paragraph (1)(A) during the week of June 15, 1999; or

''(B) the level of such air transportation to be provided between such airports by the air carrier during any week will exceed the level of such air transportation provided by such carrier between Chicago O'Hare International Airport and an airport described in paragraph (1)(A) during the week of June 15, 1999.

AMENDMENT NO. 1950 TO AMENDMENT NO. 1906

Mr. MCCAIN. Mr. President, I ask unanimous consent to call up amendment No. 1906 submitted by Senator VOINOVICH, and on behalf of Senator GORTON, I send a second-degree amendment, No. 1950 to amendment No. 1906, and ask that the second-degree amendment be adopted and that the amendment No. 1906, as amended, then be adopted.

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

The amendment (No. 1906) is as follows:

Strike section 437.

The amendment (No. 1950) was agreed to, as follows:

**SEC. 437. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.**

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm;

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a market.''.

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking ''air carrier'' in the first sentence and inserting ''air carrier, computer reservations system firm,'';

(B) by striking ''subsection (c)'' and inserting ''subsection (c) or (g)''; and

(C) by striking ''air carrier'' in subparagraph (B) and inserting ''air carrier or computer reservations system firm''; and

(2) in subsection (e)(1) by inserting ''or a computer reservations system firm is subject when providing services with respect to airline service'' before the period at the end of the first sentence.

The amendment (No. 1906), as amended, was agreed to.

AMENDMENTS NOS. 1900 AND 1901, EN BLOC

Mr. MCCAIN. Mr. President, on behalf of Senator ROBB, I send to the desk two amendments that have been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendments will be reported en bloc.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ROBB, proposes amendments numbered 1900 and 1901, en bloc.

The amendments are as follows:

AMENDMENT NO. 1900

(Purpose: To protect the communities surrounding Ronald Reagan Washington National Airport from nighttime noise by barring new flights between the hours of 10:00 p.m. and 7:00 a.m.)

At the appropriate place, insert the following new section:

**SEC. . CURFEW.**

Notwithstanding any other provision of law, any exemptions granted to air carriers under this Act may not result in additional operations at Ronald Reagan Washington National Airport between the hours of 10:00 p.m. and 7:00 a.m.

AMENDMENT NO. 1901

(Purpose: To require collection and publication of certain information regarding noise abatement)

At the appropriate place, insert the following new title:

**TITLE ___—_____**

**SEC. ___01. GOOD NEIGHBORS POLICY.**

(a) PUBLIC DISCLOSURE OF NOISE MITIGATION EFFORTS BY AIR CARRIERS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall collect and publish information provided by air carriers regarding their operating practices that encourage their pilots to follow the Federal Aviation Administration's operating guidelines on noise abatement.

(b) SAFETY FIRST.—The Secretary shall take such action as is necessary to ensure that noise abatement efforts do not threaten aviation safety.

(c) PROTECTION OF PROPRIETARY INFORMATION.—In publishing information required by this section, the Secretary shall take such action as is necessary to prevent the disclosure of any air carrier's proprietary information.

(d) NO MANDATE.—Nothing in this section shall be construed to mandate, or to permit the Secretary to mandate, the use of noise abatement settings by pilots.

**SEC. ___02. GAO REVIEW OF AIRCRAFT ENGINE NOISE ASSESSMENT.**

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on regulations and activities of the Federal Aviation Administration in the area of aircraft engine noise assessment. The study shall include a review of—

(1) the consistency of noise assessment techniques across different aircraft models and aircraft engines, and with varying weight and thrust settings; and

(2) a comparison of testing procedures used for unmodified engines and engines with hush kits or other quieting devices.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures that should be implemented to ensure consistent measurement of aircraft engine noise.

**SEC. ___03. GAO REVIEW OF FAA COMMUNITY NOISE ASSESSMENT.**

(a) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the regulations and activities of the Federal Aviation Administration in the area of noise assessment in communities near airports. The study shall include a review of whether the noise assessment practices of the Federal Aviation Administration fairly

and accurately reflect the burden of noise on communities.

(b) RECOMMENDATIONS TO THE FAA.—The Comptroller General's report shall include specific recommendations to the Federal Aviation Administration on new measures to improve the assessment of airport noise in communities near airports.

Mr. MCCAIN. Mr. President, I ask that the amendments be adopted en bloc.

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

The amendments (Nos. 1900 and 1901) were agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1904

(Purpose: to provide a requirement to enhance the competitiveness of air operations under slot exemptions for regional jet air service and new entrant air carriers at certain high density traffic airports)

Mr. MCCAIN. Mr. President, finally, I send to the desk amendment No. 1904 on behalf of Senator SNOWE, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Ms. SNOWE, proposes an amendment numbered 1904.

The amendment is as follows:

At the end of title V of the Manager's substitute amendment, add the following:

**SEC. ___. REQUIREMENT TO ENHANCE COMPETITIVENESS OF SLOT EXEMPTIONS FOR REGIONAL JET AIR SERVICE AND NEW ENTRANT AIR CARRIERS AT CERTAIN HIGH DENSITY TRAFFIC AIRPORTS.**

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by sections 507 and 508, is amended by adding at the end thereof the following:

**"§ 41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports**

''In granting slot exemptions for nonstop regional jet air service and new entrant air carriers under this subchapter to John F. Kennedy International Airport, and La Guardia Airport, the Secretary of Transportation shall require the Federal Aviation Administration to provide commercially reasonable times to takeoffs and landings of air flights conducted under those exemptions.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by this title, is amended by adding at the end thereof the following:

''41721. Requirement to enhance competitiveness of slot exemptions for nonstop regional jet air service and new entrant air carriers at certain airports.''.

Mr. MCCAIN. Mr. President, this amendment has been cleared on the other side, and there is no further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1904) was agreed to.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. Mr. President, I inquire of the Chair, what is the pending amendment at this time?

The PRESIDING OFFICER. Amendment No. 1898 offered by the Senator from Montana, Mr. BAUCUS.

Mr. ROBB. Mr. President, I ask unanimous consent that amendment No. 1898 be temporarily laid aside and that we return to consideration of amendment No. 1892 offered by the Senator from Washington, Mr. GORTON.

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

AMENDMENT NO. 2259 TO AMENDMENT NO. 1892

(Purpose: to strike the provisions dealing with special rules affecting Reagan Washington National Airport)

Mr. ROBB. Mr. President, I send a second-degree amendment to amendment No. 1892 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] for himself, Mr. SARBANES and Ms. MIKULSKI; proposes an amendment numbered 2259 to amendment No. 1892.

Beginning on page 12 of the amendment, strike line 18 and all that follows through page 19, line 2, and redesignate the remaining subsections and references thereto accordingly.

Mr. ROBB. Mr. President, I thank my friend and colleague from Arizona for accepting three out of four of the amendments I have proposed. I had hoped we might someday find a way he could accept the fourth. I am very much aware of the fact, however, that he and some others are not inclined to do that. I have, therefore, sent to the desk an amendment, just read by the clerk in its entirety, which simply strikes the section of the amendment that deals with the number of additional slots at National Airport.

In this particular case, this amendment offered by the Senator from Washington, while a step in the right direction from the original bill language which would have required that an additional 48 slots be forced on the Washington National Airport Authority, nonetheless cuts that in half and it gets halfway to the objective I hope we can ultimately achieve in this particular case.

The amendment would reduce to zero the number of changes in the slots that are currently in existence at Ronald Reagan Washington National Airport.

My primary objection to this section is that it breaks a commitment to the citizens of this region, by injecting the Federal Government back into the management of our local airports.

Before I discuss this issue in detail, I wish to make clear that I fully support nearly all of the underlying legislation and have for some period of time. Congress ought to approve a multiyear FAA reauthorization bill that boosts our investment in aviation infrastructure and keeps our economy going strong. There is no question about that. I have supported that from the very beginning, and I thank the managers for their efforts in this particular regard.

I have long believed that funding for transportation, particularly mass transportation, is one of the best investments our Government can make. For our aviation system, in particular, these investments are critical.

As Secretary of Transportation Rodney Slater noted:

. . . aviation will be for America in the 21st Century what the Interstate Highway System has been for America in this century.

It has been suggested that as part of our preparation for the next century of aviation to promote competition and protect consumers, we ought to impose additional flights on the communities surrounding National Airport.

It has been argued that the high density rule, which limits the number of slots or flights at National, is a restriction on our free market and hurts consumers. I do not dispute the fact that flight limits at National restrict free market. I believe, however, that the proponents of additional flights give an inaccurate picture of the supposed benefits of forcing flights on National Airport.

Before I go on to discuss the impact of additional flights on communities in Northern Virginia, I would like to deflate the idea that more flights will necessarily be a big winner for consumers.

Based on the number of GAO reports we have had on this subject, some of our colleagues may think slot controls are somehow the primary cause of consumer woes. When we look at the facts, however, this simply is not the case.

I understand reports by the GAO and by the National Research Council argue that airfares at slot-controlled airports are higher than average. However, the existence of higher-than-average fares does not tell us how slot controls may contribute to high fares at a specific airport. Many other factors, such as dominance of a given market by a particular carrier, or the leasing terms for gates, play a role in determining price. Also, simply noting the higher-than-average fares do not tell us whether slot controls are really a significant problem for the Nation.

The U.S. Department of Transportation has examined air service on a city-by-city basis looking at all service to each city. This chart shows a 1998 third quarter DOT assessment of airfares, ranking each city based on the average cost per mile traveled. As you can see, the airports with the slot controls are not at the top of the list. In fact, they do not even make the top 106. Slot-controlled Chicago, as my distinguished colleague from Illinois has pointed out, comes in at No. 19, right after Atlanta, GA; slot-controlled Washington, DC, comes in at 25, which is after Denver; and slot controlled

New York is way down the list at No. 42.

Clearly, there are factors beyond slot controls that weigh heavily in determining how expensive air travel is in a particular city. So simply adding more flights will not necessarily bring costs down.

Proponents of adding more slots at National may argue, nonetheless, that their proposal is a slam-dunk win for consumers. But on closer examination, more flights look less like a game-winning move and more like dropping the ball.

Advocates of more flights ignore or downplay a central fact: More flights mean more delays, as the Senator from Illinois has so eloquently pointed out. More flights mean more harm to consumers in the airline industry. This is the untold story of the impact of more flights at National.

The most recent GAO study downplays this issue in a passing reference to the impact of delays. According to the GAO:

[I]f the number of slots were increased . . . delays. . .could cause the airlines to experience a decreased profit . . . the costs [of delay] associated with the increase would be partially offset by consumer benefits.

A 1999 National Research Council report acknowledges that delays resulting from more flights may hurt consumers:

[I]t is conceivable that many travelers would accept additional delays in exchange for increased access to [slot-controlled] airports. . . . Recurrent delays from heavy demand, however, would prompt direct responses to relieve congestion.

Later on the report suggests ''congestion pricing'' to prevent delays. Congestion pricing would raise airport charges and, thus, airfares during busy times to reduce delays. In other words, the National Research Council is suggesting that additional flights would force consumers to either accept more delays or accept price hikes to manage delays.

I understand the underlying bill says that additional slots shall not cause ''meaningful delay.'' The legislation does not define ''meaningful delay,'' however, or provide any mechanism to protect consumers from delays, should they occur.

While both the GAO and the NRC reports acknowledge we can expect delays, neither report examines the specific impact of delays on consumers.

The most detailed analysis that is available to us comes from a 1995 DOT study titled ''A Study of the High Density Rule.'' That report examines the impact of several scenarios, including removing slots at National completely, and allowing 191 new flights, the maximum the airport could safely accept according to their report.

According to experts at DOT:

[T]he estimated dollar benefit of lifting the slot rule at National is substantially negative: minus $107 million.

This figure includes the benefits of new service and fare reductions, weighed against the cost of delays to consumers and airliners.

There is simply no getting around the fact that National has limits on how many flights it can safely manage. As we try to get closer to that maximum safe number, the more delays we will face.

The DOT report goes on to examine the specific impact of adding 48 new slots, as proposed by the underlying legislation. The report finds that the length of delays will nearly double from an average of something around 4.6 minutes to a delay of 8 minutes, on average. I will discuss the costs of these delays at National Airport in a moment.

But in case some of my colleagues think that a few minutes of delay is not a problem for air travelers, the Air Transport Association has estimated that last year delays cost the industry $2.5 billion in overtime wages, extra fuel, and maintenance. Indeed, yesterday I was flying up and down the east coast and all of those charges were clearly adding to the cost of the airline, which will ultimately be passed on to the consumer.

For consumers, there were 308,000 flight delays and millions of hours of time lost. For National in particular, the 1995 DOT report finds that airlines would see $23 million in losses due to delays. For consumers, 48 new slots would provide little benefit overall. Consumers would see $53 million in new service benefits, but delays would cost consumers $50 million.

The report assumes no benefits from fare reductions with 48 slots, but, being generous, I have assumed an estimated fare reduction of $20 million from fare benefits listed elsewhere in the report. Consumer benefits, therefore, are $53 million for new service; minus $50 million for delays, plus $20 million for possible discounts, for a total of about $23 million.

Considering the fact that about 16 million travelers use National each year, that works out to about $1.50 per person per trip in savings.

That is not much benefit for the 48 slots. For 24 slots, as the Gorton amendment provides, we don't have a good analysis of the cost of delay. I suspect, however, the ultimate consumer benefits are similarly modest.

We all value the free market and the benefit it provides to consumers. At the same time, it is the job of Congress to weigh the benefits of an unrestrained market against other cherished values. The free market does not protect our children from pollution, guard against monopolies, or preserve our natural resources. In this case, we are weighing a small benefit that would come from an additional 24 slots at National against the virtues of a Government that keeps its word and against the peace of mind of thousands of Northern Virginians, as well as many in the District of Columbia and Maryland.

Elsewhere in this bill, we would restrain the market. The legislation would restrict air flights over both small and large parks. I submit that is the right thing to do. We should work to preserve the sanctity of our national parks. But while this bill abandons free market principles to shield our parks, it uses free market principles as a sword to cut away at the quality of life in our Nation's Capital. It is wrong to try to force Virginians and those who live in this area, Maryland and the District of Columbia and elsewhere, to endure more noise from National Airport, especially when the consumer benefits are so small and so uncertain. Most troubling of all is the fact that this bill breaks a promise to the citizens of this region, a promise that they would be left to manage their own airports without Federal meddling. To give the context surrounding that promise, I must review some of the history of the high density rule and the perimeter rule at National.

National, as many of our colleagues know, was built in 1941. It was, therefore, not designed to accommodate large commercial jets. As a result, during the 1960s, as congestion grew, National soon became overcrowded. To address chronic delays, in 1966, the airlines themselves agreed to limit the number of flights at National. They also agreed to a perimeter rule to further reduce overcrowding. Long haul service was diverted to Dulles. During the 1970s and early 1980s, improvements were negligible or nonexistent at both National and Dulles, as any of our colleagues who served in this body or the other body at that time will recall, because there was no certainty to the airline agreements.

National drained flights from Dulles so improvements at Dulles were put on hold. Litigation and public protest over increasing noise at National blocked improvements there. As my immediate successor as Governor, Jerry Baliles, described the situation in 1986:

National is a joke without a punchline—National Airport has become a national disgrace. National's crowded, noisy, and incomprehensible. Travelers need easy access to the terminal. What they get instead is a half marathon, half obstacle course, and total confusion.

To address this problem, Congress codified the voluntary agreements the airlines had adopted on flight limits and created an independent authority to manage the airports. The slot rules limited the number of flights and noise at National, and the perimeter rule increased business at Dulles. Together with local management of the airports, these rules provided what we thought was long-term stability and growth for both airports. More than $1.6 billion in bonds have supported the expansion of Dulles. More than $940 million has been invested to upgrade National. These major improvements would not have taken place without local management and without the stability provided by the perimeter and slot rules.

The local agreement on slot controls was not enacted into Federal law simply to build good airports. Slot controls embodied a promise to the communities of Northern Virginia and Washington and Maryland.

In the 1980s, there was some discussion of shutting down National completely. Anyone who was here at the time will recall that discussion and the prospect that National might actually be shut down. We avoided that fate and the resulting harm to consumer choice with an agreement to limit National's growth. I suspect some individuals in communities around National believe the agreement did not protect them enough and should have limited flights even more. But by giving them some sense of security that airport noise would not continue to worsen by giving them a commitment, we were able to move ahead with airport improvements.

Congress and the executive branch recognized the community outrage that had blocked airport work and affirmed that a Federal commitment in law would allow improvements to go forward.

In 1986 hearings on the airport legislation, Secretary of Transportation Elizabeth Dole stated:

> With a statutory bar to more flights, noise levels will continue to decline as quieter aircraft are introduced. Thus all the planned projects at National would simply improve the facility, not increase its capacity for air traffic. Under these conditions, I believe that National's neighbors will no longer object to the improvements.

As the Senate Committee on Commerce report noted at the time:

> [I]t is the legislation's purpose to authorize the transfer under long-term lease of the two airports ''as a unit to a properly constituted independent airport authority to be created by Virginia and the District of Columbia in order to improve the management, operation and development of these important transportation assets.''

Local government leaders, such as Arlington County Board member John Milliken, at that time noted that they sought a total curfew on all flights and shrinking the perimeter rule but, in the spirit of compromise, would accept specific limitations on flights and the perimeter rule.

The airport legislation was not simply about protecting communities from airport noise. It was also about the appropriate role of the Federal Government. Members of Congress noted at the time that the Federal Government should not be involved in local airport management. In short, local airports should be managed by local governments, not through congressional intervention.

At a congressional debate on the airport legislation, Senator Robert Dole and Congressman Dick Armey affirmed that Federal management of the airports was harmful. According to Senator Dole:

> There are a few things the Federal Government—and only the Federal Government—can do well. Running local airports is not one of them.

According to Congressman Dick Armey:

> Transferring control of the airports to an independent authority will put these airports on the same footing as all others in the country. It gets the Federal Government out of the day-to-day operation and management of civilian airports, and puts this control into the hands of those who are more interested in seeing these airports run in the safest and most efficient manner possible.

I submit that local airports in Virginia have been well managed to date. We shouldn't now start second-guessing that effort.

Again, the legislation before us reneges on the Federal commitment to this region that the Federal Government would not meddle in airport management and that we would not force additional flights on National. Congress repeated that commitment in 1990 with the Airport Noise Capacity Act which left in place existing noise control measures across the country. That act, wherein Congress limited new noise rules and flight restrictions, also recognized that the Federal Government should not overrule preexisting slot controls, curfews, and noise limits. The 1990 act left in place preexisting rules, including flight limits at National.

The bill before us contributes to the growing cynicism with which the public views our Federal Government. Overruling protections that airport communities have relied on is fundamentally unfair.

Beyond the matter of fairness, forcing flights on National sets a precedent that will affect communities across the Nation. Many communities, such as Seattle, WA, and San Diego, CA, are trying to determine how they will address growing aviation needs and how their actions will affect communities around their airports.

Those debates will determine how communities will treat their existing airport, whether they will close the airport to prevent possible growth in excess noise or leave it open to preserve consumer benefits, with the understanding that growth will be restrained.

Those debates will also determine the location of new airports, whether a community will place the airport in a convenient location or further remove it from population centers to avoid noise impacts.

The action Congress takes today will shape those debates. Knowing that Congress may intervene in local airport management will tip the balance toward closing the more convenient local airports out of fear—fear that Congress will simply stamp out a local decision.

Unfortunately, for the citizens around National, they trusted the Federal Government. They hoped the Federal Government agreement that they had to limit flights would protect them. As former Secretary of Transportation William Coleman noted in 1986, ''National has always been a political football.''

To summarize, the additional flights proposed in this bill are not designed to address some major restraint on aviation competition. Slot controls may respect competition, but there are clearly many factors affecting airfares. More importantly, the benefits to consumers of 24 additional flights at National are very uncertain. We will clearly have delays, and none of the studies supporting additional flights have examined in detail the cost of those delays. The best study we have on the subject, a 1995 DOT report, suggests that because of those delays, consumers won't get much benefit—maybe $1.50 per person, on average.

We don't know how the delays at National—which we know will come if we approve the new flights—will affect air service in other cities with connecting flights to National. We are balancing these marginal benefits against the quality of life in communities surrounding the National Airport. We are pitting improved service for a few against quieter neighborhoods for many. We are also pitting a small, uncertain benefit to consumers against the integrity of the Federal Government.

Forcing additional flights on National breaks an agreement that Congress made in 1986 to turn the airport over to a regional authority and leave it alone.

A vote for this amendment to strike is a vote against more delays for consumers. A vote for this amendment is a vote in favor of a Federal Government that keeps its word. I urge my colleagues to support this amendment to strike and retain the bargain, both implied and explicit, that we made in 1986 with the communities that surround the two airports in question.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from Virginia. I understand his passion and commitment on this issue. On this particular issue, we simply have an honorable disagreement. He makes a very cogent argument, but with all due respect, I simply am not in agreement. I have a different view and perspective. He and I have debated this issue on a number of occasions in the past.

I want to make a few additional points. Twelve new round-trip flights at Reagan National is barely acceptable to me. Because of Senator ROBB's intense pressures and that of Senator WARNER, and others, we have reduced it rather dramatically from what we had hoped to do. I know the Senator from Virginia knows I won't give up on this issue because of my belief. But 12 additional round-trip flights are simply not going to help, particularly the underserved airports all over America.

The GAO has found on more than one occasion that significant barriers to competition still exist at several important airports, and both at Reagan

National Airport are slot controls and the perimeter rule.

The GAO is not the only one that assesses it that way. The National Research Council's Transportation Research Board recently issued its own report on competition in the airline industry. This independent group also found that ''the detrimental effects of slot controls on airline efficiency and competition are well-documented and are too far-reaching and significant to continue.''

Based on its finding, the Transportation Research Board recommended the early elimination of slot controls. They were equally critical of perimeter rules.

As I mentioned during my opening statement, the GAO came out last month with another study confirming that Reagan National is fully capable of handling more flights without compromising safety or creating significant aircraft delays. In fact, language in the bill requires that any additional flights would have to clear the Department of Transportation's assessment so far as any impact on safety. The GAO demonstrates that their arguments against these modest changes are not persuasive. I regret this legislation doesn't do more to promote competition at Reagan National Airport.

I earlier read a statement from one of Senator ROBB's constituents who alleged that he could not afford flights out of Reagan National Airport. Also, I got another letter that was sent to the FAA aviation noise ombudsman and printed in his annual activity report. The noise ombudsman deals almost entirely with complaints about noise.

The relevant section of that report reads as follows:

> Very few citizens who are not annoyed by airplane noise take the time to publicly or privately voice an opinion. The Ombudsman received a written opinion from one such residence in the area south of National Airport which said:
>
> Recently, someone left a ''flyer'' in my mailbox urging that I contact you to complain about aircraft noise into and out of the airport. I am going to follow her format point by point.
>
> I have lived in (the area) for 35 years. I have not experienced any increase in aircraft noise. I have noticed a reduction in the loudness of the planes during that time.

That makes sense, Mr. President, since aircraft engines are quieter and quieter. The citizen says:

> I do not observe aircraft flying lower. I have not observed more aircraft following one another more closely. I have not noticed the aircraft turning closer to the airport as opposed to ''down river.'' My quality of life has not significantly been reduced by aircraft noise. In fact, in the 1960s and 1970s, the noise was much louder. I am not concerned about property values due to the level of aircraft noise. I would be very concerned if there were no noise because it would mean the airport was closed. A closure of the airport would make my neighborhood less desirable to me and to many thousands of others who like the convenience of Reagan National Airport. I am concerned about safety and environmental impacts, as everybody should be; but Reagan National Airport has a good safety record and the environmental impact is no greater here than elsewhere. I have not heard any recent neighborhood ''upset'' about the increase in airport noise. Reagan National Airport is the most convenient airport that I have ever been in. I hope you will do more to expand its benefit by expanding the range of flights in and out of it.

This is certainly another resident of Northern Virginia who has, in my view, the proper perspective. Most local residents don't get motivated to write such letters as the one I just read. Apparently, there are those who drop flyers in mailboxes asking people to write and complain.

I yield to the Senator from Virginia.

Mr. ROBB. Mr. President, I thank my colleague and friend from Arizona, with whom I agree on so many issues but disagree on this particular question. First of all, I will let the Senator know that I am not in any way affiliated or associated with an effort to get people to write the Senator from Arizona or anybody else. There may be others with good intentions. But I submit to my friend from Arizona that the letter he just read makes the point we are trying to make; that is, the letter—which I haven't seen yet—talks about it was worse back in the early 1960s when we had a slots agreement which limited the number of planes. We had a decrease in noise because of the aircraft noise levels in the stage 3 aircraft. All of this is consistent with what has happened. Why most of the individuals who live in these areas want to continue to have the protections that were afforded to them by the 1986 agreement is precisely what is included in the letter my friend from Arizona just read.

I ask my friend from Arizona to react to my reaction to a letter previously unseen, but it seems to me to be directly on point and makes the point as to why we are pursuing an attempt to keep my friend from Arizona from breaking that agreement.

Mr. MCCAIN. I thank my friend.

First of all, the gentleman said 1960s and 1970s—not just 1960s, 1970s. He said the noise was much louder in the 1970s.

In a report to Congress recently, Secretary Rodney Slater announced that the Nation's commercial jet aircraft fleet is the quietest in history and will continue to achieve record low noise levels into the next century. Obviously, with stage 3 aircraft, that noise would be dramatically lessened, thank God. I hope there is going to be a stage 4 that will make it even quieter. Clearly, it is not, because actually the number of flights have been reduced at Reagan National Airport since the perimeter rule and the slot controls were put in—because, as the Senator knows, the major airlines aren't making full use of those slots as they are really required to do by, if not the letter of the law, certainly the intent of the law.

I remind the Senator, the requirement is they all be stage 3 aircraft. New flights would have to be stage 4 aircraft.

The Senator just pointed out how stage 3 aircraft are much quieter. They would have to meet any safety studies done by the DOT before any additional flights were allowed.

Again, the GAO and the Department of Transportation—literally every objective organization that observes the situation at Reagan National Airport—say that increase in flights is called for. The perimeter rule, which was put in in a purely blatant political move, as we all know—coincidentally, the perimeter rule reaches the western edge of the runway at Dallas-Fort Worth Airport. We all know who the majority leader of the House was at that time. We all know it has been a great boon to the Dallas-Fort Worth Airport.

Why wasn't it in Jackson, MS? I think if my dear friend, the majority leader, had been there at the time, perhaps it might have.

But the fact is that the perimeter rule was artificially imposed for restraint. The Senator knows that as well as I do.

But back to his question, again, the GAO, the DOT, the Aviation Commission, and every other one indicate clearly that this is called for. I want to remind the Senator. I do with some embarrassment—12 additional flights, 12 additional round-trip flights? I think my dear friend from Virginia doth protest too much.

Mr. ROBB. Mr. President, will my friend from Arizona yield for an additional question?

Mr. MCCAIN. Yes.

Mr. ROBB. Mr. President, I ask my friend from Arizona if he would address the other two principal concerns that have been raised—delays and the breaking of a deal. He has in part addressed the breaking of a deal. He says the deal in effect was political. Indeed, there are some political implications in almost anything that is struck, particularly as it affects jurisdictions differently in this body, as the Senator well knows. But it was a deal entered into by the executive branch, Congress on both sides, the governments of the local jurisdictions involved, and all of the local communities. That was the deal that was entered into. Now we are concerned about the impact of breaking the deal and the impact of additional delays.

As I mentioned just a few minutes ago, I myself was caught in delays that were exacerbated by the fact that we had some planes waiting to take off ''right now.'' That is without any additional flight authorization during the time periods that are going to be sought.

Second, certainly the Senator from Illinois talked about the fact that the mayor of Chicago came here for a specific reception that was in his honor to benefit Chicago and was inconvenienced to the point that he didn't arrive until after the reception was over and he turned right around. I almost did that yesterday on another flight.

But the point is, more flights mean more delays and mean breaking the deal that the Congress, the executive

branch, and the local governments made with the people.

Will the distinguished Senator from Arizona address those two elements of my concern at this point? I agree certainly on the stage 3 engines and the continued noise reduction.

Mr. President, before he answers the question, let me thank him for his accommodation in many areas. I am not in any way diminishing the number of changes the Senator from Arizona has made to try to address legitimate concerns that he recognized could be addressed. And this is a less bad bill than we had earlier with respect to this particular component of it. But we are still not where the deal said we ought to be. We are still not where we can represent to the people that we are not going to be creating additional delays in an obviously constricted area.

Mr. McCAIN. I would be glad to respond very quickly. Does the Senator want an up-or-down vote on this amendment?

Mr. ROBB. The Senator would definitely like it.

Mr. McCAIN. I would like to ask the majority leader. Perhaps we can schedule it right after the lunch along with the other votes. I will ask the majority leader when he finishes his conversation. We are about to break for the lunch period. Would the majority leader agree to an up-or-down vote as part of the votes that are going to take place after the lunch?

Mr. LOTT. That would be my preference, actually, Mr. President. If the Senator will yield, I would like to get that locked in at this point, if you would like to do so.

Mr. McCAIN. I would be glad to.

Could I just very briefly respond. We have been down this track many times. Delays are due to the air traffic control system, and obviously our focus and the reason why we have to pass this bill is to increase the capability of the air traffic control system. Deals are made all the time, my dear friend. The people of Arizona weren't consulted. The people of California weren't consulted. It was a deal made behind closed doors, which is the most unpleasant aspect of the way we do business around here, where people were artificially discriminated against because they happened to live west of the Dallas-Fort Worth Airport. It is an inequity, and it is unfair and should be fixed.

Mr. LOTT. Mr. President, I ask unanimous consent that a vote on the Robb amendment be included in the stacked sequence of votes after the policy luncheon breaks.

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

Mr. LOTT. Mr. President, if I may withhold for 1 second, I am concerned that there might be another Senator who would want to be heard on this issue. If so, we will delay the vote momentarily. But I don't know that that will be necessary, so let's go ahead and go forward with the stacked vote sequence.

AMENDMENT NO. 2254, AS MODIFIED

Mr. HATCH. Mr. President, I ask unanimous consent to modify amendment No. 2254, which I filed earlier today, to conform to the previous unanimous consent agreement as it relates to aviation matters. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Insert at the appropriate place:

**SEC. . ROLLING STOCK EQUIPMENT.**

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

**"§ 1168. Rolling stock equipment**

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

''(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

**"§ 1110. Aircraft equipment and vessels**

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

''(i) before the date of the order is cured before the expiration of such 60-day period;

''(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) on or after the expiration of such 60-day period is cured in compliance with the

terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

Mr. HOLLINGS. Mr. President, I rise today to discuss the Federal Aviation Administration reauthorization bill and I am pleased we will have this opportunity to consider the current state of the aviation industry and some of the enormous challenges facing our air transportation system over the next decade. I resisted efforts earlier this year to bypass Senate consideration of this major transportation bill and go directly to conference with the House when the Senate passed a short term extension bill for the Airport Improvement Program. We need to have a serious debate on the increasing demands for air transportation, the capital requirements for our future air transportation system, the availability of federal funding and whether the current structure of the aviation trust fund will meet those needs, and finally, the lack of competition and minimal service that most small and medium sized communities are faced with in this era of airline deregulation.

I want to commend Senators MCCAIN, ROCKEFELLER and GORTON for their hard work in resolving so many issues prior to bringing this bill to the floor. I am disturbed, however, by provisions in this bill which would force even more planes into an already jammed system in New York as well as Washington's National Airport. At a time when delays are at an all-time high, we continue to authorize more flights into and out of these already busy airports. I am even more perplexed at the timing of the current call to privatize our Air Traffic Control System. While certain segments of the industry support this effort, we often too quickly gravitate toward solutions such as privatization as cure all for whatever ails the system, instead of simply ensuring that the FAA has the tools and money it needs to do its job.

Aviation has become a global business and is an important part of the transportation infrastructure and a vital part of our national economy. Every day our air transportation system moves millions of people and billions of dollars of cargo. While many predicted that an economy based on advanced communications and technology would reduce our need for travel, the opposite has proved true. The U.S. commercial aviation industry recorded its fifth consecutive year of traffic growth, while the general aviation industry enjoyed a banner year in shipments and aircraft activity at FAA air traffic facilities. To a large extent, growth in both domestic and international markets has been driven by the continued economic expansion in the U.S. and most world economies.

The FAA Aerospace Forecasts Report, Fiscal Years 1999–2010, was issued in March of this year and forecasts aviation activity at all FAA facilities through the year 2010. The 12-year forecast is based on moderate economic growth and inflation, and relatively constant real fuel prices. Based on these assumptions, U.S. scheduled domestic passenger emplanements are forecast to increase 50.4 percent—air carriers increasing 49.3 percent and regional/commuters growing by 87.5 percent. Total International passenger traffic between the United States and the rest of the world is projected to increase 82.6 percent. International passenger traffic carried on U.S. Flag carriers is forecast to increase 94.2 percent.

These percentages represent a dramatic increase in the actual number of people using the air system, even when compared to the increase in air travel that occurred over the last ten years. Daily enplanements are expected to grow to more than 1 billion by 2009. In 2010, there will be 828 million domestic enplanements compared to last year's 554.6 million, and there will be 230.2 million international enplanements compared to today's figure of 126.1 million. Respectively, this represents an annual growth of 3.4% and 4.95% per year. Regional and commuter traffic is expected to grow even faster at the rate of 6.4%. Total enplanements in this category should reach 59.7 million in 2010. As of September 1997, there were 107 regional jets operating in the U.S. airline fleet. In the FAA Aviation Forecasts Fiscal years 1998–2009, the FAA predicts that there will be more than 800 of these in the U.S. fleet by FY2009.

Correspondingly, the growth in air travel has placed a strain on the aviation system and has further increased delays. In 1998, 23% of flights by major air carriers were delayed. MITRE, the FAA's federally-funded research and development organization, estimates that just to maintain delays at current levels in 2015, a 60% increase in airport capacity will be needed. As many of you may know, and perhaps experienced first hand, delays reached an all-time high this summer. These delays are inordinately costly to both the carriers and the traveling public; in fact, according to the Air Transport Association, delays cost the airlines and travelers $3.9 billion for 1997.

We cannot ignore the numbers. These statistics underscore the necessity of properly funding our investment—we must modernize our Air Traffic Control system and expand our airport infrastructure. In 1997, the National Civil Aviation Review Commission came out with a report stating the gridlock in the skies is a certainty unless the Air Traffic Control, ATC, system and National Air Space are modernized. A system-wide delay increase of just a few minutes per flight will bring commercial operations to a halt. American Airlines published a separate study confirming these findings. A third, done by the White House Commission on Aviation Security and Safety, dated January 1997 and commonly known as the Gore Commission, recommends that modernization of the ATC system be expedited to completion by 2005 instead of 2015.

Regrettably, as the need to upgrade and replace the systems used by our air traffic controllers grows, funding has steadily decreased since 1992. In FY '92 the Facilities and Equipment account was funded at $2.4 Billion. In l997, F&E was $l.938 Billion. In 1998, the account was funded at 1.901 billion. Assuming a conservative 2015 completion date, the modernization effort requires $3 billion per year in funding for the Facilities and Equipment Account alone, the

mainspring of the modernization effort. Unfortunately, S.82 authorizes $2.689 billion for FY2000 while the Appropriations Committee has provided only $2.075 billion. We are falling short every year and losing critical ground in the race to update our national air transportation system.

Increasing capacity through technological advances is crucial to the functionality of the FAA and the aviation industry. Today, a great deal of the equipment used by the Air Traffic Controllers is old and becoming obsolete. Our air traffic controllers are the front line defense and insure the safety of the traveling public every day by separating aircraft and guiding takeoffs and landings. Our lives and those of our families, friends, and constituents are in their hands. These controllers and technicians do a terrific job. The fact that their equipment is so antiquated makes their efforts even more heroic.

We have the funds to modernize our air facilities but refuse to spend them and by doing so Congress perpetuates a fraud on the traveling public. The Airport and Airways Trust Fund, AAF, was created to provide a dedicated funding source for critical aviation programs and the money in the fund is generated solely from taxes imposed on air travelers and the airline industry. The fund was created so that users of the air transportation system would bear the burden of maintaining and improving the system. The traveling public has continued to honor its part of the agreement through the payment of ticket taxes, but the federal government has not.

Congress has refused to annually appropriate the full amount generated in the trust fund despite the growing needs in the aviation industry. The surplus generated in the trust fund is used to fund the general operations of government, similar to the way in which Congress has used surplus generated in the Social Security trust fund. At the end of FY 2000, the Congressional Budget Office predicts that there will be a cash balance of $14.047 billion in the AATF, for FY2001, it will be $16.499 billion. By FY2009, the balance will grow to $71.563 billion. Instead of using these monies to fund the operation of the general government, we should use them to fund aviation improvements, which is what we promised the American public when we enacted and then increased the airline ticket tax.

Let's get our aviation transport system up to par and let's provide ways to increase competition and maintain our worldwide leadership in aviation. Let's follow the lead of Chairman SHUSTER and Congressman OBERSTAR and vote to take the Trust Fund off-budget. I look forward to a thoughtful debate on these issues and I intend to work with Senators MCCAIN, ROCKEFELLER, and GORTON to accomplish this common goal of ensuring that the safest and most efficient air transportation system in the world stays so.

NATIONAL AIRSPACE REDESIGN

Mr. TORRICELLI. Mr. President, I rise today in support of a provision in S. 82, the FAA Reauthorization Bill, that will provide an additional $36 million over three years to the National Airspace Re-Design project, and to thank Chairman MCCAIN and Senators HOLLINGS, and ROCKEFELLER for their critical role in securing this funding.

Many of my colleagues may not realize this, but the air routes over the U.S. have never been designed in a comprehensive way, they have always been dealt with regionally and incrementally. In order to enhance efficiency and safety, as well as reduce noise over many metropolitan areas, the FAA is undertaking a re-design of our national airspace.

In an effort to deal with the most challenging part of this re-design from the outset, the FAA has decided to begin the project in the ''Eastern Triangle'' ranging from Boston through New York/Newark down to Miami. This airspace constitutes some of the busiest in the world, with the New York metropolitan area alone servicing over 300,000 passengers and 10,000 tons of cargo a day. The delays resulting from this level of activity being handled by the current route structure amount to over $1.1 billion per year.

While many of my constituents, and I am sure many of Senators HOLLINGS' and ROCKEFELLER's as well, are pleased by the FAA's decision to undertake this difficult task, they are concerned by the timetable associated with the re-design. The FAA currently estimates that it could take as long as five years to complete the project. However, my colleagues and I have been working with the FAA to expedite this process, and this additional funding will go a long way toward helping us achieve this goal.

In fact, I had originally offered an amendment to this legislation that would have required the FAA to complete the re-design process in two years, but have withdrawn it because it is my understanding that the Rockefeller provision will allow the agency to expedite this project.

I want to recognize Senator ROCKEFELLER again for including this funding in the bill, and ask Chairman MCCAIN and Senator ROCKEFELLER if it is the Committee's hope that this additional funding will be used to expedite the National Re-Design project, including the portion dealing with the ''Eastern Triangle's'' airspace.

Mr. MCCAIN. Mr. President, I begin by thanking my friend from New Jersey for his comments, and reassure him that it is the Committee's hope that the funding included in this legislation will allow us to finish the National Airspace Re-Design more expeditiously, including the ongoing effort in the Eastern Triangle.

Mr. ROCKEFELLER. Mr. President, I hope this money will be used to speed up the re-design project and finally bring some relief to the millions of Americans who use our air transportation system and live near our Nation's airports.

Mr. TORRICELLI. Mr. President, I am grateful to Chairman MCCAIN and Senator HOLLINGS and ROCKEFELLER for their cooperation and support. I look forward to collaborating with them again on this very important issue.

Mr. BENNETT. Mr. President, I rise today to express my support for the actions taken by the Commerce Committee and in particular, Chairman MCCAIN, in crafting provisions that will allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. Mr. Chairman, I commend you on creating a process which I believe fairly balances the interests of Senators from states inside the perimeter and those of us from western states without convenient access to Reagan National.

These limited exemptions to the perimeter rule will improve service to the nation's capital for dozens of western cities beyond the perimeter—while ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

Throughout this bill, our goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provision relating to improved access to Reagan National Airport is no different. Today, passengers from many communities in the West are forced to double or even triple connect to fly to Reagan National. My goal is to ensure that not just large city point-to-point service will benefit, but that passengers from all points west of the perimeter will have better options to reach Washington, DC via Ronald Reagan Washington National Airport. This provision is about using this restricted exemption process to spread improved access throughout the West—not to limit the benefits to a few large cities which already have a variety of options.

Let me be clear, according to the language contained in this provision, if the Secretary receives more applications for additional slots than the bill allows, DOT must prioritize the applications based on quantifying the domestic network benefits. Therefore, DOT must consider and award these limited opportunities to western hubs which connect the largest number of cities to the national air transportation network. In a perfect world, we would not have to make these types of choices and could defer to the marketplace. This certainly would be my preference. However, Congress has limited the number of choices thereby requiring the establishment of a process which will ensure that the maximum number of cities benefit from this change in policy.

I commend the Chairman and his colleagues on the Commerce Committee

for their efforts to open the perimeter rule and improve access and competition to Ronald Reagan Washington National Airport. As a part of my statement, I ask unanimous consent to have printed in the RECORD a letter sent to Chairman MCCAIN on this matter signed by seven western Senators.

There being no objection, the letter was ordered to be printed—the RECORD, as follows:

U.S. SENATE,
*Washington, DC, August 23, 1999.*

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation, Washington, DC.*

DEAR CHAIRMAN MCCAIN: We are writing to commend you on your efforts to improve access to the western United States from Ronald Reagan Washington National Airport. We support creating a process which fairly balances the interests of states inside the perimeter and those of western states without convenient access to Reagan National.

These limited exemptions to the perimeter rule will improve service to the nation's capital for dozens of western cities beyond the perimeter—while at the same time ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

The most important aspect of your proposal is that the Department of Transportation must award these limited opportunities to western hubs which connect the largest number of cities to the national transportation network. In our view, this standard is the cornerstone of our mutual goal to give the largest number of western cities improved access to the Nation's capital. We trust that the Senate bill and Conference report on FAA reauthorization will reaffirm this objective.

In a perfect world, we would not have to make these types of choices. These decisions would be better left to the marketplace. However, Congress has limited the ability of the marketplace to make these determinations. Therefore, we must have a process which ensures that we spread improved access to Reagan National throughout the West.

We look forward to working with you as the House and Senate work to reconcile the differences in the FAA reauthorization bills.

Sincerely,

ORRIN G. HATCH,
*U.S. Senator.*
LARRY E. CRAIG,
*U.S. Senator.*
CONRAD BURNS,
*U.S. Senator.*
CRAIG THOMAS,
*U.S. Senator.*
ROBERT F. BENNETT,
*U.S. Senator.*
MIKE CRAPO,
*U.S. Senator.*
MAX BAUCUS,
*U.S. Senator.*

Mr. BYRD. Mr. President, I rise in support of the Gorton-Rockefeller amendment. This amendment makes important revisions to the underlying bill concerning the rules governing the allocation of slots at the nation's four slot-controlled airports—Chicago O'Hare, LaGuardia, Kennedy, and Reagan National Airports. The issues surrounding the application of the high density rule, and the perimeter rule, are both complex and delicate. They engender strong feelings on all sides. I believe that the bipartisan leadership of the aviation subcommittee, Senators GORTON and ROCKEFELLER, performed a service to the Senate by crafting a compromise that, while not satisfactory to all Senators, proposes a regime that is much improved over the one contained in the committee-reported bill.

Mr. President, when the Senate is in session, my wife and I reside in Northern Virginia, not far from the flight path serving Reagan National Airport. I have had misgivings about proposals to tinker with the status quo in terms of the number of flights coming into Reagan National Airport and the distances to which those flights can travel. Despite efforts to reduce the levels of aircraft noise through the advent of quieter jet engines, I can tell my colleagues that the aircraft noise along the Reagan National Airport flight path is often deafening. It can bring all family conversation to a halt. Current flight procedures for aircraft landing at Reagan National Airport from the north call on the pilots to direct their aircraft to the maximum extent possible over the Potomac River. The intent of this procedure is to minimize the noise impact on residential communities on both the Maryland and Virginia sides of the river. Notwithstanding this policy, however, too often the aircraft fail to follow that guidance. That is not necessarily the fault of the pilots. During the busiest times of the day, the requirement to stray directly over certain residential communities is necessary for safety reasons in order to maintain a minimum level of separation between the many aircraft queued up to land at Reagan National Airport. I invite my colleagues to glance up the river during twilight one day soon. There is a high probability that you will see the lights of no fewer than four aircraft, all lined up, waiting to land, one right after the other.

I appreciate very much the earlier statements made by the distinguished chairman of the Commerce Committee, Senator MCCAIN. The chairman pointed out that the Department of Transportation has indicated that safety will not be compromised through additional flights at Reagan National Airport. I remain concerned, however, regarding the current capabilities of the air traffic control tower at that airport. The air traffic controllers serving in that facility have been quite outspoken regarding the deficiencies they find with the aging and unreliable air traffic control equipment in the tower. Indeed, the situation has become so severe that our FAA Administrator, Ms. Jane Garvey, mandated that the equipment in that facility be replaced far sooner than was originally anticipated. Even so, the new equipment for that facility has, like so many other FAA procurements, suffered from development problems and extended delays. Just this past weekend, I know many of my colleagues noticed the Washington Post article discussing a further two-year delay in the FAA's deployment of equipment to minimize runway incursions—the very frightening circumstance through which taxiing aircraft or other vehicles unknowingly stray onto active runways.

Given these concerns, Mr. President, I want to commend Senators GORTON and ROCKEFELLER for negotiating a reasonable compromise on this issue. The Gorton-Rockefeller amendment will reduce by half the increased number of frequencies into Reagan National Airport than was originally sought. It will also reserve half of the additional slots for flights serving cities within the 1,250 mile perimeter. Most importantly, Mr. President, these additional slots within the perimeter will be reserved for flights to small communities, flights to communities without existing service to Reagan National Airport, and flights provided by either a new entrant airline, or an established airline that will provide new competition to the dominant carriers at Reagan National.

As my colleague from West Virginia, Senator ROCKEFELLER, knows well, no state has endured the ravages of airline deregulation like West Virginia. We have experienced a very severe downturn in the quality, quantity and affordability of air service in our state. Fares for flights to and from our state have grown to ludicrous levels. A refundable unrestricted round-trip ticket between Reagan National Airport and Charleston, West Virginia, now costs $722. Conversely, Mr. President, I can buy the same unrestricted round-trip ticket to Boston, which is 100 miles farther away than Charleston, and pay less than half that amount. By targeting the additional slots to be provided inside the perimeter to underserved communities, the Gorton-Rockefeller amendment has taken a small but important step toward addressing this problem.

At the present time, the largest airport in West Virginia does have some direct service to Reagan National. We face greater hurdles, frankly, in gaining direct access to LaGuardia Airport in New York, as well as improved service to Chicago O'Hare. The Gorton-Rockefeller amendment expands slots at those airports as well. As a member of the Transportation Appropriations Subcommittee, I intend to diligently work with Senator ROCKEFELLER, Secretary Slater and his staff, to see that West Virginia has a fair shot at the expanded flight opportunities into these slot controlled airports.

Again, in conclusion, I want to rise in support of the Gorton-Rockefeller amendment. It is a carefully crafted compromise that is a great improvement over the underlying committee bill, and gives appropriate attention to the needs of under-served communities.

KEEPING AVIATION TRUST FUND ON BUDGET

Mr. LOTT. Mr. President, I understand that the Senator from New Mexico and the Senator from Alabama had

filed four amendments that they were considering offering during Senate consideration of S. 82, the FAA reauthorization legislation. After discussions with them, with the managers of the bill and other interested Members, I understand the Members no longer feel it necessary to offer their amendments.

Mr. DOMENICI. The Leader's understanding is correct. After discussions with the managers of the reauthorization bill, I am comfortable with the assurances of the Majority Leader and the distinguished Chairman of the Commerce Committee on their commitment to preserve the current budgetary treatment for aviation accounts in the conferenced bill.

Mr. SHELBY. I, too, share the Senator's understanding, and would note that there is much to praise in both H.R. 1000 and S. 82 without regard to changing budgetary treatment of the aviation accounts. I would be very disappointed if the prospect of a multiyear reauthorization were frustrated by the House's intransigence on changing the budgetary treatment of the aviation accounts to the detriment of all other discretionary spending, including Amtrak, drug interdiction efforts of the Coast Guard, as well as many of the domestic programs funded in appropriations bills other than the one I manage as the Chairman of the Transportation appropriations subcommittee.

According to the Administration, the budget treatment envisioned in H.R. 1000 would create an additional $1.1 billion in outlays, which if it were absorbed out of the DOT budget would mean: ''elimination of Amtrak capital funding, thereby making it impossible for Amtrak to make the capital investments needed to reach self-sufficiency; and severe reductions to Coast Guard, the Federal Railroad Administration, Saint Lawrence Seaway, the Office of the Inspector General, the Office of the Secretary, and the Research and Special Programs Administration funding, greatly impacting their operations.'' Clearly, firewalls or off-budget treatment for the aviation accounts is a budget buster that would only further exacerbate the current budget problems we face staying under the spending caps.

Mr. LAUTENBERG. The Senator from Alabama and the Chairman of the Appropriations Committee make a good point. There is more at stake here than just aviation. Our experience over the last two years demonstrates that mandated increases in certain transportation accounts makes it extraordinarily difficult to fund other transportation accounts. While aviation investment is critical to the continued growth, development and quality of life of New Jersey and the Northeast, so is the continued improvement of Amtrak service and an adequately funded Coast Guard. Taking care of one mode of transportation with a firewall belies the reality and the importance of providing adequate investment in other modes of transportation—not to mention investment in other social programs.

Mr. LOTT. I share the concerns of the Senator from New Jersey and would mention that the Senator from New Mexico and the Senator from Alabama have informed me on more than one occasion that if a change in the budgetary treatment of the aviation accounts, whether off-budget or a firewall, is included in the conference report, it would make it extraordinarily difficult to consider the conference report in the Senate. If that occurs the prospect of a multi-year aviation reauthorization may disappear and we may have to settle for a simple one-year extension of the Airport Improvement Program.

Mr. DOMENICI. I associate myself with the remarks of my Leader and would also note that there has been much discussion by the proponents of changing the budgetary treatment of the FAA accounts because of the need to spend more from the airport and airways trust fund. I would like to set the record straight—for the last five years, we have spent more on the aviation accounts than the airport and airways trust fund has taken in. In addition, the Department of Transportation has estimated that we have spent in excess of $6 billion more on FAA programs than total receipts into the Airport and Airways Trust Fund over the life of the trust fund.

Mr. GORTON. My colleagues have been very clear as to their position on this issue. As a member of all three of the interested committees, Budget, Commerce, and Appropriations, I appreciate this issue from all the different perspectives. In short, I believe that we need to spend more on aviation infrastructure investment, but that increased investment should have to compete with other transportation and other discretionary spending priorities. I think the record shows that Senator SHELBY, Senator STEVENS, as well as the Senator from New Mexico and the Senator from Arizona are strong advocates for the importance of investing in airport and aviation infrastructure. I share their concern that firewalling or taking the aviation trust fund off-budget would allow FAA spending to be exempt for congressional budget control mechanisms, providing aviation accounts with a level of protection that is not warranted and I will not support such a proposition in conference.

Mr. DOMENICI. I appreciate the comment of the Senator from Washington and look forward to working with him on this important issue.

Mr. STEVENS. Mr. President, I, too, serve on more than one of the interested committees. On Commerce with the Leader, the Senator from Arizona, and the Senator from Washington, and on the Appropriations Committee with the Senator from New Mexico, the Senator from Alabama, and the Senator from Washington. No member's state relies on aviation more than does my state of Alaska. Yet, changing the budgetary treatment of the aviation accounts is, in my estimation, shortsighted and irresponsible. The FAA is to be commended, along with the airlines, for the level of safety they have contributed to achieving. However, the FAA is not known as the most efficient of agencies. Unfortunately, the FAA has had substantial problems on virtually every major, and minor, procurement and has been the subject of numerous audits and management reports that invariably call for increased accountability and oversight. Changing budgetary treatment cannot have other than a detrimental effect on the oversight efforts of the two committees of jurisdiction that I serve on. For that reason as well as the reasons mentioned by the Leader, the Senators from Alabama, New Mexico and New Jersey, I cannot support a change in budgetary treatment for the aviation accounts.

Mr. MCCAIN. Mr. President, I hear and share the views of my colleagues on this issue. Clearly, I have been tasked by the Senate and the Leader with successfully completing a conference with the House on multi-year aviation reauthorization legislation. I, too, oppose any change in budgetary treatment of the aviation accounts.

Mr. DOMENICI. I note that the Administration strongly opposes any provisions that would drain anticipated budget surpluses prior to fulfilling our commitment to save Social Security. The House bill asks us to do for aviation what isn't done for education, veterans' benefits, national defense, or environmental protection. As important as aviation investment is, it would be fiscally irresponsible of us to grant it a bye from the budget constraints we face with in funding virtually every other program.

Mr. SHELBY. The assurances of my Leader and the distinguished Chairman of the Commerce Committee are all this Senator needs, and I withdraw my filed amendments.

Mr. LOTT. I thank my colleagues.

Mr. WARNER. Mr. President, I will offer an amendment to give Reagan National and Dulles International Airports equitable treatment under Federal law that is enjoyed today by all of the major commercial airports.

Congress enacted legislation in 1986 to transfer ownership of Reagan National and Dulles Airports to a regional authority which included a provision to create a Congressional Board of Review.

Immediately upon passage of the 1986 Transfer Act, local community groups filed a lawsuit challenging the constitutionality of the board of review. The Supreme Court upheld the lawsuit and concurred that the Congressional Board of Review as structured as unconstitutional because it gave Members of Congress veto authority over the airport decisions. The Court ruled

that the functions of the board of review was a violation of the separation of powers doctrine.

During the 1991 House-Senate conference on the Intermodal Surface Transportation Efficiency Act (ISTEA), I offered an amendment, which was adopted, to attempt to revise the Board of Review to meet the constitutional requirements.

Those provisions were also challenged and again were ruled unconstitutional.

In 1996, in another attempt to address the situation, the Congress enacted legislation to repeal the Board of Review since it no longer served any function due to several federal court rulings. In its place, Congress increased the number of federal appointees to the MWAA Board of Directors from 1 to 3 members.

In addition to the requirement that the Senate confirm the appointees, the statute contains a punitive provision which denies all federal Airport Improvement Program entitlement grants and the imposition of any new passenger facility charges to Dulles International and Reagan National if the appointees were not confirmed by October 1, 1997.

Regretfully, Mr. President, the Senate has not confirmed the three Federal appointees. Since October 1997, Dulles International and Reagan National, and its customers, have been waiting for the Senate to take action. Finally in 1998, the Senate Commerce Committee favorably reported the three pending nominations to the Senate for consideration, but unfortunately no further action occurred before the end of the session because these nominees were held hostage for other unrelated issues. Many speculate that these nominees have not been confirmed because of the ongoing delay in enacting a long-term FAA reauthorization bill.

At the beginning of the 105th Congress in January 1997, Commerce Committee held hearings and approved the three nominees for floor consideration. Unfortunately, a hold was placed on them on the Senate floor at the very end of the Congress. All three nominees were renominated by the President in January 1999. Nothing has happened since.

Mr. President, I am not here today to join in that speculation. I do want, however, to call to the attention of my colleagues the severe financial, safety and consumer service constraints this inaction is having on both Dulles and Reagan National.

As the current law forbids the FAA from approving any AIP entitlement grants for construction at the two airports and from approving any Passenger Facility Charge (PFC) applications, these airports have been denied access to over $146 million.

These are funds that every other airport in the country receives annually and are critical to maintaining a quality level of service and safety at our Nation's airports. Unlike any other airport in the country, the full share of federal funds have been withheld from Dulles and Reagan National for over two years.

These critically needed funds have halted important construction projects at both airports. Of the over $146 million that is due, approximately $161 million will fund long-awaited construction projects and $40 million is needed to fund associated financing costs.

I respect the right of the Senate to exercise its constitutional duties to confirm the President's nominees to important federal positions. I do not, however, believe that it is appropriate to link the Senate's confirmation process to vitally needed federal dollars to operate airports.

Also, I must say that I can find no justification for the Senate's delay in considering the qualifications of these nominees to serve on the MWAA Board. To my knowledge, no one has raised concerns about the qualifications of the nominees. We are neglecting our duties.

For this reason, I am introducing an amendment today to repeal the punitive prohibition on releasing Federal funds to the airports until the Federal nominees have been confirmed.

Airports are increasingly competitive. Those that cannot keep up with the growing demand see the services go to other airports. This is particularly true with respect to international services, and low-fare services, both of which are essential.

As a result of the Senate's inaction, I provide for my colleagues a list of the several major projects that are virtually on hold since October, 1997. They are as follows:

At Dulles International there are four major projects necessary for the airport to maintain the tremendous growth that is occurring there.

Main terminal gate concourse: It is necessary to replace the current temporary buildings attached to the main terminal with a suitable facility. This terminal addition will include passenger hold rooms and airline support space. The total cost of this project is $15.4 million, with $11.2 million funded by PFCs.

Passenger access to main terminal: As the Authority continues to keep pace with the increased demand for parking and access to the main terminal, PFCs are necessary to build a connector between a new automobile parking facility and the terminal. The total cost of this project is $45.5 million, with $29.4 million funded by PFCs.

Improved passenger access between concourse B and main terminal: With the construction of a pedestrian tunnel complex between the main terminal and the B concourse, the Authority will be able to continue to meet passenger demand for access to this facility. Once this project is complete, access to concourse B will be exclusively by moving sidewalk, and mobile lounge service to this facility will be unnecessary. The total cost of this project is $51.1 million, with $46.8 million funded by PFCs.

Increased baggage handling capacity: With increased passenger levels come increase demands for handling baggage. PFC funding is necessary to construct a new baggage handling area for inbound and outbound passengers. The total cost of this project is $38.7 million, with $31.4 million funded by PFCs.

At Reagan National there are two major projects that are dependent on the Authority's ability to implement passenger facility charges (PFCs).

Historic main terminal rehabilitation: Even though the new terminal at Reagan National was opened last year, the entire Capital Development Program will not be complete until the historic main terminal is rehabilitated for airline use. This project includes the construction of nine air carrier gates, renovation of historic portions of the main terminal for continued passenger use and demolition of space that is no longer functional. The total cost of this project is $94.2 million with $20.7 million to be paid for by AIP entitlement grants and $36.2 million to be funded with PFCs. Additional airfield work to accompany this project will cost $12.2 million, with $5.2 million funded by PFCs.

Terminal connector expansion: In order to accommodate the increased passengers moving between Terminals B and C (the new terminal) and Terminal A, it is necessary to expand the ''Connector'' between the two buildings. The total cost of the project is $4.8 million, with $4.3 million funded by PFCs.

Mr. President, my amendment is aimed at ensuring that necessary safety and service improvements proceed at Reagan National and Dulles. Let's give them the ability to address consumer needs just like every other airport does on a daily basis.

This amendment would not remove the Congress of the United States, and particularly the Senate, from its advise-and-consent role. It allows the money, however, which we need for the modernization of these airports, to flow properly to the airports. These funds are critical to the modernization program of restructuring them physically to accommodate somewhat larger traffic patterns, as well as do the necessary modernization to achieve safety-most important, safety-and greater convenience for the passengers using these two airports.

Under the current situation these funds have been held up. It is over $146 million, which is more or less held in escrow, pending the confirmation by the Senate of the United States of three individuals to this board.

For reasons known to this body, that confirmation has been held up. The confirmation may remain held up. But this amendment will let the moneys flow to the airports for this needed construction for safety and convenience. It is my desire that at a later

date, we can achieve the confirmation of these three new members to the board.

## NATURAL RESOURCE CONSERVATION

Mr. LOTT. Mr. President, I am pleased to join my colleague from South Dakota, the minority leader, in submitting for the RECORD and acknowledging the importance of a letter we received last week from 40 of our Nation's Governors. This letter is distinctly bipartisan and the signatories represent both coastal and inland states. It unequivocally demonstrates strong national support for reinvesting a substantial portion of federal outer continental shelf (OCS) oil and gas development revenues in coastal conservation and impact assistance; open space and farmland preservation; development and maintenance of federal, state and local parks and recreation areas; and wildlife conservation. The Governors also stressed the importance of recognizing the role of state and local governments in planning and implementing these conservation initiatives.

Although the signatories to this letter did not identify specific legislation to which they are lending support, I believe that S. 25, the Conservation and Reinvestment Act of 1999, of which I am a cosponsor along with 20 other Senators, most nearly achieves the objectives outlined by the Governors. S. 25 has strong bipartisan support and offers Congress the best opportunity to pass legislation this year.

I share the belief of these Governors that the 106th Congress has a historic opportunity to demonstrate our solid commitment to natural resource conservation for the benefit of future generations. I urge my colleagues on both sides of the aisle to join hands in advancing this noble effort.

I thank the Governors for their letter. I invite the attention of my colleagues to this very important area which is a win-win-win for those who live in the coastal regions as I do, but also inland Governors who will help us with conservation and preservation.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 21, 1999.

Hon. TRENT LOTT,
*Majority Leader, U.S. Senate, Washington, DC.*
Hon. THOMAS DASCHLE,
*Minority Leader, U.S. Senate, Washington, DC.*
Hon. J. DENNIS HASTERT,
*Speaker of the House, House of Representatives, Washington, DC.*
Hon. RICHARD GEPHARDT,
*Minority Leader, House of Representatives, Washington, DC.*

DEAR SENATORS LOTT AND DASCHLE AND REPRESENTATIVES HASTERT AND GEPHARDT: The 106th Congress has an historic opportunity to end this century with a major commitment to natural resource conservation that will benefit future generations. We encourage you to approve legislation this year that reinvests a meaningful portion of the revenues from federal outer continental shelf (OCS) oil and gas development in coastal conservation and impact assistance, open space and farmland preservation, federal, state and local parks and recreation, and wildlife conservation including endangered species prevention, protection and recovery costs.

Since outer continental shelf revenues come from nonrenewable resources, it makes sense to permanently dedicate them to natural resource conservation rather than dispersing them for general government purposes. Around the nation, citizens have repeatedly affirmed their support for conservation through numerous ballot initiatives and state and local legislation. We applaud both the Senate Energy and Natural Resources committee and the House Resources Committee for conducting a bipartisan and inclusive process that recognizes the unique role of state and local governments in preserving and protecting natural resources.

The legislation reported by the Committees should, to the maximum extent possible, permanently appropriate these new funds to the states, to be used in partnership with local governments and non-profit organizations to implement the various conservation initiatives. We urge the Congress to give state and local governments maximum flexibility in determining how to invest these funds. In this way, federal funds can be tailored to complement state plans, priorities and resources. State and local governments are in the best position to apply these funds to necessary and unique conservation efforts, such as preserving species, while providing for the economic needs of communities. The legislation should be neutral with regard to both existing OCS moratoria and future offshore development, and should not come at the expense of federally supported state programs.

We recognize that dedicating funds over a number of years to any specific use is a difficult budgetary decision. Nevertheless, we believe that the time is right to make this major commitment to conservation along the lines outlined in this letter.

We look forward to working with you to take advantage of this unique opportunity and are available to help ensure that this commitment is fiscally responsible. Thank you for your consideration of these legislative principles as you proceed to enact this important legislation.

Sincerely,

John A. Kitzhaber, Oregon; Mike Leavitt, Utah; Tom Ridge, Pennsylvania; Mike Foster, Louisiana; John G. Rowland, Connecticut; Parris N. Glendening, Maryland; Howard Dean, Vermont; Thomas R. Carper, Delaware; Christine Todd Whitman, New Jersey; James B. Hunt, Jr., North Carolina; Roy B. Barnes, Georgia; Jim Hodges, South Carolina; Lincoln Almond, Rhode Island; Angus S. King, Jr., Maine; Gary Locke, Washington; Argeo Paul Cellucci, Massachusetts; Cecil H. Underwood, West Virginia; Marc Rancot, Montana; Don Siegelman, Alabama; Gray Davis, California; Mel Carnahan, Missouri; Benjamin J. Cayetano, Hawaii; Jane Dru Hull, Arizona; Dirk Kempthorne, Idaho; Tony Knowles, Alaska; George H. Ryan, Illinois; James S. Gilmore III, Virginia; Jeanne Shabeen, New Hampshire; Bill Graves, Kansas; George E. Pataki, New York; Paul E. Patton, Kentucky; Tommy G. Thompson, Wisconsin; Bill Owens, Colorado; Mike Huckabee, Arkansas; Frank Keating, Oklahoma; Jim Geringer, Wyoming; Edward T. Schafer, North Dakota; Frank O'Bannon, Indiana; Kirk Fordice, Mississippi; William J. Janklow, South Dakota.

Mr. DASCHLE. Mr. President, I thank the majority leader. We recognize and applaud the desire of a number of groups and organizations in this country to take the proceeds from this non-renewable resource and reinvest a portion of these outer continental shelf revenues in the conservation and enhancement of our renewable resources.

When the Land and Water Conservation Fund was created more than thirty years ago, the intention was for revenues from off-shore oil and gas drilling to be deposited into the fund, allowing federal and state governments to protect green space, improve wildlife habitat and purchase lands for conservation purposes.

In my state of South Dakota this program has been particularly beneficial, helping local and state governments to purchase park lands and develop facilities in municipal and state parks throughout the state.

Unfortunately, the Land and Water Conservation Fund has rarely received adequate funding.

Congress has the opportunity this year to pass legislation that would finally ensure consistent funding for the Land and Water Conservation Fund and provide a permanent stream of revenue for conservation.

We applaud the efforts of the Senate Committee on Energy and Natural Resources as well as the House Committee on Natural Resources for conducting the process thus far in a fair and bi-partisan manner.

We encourage these committees to continue their progress so that Congress as a whole can debate and pass what may well be the most significant conservation effort of the century.

## ORDER OF PROCEDURE

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, I may object. I have been standing here about 45 minutes waiting to speak. I thought we were going to go back and forth across the aisle. I want to speak on the bill, not as in morning business. Since I like the Senator from Utah so much, I will not object. I wanted to make my point.

The PRESIDING OFFICER. Is the Senator from Iowa requesting time to speak?

Mr. HARKIN. I did not hear the request.

The PRESIDING OFFICER. Is the Senator from Iowa requesting, as part

of the unanimous consent request, an opportunity to speak?

Mr. HARKIN. If I can follow the Senator from Utah for 10 minutes, yes, I request to speak.

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

Mr. HATCH. Mr. President, I thank my colleague, and I apologize. I did not realize he had been standing here all this time.

## NOMINATION OF TED STEWART TO BE DISTRICT JUDGE FOR THE DISTRICT OF UTAH

Mr. HATCH. Mr. President, it is a great pleasure for me to support the confirmation of a judicial candidate who is the epitome of good character, broad experience, and a judicious temperament.

First, however, I think it appropriate that I spend a moment to acknowledge the minority for relenting in what I consider to have been an ill-conceived gambit to politicize the judicial confirmations process. My colleagues appear to have made history on September 21 by preventing the invocation of cloture for the first time ever on a district judge's nomination.

This was—and still is—gravely disappointing to me. In a body whose best moments have been those in which statesmanship triumphs over partisanship, this unfortunate statistic does not make for a proud legacy.

My colleagues, who were motivated by the legitimate goal of gaining votes on two particular nominees, pursued a short-term offensive which failed to accomplish their objective and risked long-term peril for the nation's judiciary. There now exists on the books a fresh precedent to filibuster judicial nominees with which either political party disagrees.

I have always, and consistently, taken the position that the Senate must address the qualifications of a judicial nominee by a majority vote, and that the 41 votes necessary to defeat cloture are no substitute for the democratic and constitutional principles that underlie this body's majoritarian premise for confirmation to our Federal judiciary.

But now the Senate is moving forward with the nomination of Ted Stewart. I think some of my colleagues realized they had erred in drawing lines in the sand, and that their position threatened to do lasting damage to the Senate's confirmation process, the integrity of the institution, and, of course, the judicial branch of Government.

The record of the Judiciary Committee in processing nominees is a good one. I believe the Senate realized that the Committee will continue to hold hearings on those judicial nominees who are qualified, have appropriate judicial temperament, and who respect the rule of law. I had assured my colleagues of this before we reached this temporary impasse and I reiterate this commitment today.

This is not a time for partisan declarations of victory, but I am pleased that my colleagues revisited their decision to hold up the nomination. We are proceeding with a vote on the merits on Ted Stewart's nomination, and we will then proceed upon an arranged schedule to vote on other nominees in precisely the way that was proposed prior to the filibuster vote.

Ultimately, it is my hope for us, as an institution, that instead of signaling a trend, the last 2 weeks will instead look more like an aberration that was quickly corrected. I look forward to moving ahead to perform our constitutional obligation of providing advice and consent to the President's judicial nominees.

And now, I would like to turn our attention to the merits of Ted Stewart's nomination. I have known Ted Stewart for many years. I have long respected his integrity, his commitment to public service, and his judgment. And I am pleased that President Clinton saw fit to nominate this fine man for a seat on the United States District Court for the District of Utah.

Mr. Stewart received his law degree from the University of Utah School of Law and his undergraduate degree from Utah State University. He worked as a practicing lawyer in Salt Lake City for 6 years. And he served as trial counsel with the Judge Advocate General in the Utah National Guard.

In 1981, Mr. Stewart came to Washington to work with Congressman JIM HANSEN. His practical legal experience served him well on Capitol Hill, where he was intimately involved in the drafting of legislation.

Mr. Stewart's outstanding record in private practice and in the Legislative Branch earned him an appointment to the Utah Public Service Commission in 1985. For 7 years, he served in a quasi-judicial capacity on the Commission, conducting hearings, receiving evidence, and rendering decisions with findings of fact and conclusions of law.

Mr. Stewart then brought his experience as a practicing lawyer, as a legislative aide, and as a quasi-judicial officer, to the executive branch in State government. Beginning in 1992, he served as Executive Director of the Utah Departments of Commerce and Natural Resources. And since 1998, Mr. Stewart has served as the chief of staff of Governor Mike Leavitt.

Throughout Mr. Stewart's career, in private practice, in the legislative branch, in the executive branch, and as a quasi-judicial officer, he has earned the respect of those who have worked for him, those who have worked with him, and those who were affected by his decisions. And a large number of people from all walks of life and both sides of the political aisle have written letters supporting Mr. Stewart's nomination.

James Jenkins, former President of the Utah State Bar, wrote, ''Ted's reputation for good character and industry and his temperament of fairness, objectivity, courtesy, and patience [are] without blemish.''

Utah State Senator, Mike Dmitrich, one of many Democrats supporting this nomination, wrote, ''[Mr. Stewart] has always been fair and deliberate and shown the moderation and thoughtfulness that the judiciary requires.''

I understand that the American Bar Association has concluded that Ted Stewart meets the qualifications for appointment to the federal district court. This sentiment is strongly shared by many in Utah, including the recent president of the Utah State Bar. For these reasons, Mr. Stewart was approved for confirmation to the bench by an overwhelming majority vote of the Judiciary Committee.

To those who contend Mr. Stewart has taken so-called anti-environmental positions, I say: look more carefully at his record. Mr. Stewart was the director of Utah's Department of Natural Resources for 5 years, and the fact is that his whole record has earned the respect and support of many local environmental groups.

Indeed, for his actions in protecting reserve water rights in Zion National Park, Mr. Stewart was enthusiastically praised by this administration's Secretary of the Interior.

Consider the encomiums from the following persons hailing from Utah's environmental community:

R.G. Valentine, of the Utah Wetlands Foundation, wrote, ''Mr. Stewart's judgment and judicial evaluation of any project or issue has been one of unbiased and balanced results.''

Don Peay, of the conservation group sportsmen for Fish and Wildlife, wrote, ''I have nothing but respect for a man who is honest, fair, considerate, and extremely capable.''

Indeed, far from criticism, Mr. Stewart deserves praise for his major accomplishments in protecting the environment.

Ultimately, the legion of letters and testaments in support of Mr. Stewart's nomination reflects the balanced and fair judgment that he has exhibited over his long and distinguished career. Those who know Ted Stewart know he will continue to serve the public well.

On a final note, Ted Stewart is needed in Utah. The seat he will be taking has been vacant since 1997. So I am deeply gratified that the Senate is now considering Mr. Stewart for confirmation.

I am grateful to my colleagues on both sides of the aisle who helped get this up and resolve what really was a very serious and I think dangerous problem for the Senate as a whole and for the judiciary in particular.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Iowa for up to 10 minutes.

## AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. HARKIN. I thank the President for this time and his indulgence while

I take my 10 minutes when I know we are supposed to be recessing for our luncheon caucuses. I appreciate the indulgence of the Senator from Wyoming.

I want to take a few minutes to talk about the managers' amendment, the slot amendment that provides for a two-step process for the elimination of airline slots for landing and takeoff rights at O'Hare, Kennedy, and LaGuardia Airports.

Senator GRASSLEY and I have been working on this for quite awhile together. I am pleased we have been able to work closely with Chairman MCCAIN, with Senator ROCKEFELLER, Senator GORTON, and others on the development of this proposal.

It is an important step toward eliminating a major barrier to airline competition. Not only must we eliminate the barrier, but we have to do it in a way that mitigates against the long-term effects of a Government-imposed slot rule. Under the current rules, most smaller airlines have, in effect, a far more difficult time competing, in part, because of the slot rule.

In the first phase of the proposal, in the managers' amendment, small airlines will be allowed immediate expanded access to the airports. Again, this will help stimulate increased competition and lower ticket prices. Turboprop and regional jet aircraft will also be allowed immediate slot exemptions when they serve smaller markets. This will increase airline service available to smaller cities, especially cities west of the Mississippi, such as the Presiding Officer's cities in Wyoming, or Nebraska or the Dakotas or Iowa, or places such as that.

The two-step mechanism in the bill has the support of 30 attorneys general, the Business Travel Coalition, and the Air Carrier Association of America which represents many of the smaller airlines.

After that first phase, in the final step—after a number of years when the new competitive airlines might get a chance to establish a foothold and smaller cities would have established better service—the slot rules will be ended at O'Hare, Kennedy, and LaGuardia Airports.

Again, I commend Chairman MCCAIN for working so closely with us on this issue. Chairman MCCAIN had a field hearing in Des Moines on April 30 of this year to hear firsthand how the current system affects small- and medium-sized cities. Senator MCCAIN has worked hard to move forward a proposal which I believe will significantly increase competition.

I also thank Senator GORTON, and my colleague, Senator ROCKEFELLER from West Virginia, for their considerable efforts. These Senators have shown a keen interest in the problems unique to smaller cities and rural areas where adequate service is a paramount issue.

The provision has a number of items that address the noise implications of eliminating the slot rule near the three airports. I believe this final language is an excellent compromise. I am pleased that the structure of our original proposal is largely intact. I was also pleased that the House moved in June to eliminate the slot rule at these airports. I think the Senate provision improves on that.

Access to affordable air service is essential to efficient commerce and economic development in States with a lot of small communities. Again, Americans have a right to expect this. Airports are paid for by the traveling public through taxes and fees charged by the Federal Government and local airport authorities. Unfortunately, when deregulation came through in 1978, there was no framework put in place to deal with anticompetitive practices. A lot of these outrageous practices have become business as usual.

What happened? We went through deregulation in 1978; and then in 1986 the DOT gave the right to land and take off under these slots to those that used them as of January 21, 1986. So what happened was, when the Secretary of DOT, in 1986 said, here, airlines, these are your slots, it locked them into those airports, and it effectively locked out competition in the future. It was, in fact, a give-away. I always said this was a give-away of a public resource. These airports do not belong to the airlines. They belong to us. They belong to the people of this country.

So what has happened is that over the years these airlines have been able to lock them up. So we have this slot system. The slot system came in in the late 1960s because the air traffic control system was getting overwhelmed with the number of flights then being handled. So they had a slot system.

Just the reverse is true today. With the modernization of our air traffic control system—with global positioning satellites, GPSs, all of the other things we have, the communications systems, our air traffic control system, and the ongoing modernization of it—we can handle it. We do not need the slots any longer.

However, rather than just dropping them right away, we need to mitigate against the damage that has been caused by the slots. That is why we need to have a phaseout, a two-step phaseout—a phaseout that would both phase out the slots but at the same time include, in that first phase, turboprops that serve smaller cities, new airlines that would start up with small regional jets that would serve some of the smaller cities that have been cut out of this for the last almost 20 years—well, I guess 14 years now since 1986.

So, again, many airlines have monopolies in markets, especially if they control a hub airport. Local airport authorities at major hub airports do very little to encourage small carriers to use hub airports. It is no surprise that big airlines would rather see gates empty than lease them to competitors. Dominant carriers flood the market with cheap seats to destinations served by small carriers. They maintain the low price until the day the small carrier is gone.

This happened in Des Moines with Vanguard Airlines. We had a new airline that started. What happened? United and American, flying to Chicago, dropped their fares by over half, dropped their fares down to below what Vanguard could do. The travelers were happy, but Vanguard could only afford to do that for so long, and then they went out of business. As soon as they went out of business, what did United and American do? They upped their fares 83 percent. That is what they were doing to stifle competition.

I believe that allowing new entrant carriers, such as Vanguard, Access Air, and others that may be coming along, easier access to O'Hare from cities such Des Moines, and the Quad Cities—Moline, Rock Island, Bettendorf, and Davenport and others, will be a step in the right direction toward helping economic development and growth and providing for lower airfares for our people.

The amendment of the managers opens up the opportunity for direct service into LaGuardia, important to cities such as Des Moines and Cedar Rapids and the Quad Cities.

Again, the Quad Cities recently lost American Airlines' service to O'Hare because of the slot rule. American Airlines decided to fly their new regional jet between Omaha and O'Hare. Normally, this would not have had an impact on Quad Cities' service to O'Hare, but under the slot rule, Quad Cities lost American Airlines' service entirely. They entirely lost it.

Without the slot limitation, Quad Cities would be a profitable market for American or any other airline. But the area did not make the cut with a limited number of landing rights available under the existing slot rule. Again, economic decisions are not based upon what they can expect to get from a market; it is based upon the slot rule. That is skewing the economic decisions made by airlines and by small community airports.

So again, for our area, for Iowa, for areas west of the Mississippi—I am sure for Wyoming and for West Virginia—we need to change this system, but we need to do it in a way that does not lock in the past anticompetitive activities of the larger airlines.

Right now, Sioux City, IA, does not have service to O'Hare. It is the No. 1 destination of its business travelers. So, again, what is this doing? It hurts economic development and stifles competition in Sioux City.

Again, I urge the Senate to support the managers' amendment. Doing so will lower airfares, it will improve air service to small- and medium-sized cities across the Nation, and it will allow for economic decisions to be based on economics and not upon an outdated, outmoded, anticompetitive slot rule.

I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. HATCH. Mr. President, I rise to address the nomination of Judge Ronnie Lee White, of Missouri, to the United States District Court for the Eastern District of Missouri. We have heard thorough discussions of the nominee by the distinguished Senators from Vermont and from Missouri. In coming to my decision on this nominee, I have considered the fairness of the process under which Judge White has been reviewed, the deference due to the President, and the deference due to the Senators from the nominee's home State. This is a very difficult case.

As chairman of the Judiciary Committee, I have conducted thorough hearings and reviewed nominees in a fair and even-handed manner. As a result, we have seen a hearings process that does not include personal attacks on nominees and that maintains the institutional integrity of the Senate. On numerous occasions, even when several of my Republican colleagues voted against nominees, I maintained a fair process free from personal attacks on nominees. This was the case with Judge White. The committee held a fair and objective hearing on Judge White and thoroughly reviewed his record.

In considering any nomination, I believe that the President, in whom the Constitution vests the nominations power, is due a large degree of deference. Even though there are a large number of the President's nominees that I would not have nominated had I been President, I have supported these nominees in obtaining a floor vote because in my view, the Constitution requires substantial deference to the President.

Of course, the more controversial a nominee is, the longer it takes to garner the consensus necessary to move such a nominee out of committee. Such is the case with Judge White. I supported Judge White coming to the floor on two occasions. In the last vote in committee, no fewer than six of my Republican colleagues voted against reporting Judge White to the floor. At that point, however, I gave the President the deference of allowing a vote on his nominee and voted to report Judge White.

I must say that I am deeply disappointed by the unjust accusations from some that this body intentionally delays nominees, such as Judge White, based on their race. As the administration is well aware, it is not a nominee's race or gender that slows the process down, but rather the controversial nature of a nominee based on his or her record.

Indeed, nominees such as Charles Wilson, Victor Marrero, and Carlos Murguia, minority nominees, and Marryanne Trump Barry, Marsha Pechman, and Karen Schrier, female nominees, had broad support and moved quickly through the committee and were confirmed easily on the floor. And, although the committee does not keep race and gender statistics, a brief review of the committee's record so far this session shows that a large proportion of the nominees reported to the floor and confirmed consists of minorities and women. I categorically reject the allegation that race or gender, as opposed to substantive controversy, has ever played any role whatsoever in slowing down any nominee during my tenure as chairman.

After a fair and thorough review in committee and after paying the deference to the President to obtain a vote on the floor, I consider the position of a nominee's home State Senators. These Senators are in a unique position to evaluate whether a nominee instills the confidence in the people of a State necessary to be a successful Federal judge in that State. This is especially true for a district judge nominee whose jurisdiction, if confirmed, would be wholly limited to that particular State. Thus, there has developed a general custom and practice of my giving weight to the Senators from a nominee's home State.

There have been several instances where—notwithstanding some serious reservations on my part—I voted to confirm district court nominees because the Senators from the nominees home State showed strong, and in some cases, bipartisan support. The nominations of Keith Ellison, Allen Pepper, Anne Aiken, Susan Mollway, and Margaret Morrow are examples of where I supported contested district court nominees and relied on the view of the home-State Senators in reaching my decision.

While I have harbored great concerns on the White nomination, I withheld my final decision until I had the benefit of the view of my colleagues from Missouri. I was under the impression that one of my colleagues might actually support the nomination, so I felt that the process should move forward—and it did.

Since the committee reported Judge White to the floor of the Senate, however, both of the Senators from Missouri have announced their opposition to confirming Judge White. Also, since the committee reported this nominee to the floor, the law enforcement community of Missouri has indicated serious concerns, and in some cases, open opposition to the nomination of Judge Ronnie White. And indeed, I have been informed that the National Sheriffs Association opposes this nomination. Opposition is mounting and it would perhaps be preferable to hold another hearing on the nomination. But if we must move forward today, it is clear to me that Judge White lacks the home-State support that I feel is necessary for a candidate to the Federal district court in that State.

For me, this case has been a struggle. On the one hand, Judge White is a fine man and the President is due a fair amount of deference. On the other hand, we are faced with the extremely unusual case in which both home State Senators, after having reviewed the record, are opposing this nomination on the floor.

Of course, had the President worked more closely with the two Senators from Missouri and then nominated a less problematic candidate, we would not be in this predicament. But the President did not.

When a nominee has a record of supporting controversial legal positions that call into question his, or her, respect for the rule of law, it takes longer to gain the consensus necessary to move the nominee. When the President has not adequately consulted with the Senate, it takes longer to gain the consensus necessary to move the nominee. And when both home State Senators of a nominee oppose as nominee on the floor of the Senate, it is almost impossible to vote for the confirmation of that nominee.

Regretfully, such is the case with Judge White. Judge White has written some controversial opinions, especially on death penalty cases that have caused some to question his commitment to upholding the rule of law. The President has not garnered broad support for Judge White. And both Senator ASHCROFT and Senator BOND oppose this nomination. It would have been better for all parties concerned—the President, the Senate, the people of Missouri, and Judge White, had we been able to reach this decision earlier. But I cannot rewrite the past.

After a painstaking review of the record and thorough consultation with the nominee's home State Senators, I deeply regret that I must vote against the nomination of Judge White. This is in no way a reflection of Judge White personally. He is a fine man. Instead, my decision is based on the very unusual circumstances in which the President has placed this body. I must defer to my colleagues from Missouri with respect to a nominee whose jurisdiction, if confirmed, would be wholly limited to that State.

I call on the President to nominate another candidate for the Eastern District of Missouri. He should do so, however, only after properly consulting with both Missouri Senators and thus respecting the constitutional advice and consent duties that this body performs in confirming a nominee who will serve as a Federal judge for life.

Mr. BOND. After discussing this difficult decision with Missouri constituents, the Missouri legal community, and the Missouri law enforcement community, I have determined that Ronnie White is not the appropriate candidate to serve in a lifetime capacity as a U.S. district judge for eastern Missouri.

The Missouri law enforcement community, whose views I deeply respect, has expressed grave reservations about Judge White's nomination to the Federal bench. They have indicated to me their concern that Judge White might use the power of the bench to compromise the strength of law enforcement efforts in Missouri.

Given the concerns raised by those in Missouri's law enforcement community, who put their lives on the line on a daily basis, and those in Missouri's legal community, who are charged with protecting our system of jurisprudence, I am compelled to vote against Judge White's confirmation.

Mr. SMITH of New Hampshire. Mr. President, I am opposed to the nominations of Raymond Fisher to the United States Court of Appeals for the Ninth Circuit and Ronnie White to the Eastern District of Missouri.

Our judicial system is supposed to protect the innocent and ensure justice, which is what it has done for the most part for over 200 years. However, there have been glaring exceptions: the Dred Scott decision, which ruled that blacks were not citizens and had no rights which anyone was bound to respect, and Roe versus Wade, which similarly ruled that an entire class of people, the unborn, are not human beings and therefore are undeserving of any legal protection.

Both decisions, made by our Nation's highest court, violated two key constitutional provisions for huge segments of the population. Dred Scott, which legally legitimized slavery, deprived nearly the entire black population of the right to liberty, while Roe has taken away the right to life of 35 million unborn children since 1973. Both created rights, the right to own slaves and the right to an abortion, that were not in the Constitution. Of course, both are morally and legally wrong. Sadly, only Dred has been overturned, by the 13th and 14th amendments. Congress and the courts have yet to reverse Roe.

The only requirement, the only standard that I have for any judicial nominees is that they not view ''justice'' as the majorities did in Dred Scott and Roe, and that they uphold the standards and timeless principles so clearly stated in our Constitution.

Unfortunately, I do not believe that Mr. White and Mr. Fisher meet those critical standards. During the committee hearings, Mr. Fisher fully indicated to me that he would uphold the constitutional and moral travesties of Roe and Planned Parenthood versus Casey. Mr. White has also given answers which strongly suggest that he believes Roe was correctly decided by the Supreme Court. In addition, Mr. White's dubious actions as chairman of a Missouri House committee when a pro-life bill was before it further proves that he would enthusiastically enforce the pro-abortion judicial decree of Roe versus Wade.

The Framers of our Constitution believed we are endowed by our Creator with certain unalienable rights. Roe not only violates the 5th and 14th amendments, it violates the first and most fundamental right that we have as human beings and no court, liberal or conservative, can take away that right.

As a U.S. Senator, I recognize the awesome responsibility that we have to confirm, or deny, judicial nominees. I recognize the solemn obligation that we have to make sure that our Federal courts are filled only with judges who uphold and abide by the transcendent ideals explicitly stated in our Constitution and the Bill of Rights. The judges we confirm or deny will be among the greatest and far-reaching of our legacies, and I for one do not ever want my legacy to be that I confirmed pro-abortion judges to our Nation's courts.

This is why I will not support the nominations of Mr. White and Mr. Fisher. I will not support any judges who deny the undeniable connection that must exist, in a free and just civilization, between humanity and personhood. Our judges should be the very embodiment of justice. How can we then approve of those who will deny justice to most defenseless and innocent of us all?

But, further, I would add that these nominees propose a more general concern in that they are liberal activists. In the case of Justice White, who now serves on the Supreme Court in Missouri, he has demonstrated that he is an activist, and has a political slant to his opinions in favor of criminal defendants and against prosecutors. It is my belief that judges should interpret the law, and not impose their own political viewpoints.

He is strongly opposed by the law enforcement community in Missouri, and was directly opposed by the Missouri Association of Police Chiefs due to his activist record.

Senator ASHCROFT spoke in more detail about Justice White's activist record. Coming from the same State, Senator ASHCROFT is in an even better position to comment on Justice White's record. But, he laid out a very disturbing record of judicial activism in Justice White's career, particularly on law and order matters, and I simply do not think that this is the kind of person we need on the U.S. District Court.

With regard to Mr. Fisher, this is a critical slot because of the nature of the Ninth Circuit. This circuit has gained such a bad reputation for its liberal opinions that it has been referred to as a ''rogue'' circuit. It is controlled by an extreme liberal element and it is important that our appointments to this circuit be people who can restore at least some level of constitutional scrutiny.

In the case of Mr. Fisher, this clearly will not be the case. He is not a judge, and therefore, there is not the kind of judicial paper trail that we have with Justice White. However, he has a long record of liberal political activism for causes that run contrary to the Constitution. If he is willing to thwart the Constitution in his political activism, what makes us think he will uphold it in his judicial opinions. He took an active role in supporting the passage of proposition 15 in California regarding registration of handguns. This kind of hostility to the second amendment will not make matters any better on the Ninth Circuit. He very actively supported employment benefits for homosexual partners, and I found him to be very evasive in his responses to questions during the Committee hearings. Given the importance of this circuit and its demonstrated bias toward the left, this nominee, who himself is a liberal activist, is not the right person to help restore some constitutionality to this circuit.

So, I would urge my colleagues to vote against these two judges. We have sworn duty to support and defend the Constitution. This is never more critical than when we exercise our advise and consent role for judicial nominees.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

#### NOMINATION OF RONNIE L. WHITE

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Senate will now go into executive session and proceed to the vote on Executive Calendar Nos. 172, 215 and 209 which the clerk will report.

The legislative clerk read the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on each nomination with one showing of hands.

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

Mr. HATCH. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

(Rollcall Vote No. 307 Ex.)

YEAS—45

| | | |
|---|---|---|
| Akaka | Edwards | Levin |
| Baucus | Feingold | Lieberman |
| Bayh | Feinstein | Lincoln |
| Biden | Graham | Mikulski |
| Bingaman | Harkin | Moynihan |
| Boxer | Hollings | Murray |
| Breaux | Inouye | Reed |
| Bryan | Johnson | Reid |
| Byrd | Kennedy | Robb |
| Cleland | Kerrey | Rockefeller |
| Conrad | Kerry | Sarbanes |
| Daschle | Kohl | Schumer |
| Dodd | Landrieu | Torricelli |
| Dorgan | Lautenberg | Wellstone |
| Durbin | Leahy | Wyden |

NAYS—54

| | | |
|---|---|---|
| Abraham | Fitzgerald | McConnell |
| Allard | Frist | Murkowski |
| Ashcroft | Gorton | Nickles |
| Bennett | Gramm | Roberts |
| Bond | Grams | Roth |
| Brownback | Grassley | Santorum |
| Bunning | Gregg | Sessions |
| Burns | Hagel | Shelby |
| Campbell | Hatch | Smith (NH) |
| Chafee | Helms | Smith (OR) |
| Cochran | Hutchinson | Snowe |
| Collins | Hutchison | Specter |
| Coverdell | Inhofe | Stevens |
| Craig | Jeffords | Thomas |
| Crapo | Kyl | Thompson |
| DeWine | Lott | Thurmond |
| Domenici | Lugar | Voinovich |
| Enzi | McCain | Warner |

NOT VOTING—1

Mack

Mr. ASHCROFT. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to continue for 1 minute.

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

Mr. LEAHY. Mr. President, I have to say this with my colleagues present. When the full history of Senate treatment of the nomination of Justice Ronnie White is understood, when the switches and politics that drove the Republican side of the aisle are known, the people of Missouri and the people of the United States will have to judge whether the Senate was unfair to this fine man and whether their votes served the interests of justice and the Federal courts.

I am hoping—and every Senator will have to ask himself or herself this question—the United States has not reverted to a time in its history when there was a color test on nominations.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I use leader time for 1 minute in response.

With regard to nominations, judicial or otherwise, I am sure the Senate would never use any basis for a vote other than the qualifications and the record of the nominee. And just so the record will be complete, as a matter of fact, of the 19 nominees who have been confirmed this year, 4 of them have been women, 1 of them African American, and 3 of them have been Hispanic. Their records and the kind of judges these men and women would make are the only things that have been a factor with the Senate and are the only things that should ever be a factor.

I ask unanimous consent that the remaining votes in the series be limited to 10 minutes each.

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

Mr. DASCHLE. Mr. President, I rise to express how saddened I am by the party-line vote against Judge Ronnie White today. I had sincerely hoped that today would mark the beginning of a bipartisan attempt to clear the backlog of federal judicial nominees and begin to fill the vacancies that are rampant throughout the federal judiciary. I was mistaken. Instead, we got a party-line vote against a qualified minority judge coupled with a continued refusal to schedule votes on other qualified minority and women nominees.

Judge White is eminently qualified to sit on the federal bench. He is a distinguished jurist and the first African-American to serve on the Missouri Supreme Court. Prior to his service on Missouri's Supreme Court, Judge White served as a State Representative to the Missouri Legislature, where he chaired the Judiciary Committee. In his law practice, which he continued during his service as a legislator, White handled a variety of civil and criminal matters for mostly low income individuals. His nomination received the support of the St. Louis Metropolitan Police Department, the Saint Louis Post Dispatch, and the National Bar Association. He is a fine man who has given his life to public service and he deserved better than what he got from this Senate. He deserved better than to be kept waiting 27 months for a vote, and then to be used as a political pawn.

This vote wasn't about the death penalty. This vote wasn't about law and order. This vote was about the unfair treatment of minority judicial nominees. This vote tells minority judicial candidates ''do not apply.'' And if you do, you will wait and wait, with no guarantee of fairness.

Judge Marsha Berzon, for instance, has been kept waiting more than 20 months for a vote. Judge Richard Paez has been waiting more than 44 months. These nominees deserve a vote. While I am totally dismayed by what happened here today with respect to Judge White's nomination, the Senate today functioned, albeit in a partisan, political manner.

As Chief Justice Rehnquist has recognized: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.'' An up-or-down vote, that is all we ask for Berzon and Paez. And, after years of waiting, they deserve at least that much. The Republican majority should not be allowed to cherry-pick among nominees, allowing some to be confirmed in weeks, while letting other nominations languish for years. Accordingly, I vow today, that we Democrats just will not allow Paez and Berzon to be forgotten.

As I have in the past, I will again move to proceed to the nominations of Judge Paez and Marsha Berzon, and I intend to take this action again and again should unnamed Senators continue to block a vote. Particularly after today's vote, I must say, I find it simply baffling that a Senator would vote against even voting on a judicial nomination. Today's actions prove that we all understand that we have a constitutional outlet for antipathy against a judicial nominee—a vote against that nominee. What the Constitution does not contemplate is for one or two Senators to grind a nomination to a halt on the basis of a ''secret'' hold. This cowardly, obstructionist tactic is an anathema to the traditions of the Senate. Thus, today, I implore, one more time, every Senator to follow Senator LEAHY's advice, and treat every nominee ''with dignity and dispatch.'' Lift your holds, and let the Senate vote on every nomination.

The business of judges is the simple but overwhelmingly important business of providing equal justice to the poor and to the rich. Accordingly, the consequences of this confirmation process are awesome. It is time that we all take it more seriously and it is time that we schedule votes on every nominee on the Calendar—including Judge Paez and Marsha Berzon. All we are asking of our Republican colleagues is to give these nominees the vote—and hopefully the fair consideration—they deserve. We will press this issue every day and at every opportunity until they get that vote.

Today is a dark day for the Senate. We have voted down a fully-qualified nominee but I hope we can do better in the future and that we can move forward on the Paez and Berzon nominations in a fair and non-partisan manner.

The PRESIDING OFFICER. The Clerk will report the next nomination, Calendar No. 215.

The legislative clerk read the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 308 Ex.]

YEAS—93

| | | |
|---|---|---|
| Abraham | Ashcroft | Biden |
| Akaka | Bayh | Bingaman |
| Allard | Bennett | Bond |

| | | |
|---|---|---|
| Breaux | Gramm | McConnell |
| Brownback | Grams | Moynihan |
| Bryan | Grassley | Murkowski |
| Bunning | Gregg | Murray |
| Burns | Hagel | Nickles |
| Byrd | Harkin | Reed |
| Campbell | Hatch | Reid |
| Chafee | Helms | Robb |
| Cleland | Hollings | Roberts |
| Cochran | Hutchinson | Rockefeller |
| Collins | Hutchison | Roth |
| Conrad | Inhofe | Santorum |
| Coverdell | Inouye | Sarbanes |
| Craig | Jeffords | Schumer |
| Crapo | Kennedy | Sessions |
| Daschle | Kerrey | Shelby |
| DeWine | Kerry | Smith (NH) |
| Dodd | Kohl | Smith (OR) |
| Domenici | Kyl | Snowe |
| Dorgan | Landrieu | Specter |
| Durbin | Lautenberg | Stevens |
| Edwards | Leahy | Thomas |
| Enzi | Levin | Thompson |
| Feinstein | Lieberman | Thurmond |
| Fitzgerald | Lincoln | Torricelli |
| Frist | Lott | Voinovich |
| Gorton | Lugar | Warner |
| Graham | McCain | Wyden |

NAYS—5

| | | |
|---|---|---|
| Boxer | Johnson | Wellstone |
| Feingold | Mikulski | |

NOT VOTING—2

| | |
|---|---|
| Baucus | Mack |

The nomination was confirmed.

NOMINATION OF RAYMOND C. FISHER

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report the next nomination.

The legislative assistant read the nomination of Raymond C. Fisher, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Raymond C. Fisher, of California, to be United States Circuit Judge for the Ninth Circuit. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 309 Ex.]

YEAS—69

| | | |
|---|---|---|
| Abraham | Edwards | Lieberman |
| Akaka | Feingold | Lincoln |
| Ashcroft | Feinstein | Lugar |
| Bayh | Fitzgerald | McCain |
| Bennett | Frist | Mikulski |
| Biden | Gorton | Moynihan |
| Bingaman | Graham | Murray |
| Bond | Grassley | Reed |
| Boxer | Harkin | Reid |
| Breaux | Hatch | Robb |
| Bryan | Hollings | Rockefeller |
| Byrd | Inouye | Roth |
| Chafee | Jeffords | Sarbanes |
| Cleland | Johnson | Schumer |
| Cochran | Kennedy | Smith (OR) |
| Collins | Kerrey | Snowe |
| Conrad | Kerry | Specter |
| Daschle | Kohl | Stevens |
| DeWine | Kyl | Thurmond |
| Dodd | Landrieu | Torricelli |
| Domenici | Lautenberg | Voinovich |
| Dorgan | Leahy | Wellstone |
| Durbin | Levin | Wyden |

NAYS—29

| | | |
|---|---|---|
| Allard | Burns | Craig |
| Brownback | Campbell | Crapo |
| Bunning | Coverdell | Enzi |
| Gramm | Inhofe | Sessions |
| Grams | Lott | Shelby |
| Gregg | McConnell | Smith (NH) |
| Hagel | Murkowski | Thomas |
| Helms | Nickles | Thompson |
| Hutchinson | Roberts | Warner |
| Hutchison | Santorum | |

NOT VOTING—2

| | |
|---|---|
| Baucus | Mack |

The nomination was confirmed.

Mr. LEAHY. Mr. President, I want to congratulate Ray Fisher on his Senate confirmation. I will miss Ray and Nancy here in Washington, but know that the Ninth Circuit will greatly benefit from his service there.

Finally, I congratulate Ted Stewart on his confirmation and Senators HATCH and BENNETT, who have worked hard to get him confirmed expeditiously. I trust that Mr. Stewart will honor the commitments that he made to the Judiciary Committee to avoid even the appearance of impropriety on matters on which he has worked while in State government.

I said on the Senate floor last night that this body's recent treatment of women and minority judicial nominees is a badge of shame. I feel that we added to that shame with today's vote of Justice Ronnie White.

In their report entitled ''Justice Held Hostage,'' the bipartisan Task Force on Federal Judicial Selection from Citizens for Independent Courts, co-chaired by Mickey Edwards and Lloyd Cutler, substantiated through their independent analysis what I have been saying for some time: Women and minority judicial nominations are treated differently by this Senate and take longer, are less likely to be voted on and less likely to be confirmed.

Judge Richard Paez has been stalled for 44 months, and the nomination of Marsha Berzon has been pending for 20 months. Other nominees are confirmed in 2 months.

Anonymous Republican Senators continue their secret holds on the Paez and Berzon nominations. The Republican majority refuses to vote on those nominations. In fairness, after almost 2 years and almost 4 years, Marsha Berzon and Judge Richard Paez are entitled to a Senate vote on their nominations. Vote them up or vote them down, but vote. That is what I have been saying, that is what the Chief Justice challenged the Republican Senate to do back in January 1998.

I can assure you that there is no Democratic Senator with a hold on Judge Paez or Marsha Berzon. I can assure you that every Democratic Senator is willing to go forward with votes on Judge Paez and Marsha Berzon now, without delay.

Last Friday, Senator LOTT committed to trying to ''find a way'' to have these nominations considered by the Senate. I want to help him do that.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## JUDICIAL NOMINATIONS

Mr. NICKLES. Mr. President, before we return to the consideration of the FAA reauthorization bill, I would like to make a couple of comments. Raymond Fisher, just confirmed to the Ninth Circuit, is the 323rd judge who has been confirmed since President Clinton has been in office. 195 of those judges have been confirmed since Republicans took control of the Senate in 1995.

Judge Ronnie White is the first nominee, I believe, to be rejected on the floor since Republicans took control of the Senate. One of our colleagues said that he hoped that we are not returning to a ''color test.'' That is what was said. I am offended by that statement. Many people on our side of the aisle didn't know what race Judge White is. We did know that 77 of Missouri's 114 sheriffs were opposed to his nomination. We did find out that two State prosecutors' offices raised their objections. We did know there was a letter from the National Sheriffs Association opposing his nomination.

I believe that we have been very consistent, at least on this side of the aisle. We do not want to confirm a nominee where you have major law enforcement organizations and leading officials saying they are opposed to the nomination, regardless of what race he or she is. I do not believe the Senate has ever confirmed anyone when national law enforcement organizations or officials have stated that the nominee has a poor or weak background in law enforcement. To my knowledge, I have never voted to confirm any such nominee, nor have many other members.

I want to make it absolutely clear and understood that members voted no on Judge White's nomination because of the statements made by law enforcement officers, in addition to the respect that we have for the two Senators from the nominee's state who recommended a no vote. We respect their recommendation to us. So I make mention of that.

I am bothered that somebody said I hope we are not returning to a ''color test.'' That statement was uncalled for and, I think, not becoming of the Senate. I want to make sure that point is made.

Mr. SCHUMER. Mr. President, will the Senator from Oklahoma yield?

Mr. NICKLES. I would be happy to yield.

Mr. SCHUMER. I thank the Senator. I just want to say a few words not in response but maybe in contraposition to what the Senator said.

Mr. NICKLES. I will be happy to yield for a question.

Mr. SCHUMER. I thank the Senator. I appreciate that. I will ask my question.

It seems to me that whatever the intentions—I am not impugning any intentions of any person who voted the other way, but it seems to me that the recent vote on the floor of the Senate

is going to create division and animus in this country of ours.

Mr. NICKLES. Mr. President, regular order. I will answer a question. If the Senator wants to make a speech, he can make the speech on his own time.

Mr. SCHUMER. I will yield back my time to the Senator, retract my question, and ask unanimous consent that I might speak for 3 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. NICKLES. I didn't know my colleague wanted to engage in this. I was not clear that the Senator wanted to make a speech.

I want to say absolutely and positively that there is no ''color test.'' No one raised that suggestion, that I am aware of, during the Clarence Thomas confirmation. I want to clarify again. I had several colleagues say they did not know what race Mr. White is. I think it is very much uncalled for and incorrect for anybody to make that kind of implication.

I yield the floor.

Mr. SCHUMER. Will the Senator yield for a question?

The PRESIDING OFFICER. The Chair advises that the pending business before the Senate is the vote on the Robb amendment. Unless there is unanimous consent to move beyond that vote, debate is not in order.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I respect the right of my friend from New York. In behalf of the Senator from Connecticut, who is waiting, we have pending business we are trying to finish today. I ask unanimous consent that the Senator from New York be allowed to speak for 3 minutes. Hopefully, we can move on.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I very much appreciate the courtesy.

The PRESIDING OFFICER. Will the Senator withhold?

Without objection, the vote on the Robb amendment is laid aside.

Mr. MCCAIN. Mr. President, could I ask for recognition.

The PRESIDING OFFICER. The Senator from Arizona may clarify his unanimous consent.

Mr. MCCAIN. Mr. President, prior to the Senator from New York being recognized, I ask unanimous consent the vote on or in relation to the Robb amendment be postponed, to occur in the next stacked sequence of votes, and, prior to the vote, Senators ROBB, WARNER, BRYAN, and MCCAIN be given 5 minutes each for closing remarks and that the amendment now be laid aside.

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

The Senator from New York is recognized for 3 minutes.

Mr. SCHUMER. I thank the Senators from Arizona, Oklahoma, and Connecticut for their courtesy, and the President as well.

I would like to make some remarks in contraposition to the Senator from Oklahoma. I say that without casting any impugning of any motivations as to why people voted.

It seems to me that this being, as I understand it, the first time we have this year rejected a Senate candidate on the floor—and I understand that there were recommendations from the home State—I still find myself very troubled by that rejection. I find myself troubled because we do need diversity on our bench. We need to, in my judgment, try to have more African Americans on the bench.

There is not an African American Member of this body. I find that regretful. The first impression I had the first day I walked on the floor was that. And I guess what I would like to do is just call into question why this nomination was rejected. I would ask that we examine. I know one of the reasons was the opposition of this nominee to the death penalty. I happen to be for the death penalty. I wrote the death penalty law when I was in the House. But I would like to ask how many other nominees we have rejected because of opposition to the death penalty.

I am told that one of the Senators who objected from Missouri actually nominated judges on that State court who agreed with Ronnie White on the very case that has been brought into question.

So if we are not to be accused of maybe having two standards, I think we ought to be very careful.

I respect each Senator's right to oppose nominations for judge. I respect the idea that we often defer to our colleagues in their home States. But I think there is a higher calling here. That is, because this was one of the few African American nominees to reach this floor, we ought to be extra careful to make sure the standard was not being used that we haven't used for some other nominees who have come before this body this year.

I disagree with that nominee on the issue at hand. But I still think that we should have extra sensitivity, given the long history of division in this country and the need to try to bring some equality onto our bench in the sense that we have a diverse and representative judiciary.

I hope my colleagues will examine those questions. I do not know the answers to them. But my guess is, we have unanimously approved or approved overwhelmingly judges who have the same view as Judge Ronnie White on this very controversial issue.

Mr. NICKLES. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield for a question.

Mr. NICKLES. To my knowledge, we have never confirmed a nominee who was opposed by the National Sheriffs Association or by a State Federation of Police Chiefs. I don't think we have done that in my Senate career.

Does the Senator know of any instance where we have ignored the recommendations of major law enforcement officers?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. SCHUMER. I ask unanimous consent for 30 seconds to respond to the Senator's question.

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

Mr. SCHUMER. I thank the Senator. I don't know of cases. But I would want to have examined the record about those questions and the questions I asked before we moved so hastily to reject this nominee. It so happened that there were votes on the other side in committee for this nominee that abruptly reversed themselves without any explanation as to why.

I yield my time.

The PRESIDING OFFICER. The Senator's time has expired.

## AIR TRANSPORTATION IMPROVEMENT ACT—Resumed

The PRESIDING OFFICER. Under the regular order, we are now in legislative business.

The Senator from Connecticut.

AMENDMENT NO. 2241

(Purpose: To require the submission of information to the Federal Aviation Administration regarding the year 2000 technology problem, and for other purposes)

Mr. DODD. Mr. President, I call up amendment No. 2241.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD), for himself, Mr. BENNETT, Mr. MCCAIN, Mr. ROCKEFELLER, and Mr. HOLLINGS, proposes an amendment numbered 2241.

Mr. DODD. 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:

At the appropriate place, insert the following:

**SEC. ___. FEDERAL AVIATION ADMINISTRATION YEAR 2000 TECHNOLOGY SAFETY ENFORCEMENT ACT OF 1999.**

(a) SHORT TITLE.—This section be cited as the ''Federal Aviation Administration Year 2000 Technology Safety Enforcement Act of 1999''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER OPERATING CERTIFICATE.—The term ''air carrier operating certificate'' has the same meaning as in section 44705 of title 49, United States Code.

(3) YEAR 2000 TECHNOLOGY PROBLEM.—The term ''year 2000 technology problem'' means a failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to

transmit, or to receive year-2000 date-related data failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) to accurately account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(c) RESPONSE TO REQUEST FOR INFORMATION.—Any person who has an air carrier operating certificate shall respond on or before November 1, 1999, to any request for information from the Administrator regarding readiness of that person with regard to the year 2000 technology problem as it relates to the compliance of that person with applicable safety regulations.

(d) FAILURE TO RESPOND.—

(1) SURRENDER OF CERTIFICATE.—After November 1, 1999, the Administrator shall make a decision on the record whether to compel any air carrier that has not responded on or before November 1, 1999, to a request for information regarding the readiness of that air carrier with regard to the year 2000 technology problem as it relates to the air carrier's compliance with applicable safety regulations to surrender its operating certificate to the Administrator.

(2) REINSTATEMENT OF CERTIFICATE.—The Administrator may return an air carrier operating certificate that has been surrendered under this subsection upon—

(A) a finding by the Administrator that a person whose certificate has been surrendered has provided sufficient information to demonstrate compliance with applicable safety regulations as it relates to the year 2000 technology problem; or

(B) upon receipt of a certification, signed under penalty or perjury, by the chief operating officer of the air carrier, that such air carrier has addressed the year 2000 technology problem so that the air carrier will be in full compliance with applicable safety regulations on and after January 1, 2000.

AMENDMENT NO. 2241, AS MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent that a modified version of that amendment be permitted. I send the modification to the desk.

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

The amendment is so modified.

The amendment (No. 2241), as modified, is as follows:

At the appropriate place, insert the following:

**SEC. ___. FEDERAL AVIATION ADMINISTRATION YEAR 2000 TECHNOLOGY SAFETY ENFORCEMENT ACT OF 1999.**

(a) SHORT TITLE.—This section be cited as the ''Federal Aviation Administration Year 2000 Technology Safety Enforcement Act of 1999''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER OPERATING CERTIFICATE.—The term ''air carrier operating certificate'' has the same meaning as in section 44705 of title 49, United States Code.

(3) YEAR 2000 TECHNOLOGY PROBLEM.—The term ''year 2000 technology problem'' means a failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) to accurately account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(c) RESPONSE TO REQUEST FOR INFORMATION.—Any person who has an air carrier operating certificate shall respond on or before November 1, 1999, to any request for information from the Administrator regarding readiness of that person with regard to the year 2000 technology problem as it relates to the compliance of that person with applicable safety regulations.

(d) FAILURE TO RESPOND.—

(1) SURRENDER OF CERTIFICATE.—After November 1, 1999, the Administrator shall make a decision on the record whether to compel any air carrier that has not responded on or before November 1, 1999, to a request for information regarding the readiness of that air carrier with regard to the year 2000 technology problem as it relates to the air carrier's compliance with applicable safety regulations to surrender its operating certificate to the Administrator.

(2) REINSTATEMENT OF CERTIFICATE.—The Administrator may return an air carrier operating certificate that has been surrendered under this subsection upon—

(A) a finding by the Administrator that a person whose certificate has been surrendered has provided sufficient information to demonstrate compliance with applicable safety regulations as it relates to the year 2000 technology problem; or

(B) upon receipt of a certification, signed under penalty or perjury, by the chief operating officer of the air carrier, that such air carrier has addressed the year 2000 technology problem so that the air carrier will be in full compliance with applicable safety regulations on and after January 1, 2000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator BENNETT, Senator MCCAIN, Senator ROCKEFELLER, and Senator HOLLINGS.

I urge my colleagues to support this proposal that would ground air carriers that do not respond to the Federal Aviation Administration's request for information about their Y2K status. This information is obviously critical not only to Americans who are now making travel plans for the millennium period, but to all American businesses that rely on safe air transportation to keep their doors open, to pay employees, and to contribute to the national economy.

Through our work on the Special Committee on the Year 2000 Technology Problem, Senator BENNETT and I have learned how hard it is for Americans to determine what precautions they should take to prepare for the year 2000. This task has been made unduly onerous by the failure of too many industries, including the aviation industry, to disclose information about their Y2K status.

The Y2K problem is a national challenge that requires all of us to do whatever it takes to make the transition between this century and the next one safe. The least any of us can do is to respond to surveys asking about the status of our Y2K preparations.

I suppose that you and others would assume that members of the safety-conscious aviation community would be eager to reassure the public by responding to the FAA's request for information about their Y2K status. Mr. President, if you made that assumption, unfortunately, you would be wrong.

At the committee's hearing last week on transportation and the Y2K issue, we learned that 1,900 of the 3,300 certificate holders, which includes air carriers and manufacturers, failed to respond to the FAA's request. Bear in mind that this survey is only 4 pages long, and the FAA estimates it would take 45 minutes to fill it out at an average cost of $30. There is no excuse, in my view, for this high rate of nonresponsiveness to the FAA's survey inquiry of certificate holders.

The FAA did not conduct this survey as a mere exercise. Reviewing a Y2K survey is often the only way the public can be sure an industry can keep functioning safely into the new year. When such a high percentage of the aviation industry fails to respond, the public might as well be flying blind.

These nonrespondents are mostly smaller carriers and charter airlines—not major airlines, I would quickly point out. But all of us have constituents who fly on these small carriers and rely on their cargo services. Their failure to respond to the request of their regulator is, I think, unacceptable, and I am sure my colleagues do as well.

The FAA has given me an updated list of the members of the aviation industry who have not responded to this survey. I made the request, along with the chairman, last Thursday, to give time to the members of their representative organizations who were in the room until today to comply with that survey. Of the 1,900 who had failed to comply last week, roughly 600 have responded to the survey since last Thursday. The list now contains 1,368 carriers and operators who have not complied with the FAA's survey request on the Y2K issue. I told the people in that hearing that, today, I would submit the names of the air carriers, manufacturers, or others with FAA certificates who have not responded to the survey to the Senate and put them in the CONGRESSIONAL RECORD.

Today, I ask unanimous consent that a list of 1,368 carriers and operators who have not complied with these surveys be printed in the RECORD. It lists the States they are from and the names of the businesses that have not complied. I hope that, in the coming days, these businesses will comply and provide the information to the FAA as requested.

Mr. President, I ask unanimous consent that this list at a cost of $3,122.00, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| ALASKA: | | |
| AIR LOGISTICS OF ALASKA INC. | EOPA | 135 On-Demand |
| DENALI WEST LODGE INC | D01C | 135 On-Demand |
| EVERTS AIR FUEL | EVAB | 125 Air Operator |
| GIBSON, ROBERT A | G6BC | 135 On-Demand |
| LOCKHEED MARTIN SERVICES INC. | L5SC | 135 Commuters |
| MILLER, DENNIS C | FXCA | 135 On-Demand |
| MORRIS, JACK | JR7C | 135 On-Demand |
| NEEDHAM, DARRELL R | N8PC | 135 On-Demand |
| PARKERSON, STAN | PJSC | 135 On-Demand |
| SWISHER, RICHARD C | QOFC | 135 On-Demand |
| WARBELOWS AIR VENTURES INC. | WVBA | 135 Commuters |
| ZACZKOWSKI, PAUL STEPHEN | KY9C | 135 On-Demand |
| A C E FLYERS INC | JKWC | 135 On-Demand |
| ADAMS, BRAD | OUKC | 135 On-Demand |
| ADAMS, ROBERT L | U7GC | 135 On-Demand |
| AIRBORNE SCIENTIFIC INC | AS6C | 135 On-Demand |
| AKERS, MERLE W | WL6C | 135 On-Demand |
| ALASKA NORTH COUNTRY ENTERPRISES INC. | E3KC | 135 On-Demand |
| ALASKA SKYWAYS INC | METC | 135 On-Demand |
| ALASKAN BUSH SAFARI INC | BT6C | 135 On-Demand |
| ALASKAS FISHING UNLIMITED INC. | F9UC | 135 On-Demand |
| ALDRIDGE, RON | UDCC | 135 On-Demand |
| ALEUTIAN SPECIALTY AVIATION INC. | VZDA | 135 On-Demand |
| ALLIGOOD, ALLEN K | K7AC | 135 On-Demand |
| ALLWEST FREIGHT INC | W1FC | 135 On-Demand |
| ALPINE AIR INC | YDAC | 135 On-Demand |
| ALYESKA AIR SERVICE INC | X4SC | 135 On-Demand |
| ANDREW AIRWAYS INC | D4NA | 135 On-Demand |
| ARCHERY OUTFITTERS INC | VYOC | 135 On-Demand |
| ATKINS, JAMES A | J03C | 135 On-Demand |
| BAL INC | W3LC | 135 On-Demand |
| BARBER, JACK B | JKGC | 135 On-Demand |
| BERRYMAN, JON M | EPQC | 135 On-Demand |
| BETHE, KENNETH E | EQYC | 135 On-Demand |
| BICKMAN, JIM | B35C | 135 On-Demand |
| BISHOP, GARY LEE | BMKC | 135 On-Demand |
| BRENT, CARL E | B21C | 135 On-Demand |
| BRISTOL BAY AIR SERVICE INC. | B9BC | 135 On-Demand |
| BRISTOL BAY LODGE INC | B4YC | 135 On-Demand |
| BROWN BEAR AIR INC | B64C | 135 On-Demand |
| BURWELL, JEFFERY S | P3BC | 135 On-Demand |
| C AND L INC | ENEA | 135 On-Demand |
| CHAPLIN, L JAMES | LJOC | 135 On-Demand |
| CLARK, HENRY C | KO9C | 135 On-Demand |
| CLARK, JOHN W. | A40C | 135 On-Demand |
| CLEARWATER AIR INC | LAMA | 135 On-Demand |
| COYOTE AIR LLC | CY6C | 135 On-Demand |
| CUB DRIVER INC | VUDC | 135 On-Demand |
| CUSACK, ROBERT A | R67C | 135 On-Demand |
| DARDEN, DONALD E | EQRC | 135 On-Demand |
| DAVIS, JEREMY S | DU5C | 135 On-Demand |
| DENALI AIR INC | DLIA | 135 On-Demand |
| DITTLINGER, BRET | K9SC | 135 On-Demand |
| EATON, GLEN | ENOC | 135 On-Demand |
| EGGE, LORI L | IUKA | 135 On-Demand |
| EHRHART, JAMES E | EH0C | 135 On-Demand |
| ELLIS, WILLIAM COLE | WEOC | 135 On-Demand |
| EMERY, CRAIG A | VDQC | 135 On-Demand |
| EVERGREEN HELICOPTERS OF ALASKA INC. | EHAA | 135 On-Demand |
| EXOUSIA INC | M9UC | 135 On-Demand |
| F S AIR SERVICE INC | STZA | 135 Commuters |
| FILKILL, DAVID B | YEOC | 135 On-Demand |
| FRESH WATER ADVENTURES INC. | BPMC | 135 On-Demand |
| GALAXY AIR CARGO INC | GX7C | 135 On-Demand |
| GLASER, DONALD E | GQDC | 135 On-Demand |
| GLENN, DAVID HAMILTON | G7HC | 135 Commuters |
| GRANT AVIATION INC | ENHA | 135 Commuters |
| GREEN, GARY D | MGWC | 135 On-Demand |
| GRETZKE, ROBERT C | WN6C | 135 On-Demand |
| HAGELAND AVIATION SERVICES INC. | EPUA | 135 Commuters |
| HALL, WILLIAM ELLIS | WXYA | 135 On-Demand |
| HANGER ONE AIR INC | H1YC | 135 On-Demand |
| HARRISS, BAYLIS EARLE | HOBC | 135 On-Demand |
| HATELY, WILLIAM | E2KC | 135 On-Demand |
| HICKS, DAVID | T26C | 135 On-Demand |
| HIGH ADVENTURE AIR CHARTER GUIDES AND OUTFITTERS I. | ZKTC | 135 On-Demand |
| HILDE, DEAN MITCHELL | D20C | 135 On-Demand |
| HUDSON AIR SERVICE INC | EMWC | 135 On-Demand |
| HUGHES, CLARENCE O | H9MC | 135 On-Demand |
| ILIAMNA AIR GUIDES INC | YKMC | 135 On-Demand |
| ILIAMNA AIR TAXI INC | EONA | 135 On-Demand |
| J AND M ALASKA AIR TOURS INC. | HVUA | 135 On-Demand |
| JAMES TRUMBULL INC | A3WC | 135 On-Demand |
| JIM AIR INC | IUJA | 135 Commuters |
| JOHNSON, JOSH W | OHQC | 135 On-Demand |
| JOHNSTON, THOMAS | S2TC | 135 On-Demand |
| JONES, ROBERT D JR | H4AC | 135 On-Demand |
| KACHEMAK AIR SERVICE INC | ELTA | 135 On-Demand |
| KACHEMAK BAY FLYING SERVICE INC. | YKBA | 135 On-Demand |
| KANTISHNA AIR TAXI INC | XAKC | 135 On-Demand |
| KATMAI PRO SHOP INC | K4PC | 135 On-Demand |
| KENAI AIR ALASKA INC | EMDA | 135 On-Demand |
| KENAI FJORD OUTFITTERS INC. | XKNA | 135 On-Demand |
| KENNICOTT WILDERNESS AIR INC. | D9TC | 135 On-Demand |
| KING AIR INC | KQAC | 135 On-Demand |
| KING SALMON GUIDES INC | K3NC | 135 On-Demand |
| LAKE CLARK AIR INC | HXXC | 135 On-Demand |
| LANG, MARK E | L7CC | 135 On-Demand |
| LAST FRONTIER AIR VENTURES LTD. | L49C | 135 On-Demand |
| LECHNER, BURDETTE J | BJLC | 135 On-Demand |
| LEE, ANTHONY | W71C | 135 On-Demand |
| LEE, DAVID J | EPOC | 135 On-Demand |
| LOUGHRAN, CRAIG S | XL8C | 135 On-Demand |
| MACAIR INC | M41C | 135 On-Demand |
| MARK MADURA INC | UMZA | 135 On-Demand |
| MEEKIN MICHAEL | EQKC | 135 On-Demand |
| MERCHANT, CLIFFORD ROBERT. | UVMC | 135 On-Demand |
| MIKE CUSACK'S KING SALMON LODGE INC. | KLOC | 135 On-Demand |
| MILLER, MARK | EMVC | 135 On-Demand |
| MINTA INC | W9RA | 135 On-Demand |
| MORONEY, BRUCE J | T43C | 135 On-Demand |
| MURPHY, GEORGE W | XGMC | 135 On-Demand |
| N A C NETWORK INC | NN9A | 135 On-Demand |
| NEITZ AVIATION INC | NZYC | 135 On-Demand |
| NEWHALEN LODGE INC | NL6C | 135 On-Demand |
| NICHOLSON, LARRY D | NL8C | 135 On-Demand |
| NO SEE UM LODGE INC | N6SC | 135 On-Demand |
| O'HARE AVIATION INC | XZPC | 135 On-Demand |
| ONEY, ANTHONY KING | ONYC | 135 On-Demand |
| ORTMAN, JOHN D | W4RC | 135 On-Demand |
| OSOLNIK, MICHAEL J | BWAC | 135 On-Demand |
| OSPREY AIR II INC | O43C | 135 On-Demand |
| OSPREY AIR INC | O3SC | 135 On-Demand |
| PACIFIC JET INC | JDMA | 135 On-Demand |
| PARMENTER, DAVID M | UWPC | 135 On-Demand |
| PETERSON, JOHN A | B00C | 135 On-Demand |
| POLAR EXPRESS AIRWAYS INC. | D2OC | 135 On-Demand |
| POLLACK AND SONS FLYING SERVICE INC. | P1JC | 135 On-Demand |
| POLLUX AVIATION LTD | UPXC | 135 On-Demand |
| POPE, TIM W | N3NC | 135 On-Demand |
| PRALLE, JEFF | H1GC | 135 On-Demand |
| PRECISION AVIATION INC | P8IC | 135 On-Demand |
| PRISM HELICOPTERS INC | EOOA | 135 On-Demand |
| PVT INC | JTBC | 135 On-Demand |
| RAINBOW KING LODGE INC | RK0C | 135 On-Demand |
| REDEMPTION INC | RI9A | 135 Commuters |
| SCENIC MOUNTAIN AIR INC | LVKA | 135 On-Demand |
| SCHUSTER, JOE S | J4HC | 135 On-Demand |
| SCHWAB, MAX | XWQC | 135 On-Demand |
| SECURITY AVIATION INC | LATA | 135 On-Demand |
| SHUMAN, CECIL R | UKHC | 135 On-Demand |
| SKY QUEST VENTURES INC | SQ9A | 135 On-Demand |
| SLUICE BOX INC | ENGC | 135 On-Demand |
| SMOKEY BAY AIR INC | X53A | 135 On-Demand |
| SOUSA, GERALD L | TOKC | 135 On-Demand |
| SOUTH BAY LTD | YB9A | 135 On-Demand |
| STARFLITE INC | EQSC | 135 On-Demand |
| STEARNS AIR ALASKA INC | UGJC | 135 On-Demand |
| STRONG, EDWARD D | E03C | 135 On-Demand |
| SWISS, JOHN S | EMLC | 135 On-Demand |
| TRAIL RIDGE AIR INC | YG0C | 135 On-Demand |
| TRANS ALASKA HELICOPTERS INC. | ELOA | 135 On-Demand |
| TUCKER AVIATION INC | TKAC | 135 On-Demand |
| ULMER INC | INXA | 135 On-Demand |
| UYAK AIR SERVICE INC | EPIA | 135 On-Demand |
| VANDERPOOL, JOSEPH J | VJWC | 135 On-Demand |
| VANDERPOOL, ROBERT W SR | V5PC | 135 On-Demand |
| VERN HUMBLE ALASKA AIR ADVENTURE INC. | HVKC | 135 On-Demand |
| VILLAGE AVIATION INC | HYQA | 135 Commuters |
| VREM, TRACY J | V3JC | 135 On-Demand |
| WARREN, MARK J | W03C | 135 On-Demand |
| WEBSTER, JAMES M | WF8C | 135 On-Demand |
| WIEDERKEHR AIR INC | EMKC | 135 On-Demand |
| WIRSCHEM, CHARLES | WVUA | 135 On-Demand |
| WOODIN, WILLIAM HAROLD | SKOC | 135 On-Demand |
| YUKON HELICOPTERS INC | YUKC | 135 On-Demand |
| YUTE AIR ALASKA INC | YAAA | 135 On-Demand |
| YUTE AIR TAXI INC | YUEC | 135 On-Demand |
| ALASKAN OUTBACK ADVENTURES. | O5BA | 135 On-Demand |
| DOYON, DAVID P | EKTA | 135 On-Demand |
| HAYES, ARTHUR D | EKRA | 135 On-Demand |
| LAUGHLIN, HAROLD J | LFKA | 135 On-Demand |
| MASDEN, MICHELLE | IW7A | 135 On-Demand |
| RANNEY, GAYLE AND STEVE | LGDA | 135 On-Demand |
| REIMER, DOUGLAS D | NOGA | 135 On-Demand |
| SKAGWAY AIR SERVICE INC | FYOA | 135 Commuters |
| TAL AIR | T8FA | 135 On-Demand |
| TYME AIR | T1MA | 135 On-Demand |
| WILSON, STEVE R | YAXA | 135 On-Demand |
| ALABAMA: | | |
| B C AVIATION SERVICES | B4ZA | 135 On-Demand |
| CHARTER SERVICES INC | ZZTA | 135 On-Demand |
| DOTHAN AIR CHARTER INC | EUUA | 135 On-Demand |
| DOUBLE BRIDGES AVIATION | D9UA | 135 On-Demand |
| EXECUTIVE AVIATION SERVICE INC. | EX6A | 135 On-Demand |
| FLYING M AVIATION INC | HROA | 135 On-Demand |
| GULF AVIATION INC | G62A | 135 On-Demand |
| GULF COAST CHARTERS L L C. | G94A | 135 On-Demand |
| HELI-PLANE | H9LA | 135 On-Demand |
| HENDERSON BLACK AND GREENE. | H9GA | 135 On-Demand |
| HOLMAN FUNERAL HOME INC | ETUA | 135 On-Demand |
| MEDJET INTERNATIONAL INC | MDGA | 135 On-Demand |
| MONTGOMERY AVIATION CORPORATION. | EA4A | 135 On-Demand |
| OAK MOUNTAIN HELICOPTERS INC. | EETA | 135 On-Demand |
| SEASANDS AIR | N9RA | 135 On-Demand |
| WILLIAMS, WOODROW | EUPA | 135 On-Demand |
| ARKANSAS: | | |
| GULFSTREAM INTERNATIONAL AIRLINES TRAINING ACADEMY. | ITJA | 135 On-Demand |
| STEWART AVIATION SERVICES INC. | HCPA | 135 On-Demand |
| YOUNKIN AIR SERVICE INC | YOUA | 135 On-Demand |
| ARIZONA: | | |
| SPORTS JET LLC | J01B | 135 On-Demand |
| AERO JET SERVICES LLC | J7EA | 135 On-Demand |
| AEX AIR | A3XA | 135 On-Demand |
| AIR EVAC SERVICES INC | VE7A | 135 On-Demand |
| AIR SAFARI INC | G9RA | 135 On-Demand |
| AIR WEST INC | W9WA | 135 On-Demand |
| AIRWEST HELICOPTERS LLC | XW9A | 135 On-Demand |
| ARIZONA HELISERVICES INC | A6ZA | 135 On-Demand |
| BRICE AVIATION SERVICE | B8JA | 135 On-Demand |
| CANYON STATE AIR SERVICE INC. | NYOA | 135 On-Demand |
| CUTTER AVIATION INC | EKGA | 135 On-Demand |
| DELTA LEASING INC | QUHA | 135 On-Demand |
| DIAMOND AIR AIRLINES INC | QIDA | 135 On-Demand |
| DIAMONDBACK AVIATION SERVICES INC. | D6BA | 135 On-Demand |
| EXECUTIVE AIRCRAFT SERVICES INC. | EV6A | 135 On-Demand |
| EXPRESS AIR INC | E7RA | 135 On-Demand |
| G MICHAEL LEWIN CORP | GMYA | 135 On-Demand |
| H Y AVIATION INC | H9YA | 135 On-Demand |
| HELICOPTERS INC | H1NA | 135 On-Demand |
| INTERSTATE EQUIPMENT LEASING INC. | I5EA | 135 On-Demand |
| JET ARIZONA INC | J7ZA | 135 On-Demand |
| KING AVIATION INC | OQHA | 135 On-Demand |
| LEADING EDGE AVIATION INC | ULDA | 135 On-Demand |
| MARSH AVIATION COMPANY INC. | ILIA | 135 On-Demand |
| MED-TRANS CORPORATION | M3XA | 135 On-Demand |
| MORTGAGE BANC CONSTRUCTION CO. | M6QA | 135 On-Demand |
| NATIVE AMERICAN AIR AMBULANCE INC. | S4WA | 135 On-Demand |
| RELIANT AVIATION LLC | K7BA | 135 On-Demand |
| SCOTTSDALE FLYERS LLC | SD9A | 135 On-Demand |
| SOUTHWEST AIRCRAFT CHARTER LC. | B2LA | 135 On-Demand |
| SUN WEST AVIATION INC | VH3A | 135 On-Demand |
| SUN WESTERN FLYERS INC | EKIA | 135 On-Demand |
| SUPERSTITION AIR SERVICE INC. | EIYA | 135 On-Demand |
| T AND G AVIATION INC | RJFA | 135 On-Demand |
| THE CONSTELLATION GROUP | TOCM | 135 On-Demand |
| THE GLOBAL GROUP | T6MA | 135 On-Demand |
| TOM CHAUNCEY CHARTER COMPANY. | EJTA | 135 On-Demand |
| UROPP, DANIEL P | D0KA | 135 On-Demand |
| WESTCOR AVIATION INC | EKLA | 135 On-Demand |
| WESTWIND AVIATION INC | WIWA | 135 On-Demand |
| AIR STAR HELICOPTERS INC | QKLA | 135 On-Demand |
| BLUMENTHAL, JAMES R | SKAB | 125 Air Operator |
| GRAND CANYON AIRLINES INC. | GCNA | 121 Domestic/Flag |
| WINDROCK AVIATION LLC | WR7A | 135 On-Demand |
| SIERRA PACIFIC AIRLINES INC. | SPAA | 121 Domestic/Flag |
| SUN PACIFIC INTERNATIONAL INC. | S1NA | 121 Domestic/Flag |
| CALIFORNIA: | | |
| ALASKA CENTRAL EXPRESS INC. | YADA | 135 On-Demand |
| VICTORIA FOREST AND SCOUT LLC. | VF9M | 125 Air Operator |
| AIR AURORA INC | CFHA | 135 On-Demand |
| THUNDER SPRING-WAREHAM LLC II. | T7HA | 135 On-Demand |
| AIRLINERS OF AMERICA INC | W8JM | 125 Air Operator |
| ARCTIC AIR SERVICE INC | NAAA | 135 On-Demand |
| ASPEN HELICOPTERS INC | IGAA | 135 On-Demand |
| AVJET CORPORATION | ABFA | 135 On-Demand |
| CHANNEL ISLANDS AVIATION INC. | DDEA | 135 On-Demand |
| GENESIS AVIATION INC | G1NB | 125 Air Operator |
| SPIRIT AVIATION INC | DWHA | 135 On-Demand |
| STAR AIRWAYS | WY8A | 135 On-Demand |
| SURFAS, FRANK N | XZLA | 135 On-Demand |
| THE AIR GROUP INC | ACNA | 135 On-Demand |
| THE ARGOSY GROUP INC | AGHA | 135 On-Demand |
| AIRMANNS AVIATION INC | ZM5A | 135 On-Demand |
| AVTRANS CORPORATION | VKHA | 135 On-Demand |
| C AND D INTERIORS | C02M | 125 Air Operator |
| CARDINAL AIR SERVICES INC | DNSA | 135 On-Demand |
| CENTURY WEST INC | CIOA | 135 On-Demand |
| DOUGLAS AIRCRAFT COMPANY. | DACM | 125 Air Operator |
| EMERALD AIR INC | VZMA | 135 On-Demand |
| HELISTREAM INC | JMXA | 135 On-Demand |
| ORANGE COUNTY SUNBIRD AVIATION. | QGXA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| RAINBOW AIR ACADEMY INC | MNOA | 135 On-Demand |
| ROSS, BRUCE A AND HERMAN, JAMES S. | MGHA | 135 On-Demand |
| TG AIR INC | TG8A | 135 On-Demand |
| AMERICAN CARE INC | F75A | 135 On-Demand |
| CASCADE AIR LINES | W3VA | 135 On-Demand |
| CAVOK INC | CWNA | 135 On-Demand |
| CLARK, JAMES L | XARA | 135 On-Demand |
| CRITICAL AIR MEDICINE INC | IBUA | 135 On-Demand |
| ISLAND HOPPER INC | ISFA | 135 On-Demand |
| JAAZ, GERHARD JACK | DKKA | 135 On-Demand |
| JETSOURCE CHARTER INC | AMPA | 135 On-Demand |
| LIQUID CHARTER SERVICES INC. | L3SA | 135 On-Demand |
| LUNDY AIR CHARTER INC | LQUA | 135 On-Demand |
| MERIDIAN AIR CHARTER INC | MZ6A | 135 On-Demand |
| SHIER AVIATION CORP | IVSA | 135 On-Demand |
| SKY LIMO WEST INC | SZ0A | 135 On-Demand |
| TANGO AIR INC | LOMA | 135 On-Demand |
| CAL VADA AIRCRAFT INC | AQNA | 135 On-Demand |
| COFFELT, JOHN X | CFKA | 135 On-Demand |
| ENGLISH, DANIEL B | XDOA | 135 On-Demand |
| RALSTON AVIATION | R7NA | 135 On-Demand |
| AERO MICRONESIA INC | 15PA | 121 Supplemental |
| AIR S F FLIGHT SERVICE | F81A | 135 On-Demand |
| AMI JET CHARTER INC | IJOA | 135 On-Demand |
| ARIS HELICOPTERS LTD | CAXA | 135 On-Demand |
| BAY AIR CHARTER | OUOA | 135 On-Demand |
| EMECTEC CORP | E7CA | 135 On-Demand |
| EMPIRE AVIATION INC | EP7A | 135 On-Demand |
| EXECUTIVE HELICOPTER SERVICE INC. | HUYA | 135 On-Demand |
| IBC AVIATION SERVICES INC | IB9A | 135 On-Demand |
| SAN JOSE AIR CARGO INC | SJ9A | 135 On-Demand |
| T E Q CORPORATION | BMWA | 135 On-Demand |
| VAN WAGENEN, ROBERT F | VWGA | 135 On-Demand |
| VERTICARE | CBFA | 135 On-Demand |
| AMERICAN VALET AIR INC | VMNA | 135 On-Demand |
| AVIATION INTERNATIONAL ROTORS INC. | A8YA | 135 On-Demand |
| DESERT AIRLINES AND AEROMEDICAL TRANSPORT INC. | EFAA | 135 On-Demand |
| EXECUTIVE AVIATION LOGISTICS INC. | EEUA | 135 On-Demand |
| NORTHAIR INC | NH9A | 135 On-Demand |
| ORCO AVIATION INC | EEAA | 135 On-Demand |
| PARALIFT INC | VPLM | 125 Air Operator |
| PRO-CRAFT AVIATION INC | JI3A | 135 On-Demand |
| SAN BERNARDINO COUNTY SHERIFFS AVIATION DIVISION. | SB9A | 135 On-Demand |
| SKYDIVE ELSINORE INC | K2EM | 125 Air Operator |
| AIR BY JET L L C | J2IA | 135 On-Demand |
| AIR DESERT PACIFIC CORP | UDPA | 135 On-Demand |
| AIR JUSTICE INC | J9SA | 135 On-Demand |
| C A T S TOURS INC | C9UA | 135 On-Demand |
| CORSAIR COPTERS INC | DG0A | 135 On-Demand |
| GOLDEN WEST AIRLINES INC | G2WA | 135 On-Demand |
| INTER ISLAND YACHTS INC | I2YA | 135 On-Demand |
| M B AIRWAYS INC | XMBA | 135 On-Demand |
| MANHATTAN BANKER CORPORATION. | YCSA | 135 On-Demand |
| MERCURY AIR CARGO INC | M27A | 135 On-Demand |
| NORTHROP GRUMMAN AVIATION INC. | NOZA | 135 On-Demand |
| OCCIDENTAL PETROLEUM CORP. | OCPM | 125 Air Operator |
| OIL AND GAS MANAGEMENT CORPORATION. | OG8A | 135 On-Demand |
| ROUSE, MARC S | R5FA | 135 On-Demand |
| TRANS-EXEC AIR SERVICE INC. | DVYA | 135 On-Demand |
| UNIVERSAL JET INC | U3JA | 135 On-Demand |
| WESTFIELD AVIATION INC | WTZM | 125 Air Operator |
| ATKIN, WILLARD KENT | WNHA | 135 On-Demand |
| CARTER FLYGARE INC | SA8A | 135 On-Demand |
| CELEBRITY AIR INC | C86A | 135 On-Demand |
| EVERSON, DAVID E | QVHA | 135 On-Demand |
| HILLSIDE AVIATION INC | AXHA | 135 On-Demand |
| N T ENLOE MEMORIAL HOSPITAL. | NTQA | 135 On-Demand |
| OROVILLE AVIATION INC | LIKA | 135 On-Demand |
| PACIFIC COAST BUILDING PRODUCTS INC. | PCPA | 135 On-Demand |
| REDDING AERO ENTERPRISES INC. | MNVA | 135 On-Demand |
| REDDING AIR SERVICE INC | AUMA | 135 On-Demand |
| SHASTA LIVESTOCK AUCTION YARD INC. | WV8A | 135 On-Demand |
| WEATHERS, TERRY M AND JEAN L. | AVWA | 135 On-Demand |
| WOODLAND AVIATION INC | AWKA | 135 On-Demand |
| AIR AMBULANCE INC | BZXA | 135 On-Demand |
| AIR WOLFE FREIGHT INC | W27A | 135 On-Demand |
| AMPHIBIOUS ADVENTURES INC. | X47A | 135 On-Demand |
| CONCORD JET SERVICE INC | CJBA | 135 On-Demand |
| COOK, WILLIAM B | COIA | 135 On-Demand |
| DC-3 FLIGHTS INC | UUDM | 125 On-Demand |
| GABEL, KYLE AND GLENDA | NG7A | 135 On-Demand |
| HUMBOLDT GROUP | H29A | 135 On-Demand |
| KEB AIRCRAFT SALES INC | XSKM | 125 Air Operator |
| L W WINTER HELICOPTERS INC. | W7SE | 135 On-Demand |
| LARON ENTERPRISES INC | COPA | 135 On-Demand |
| LARSEN, JAMES E | COGA | 135 On-Demand |
| MCCLELLAND, JOHN AND TERI. | HLRA | 135 On-Demand |
| MEDIPLANE INC | JBZA | 135 On-Demand |
| PACIFIC STATES AVIATION INC. | CPFA | 135 On-Demand |
| S P AVIATION INC | SPOA | 135 On-Demand |
| SCENIC AIR INC | S5TA | 135 On-Demand |
| SKELLET, ANNALOU | PQWA | 135 On-Demand |
| SMITH AIR INC | CQIA | 135 On-Demand |
| TOMCAT VERTICAL AIR | T9VA | 135 On-Demand |
| TRINITY HELICOPTERS INC | TH6A | 135 On-Demand |
| WESTLOG INC | JXKA | 135 On-Demand |
| COLORADO: | | |
| AERO SYSTEMS INC | CKEA | 135 On-Demand |
| AIR METHODS CORP | QMLA | 135 On-Demand |
| AIRCAM NATIONAL HELICOPTER SERVICES INC.. | VMIA | 135 On-Demand |
| ASPEN BASE OPERATION INC | CKBA | 135 On-Demand |
| BAAN HOFMAN, CHERYL | B5HA | 135 On-Demand |
| CB AIR INC | OAXA | 135 On-Demand |
| DISCOVERY AIR INC | IYDA | 135 On-Demand |
| FLATIRONS AVIATION CORPORATION. | YFAA | 135 On-Demand |
| G AND G FLIGHT INC | YGHA | 135 On-Demand |
| GALENA AIR SERVICES COMPANY. | GN0A | 135 On-Demand |
| GEO-SEIS HELICOPTERS INC | EKKA | 135 On-Demand |
| KEY LIME AIR | KY7A | 135 On-Demand |
| LAWRENCE, KIRKLAND WAYNE. | XSNA | 135 On-Demand |
| MACK FLIGHT LEASE INC | F4KM | 125 Air Operator |
| MAYO AVIATION INC | CIEA | 135 On-Demand |
| MILAM INTERNATIONAL INC | CJPA | 135 On-Demand |
| MILE HI AIRCRAFT MANAGEMENT INC. | MH6A | 135 On-Demand |
| MOUNTAIN AVIATION INC | VQMA | 135 On-Demand |
| MOUNTAIN FLIGHT SERVICE | OGQA | 135 On-Demand |
| ORION HELICOPTERS INC | CIQA | 135 On-Demand |
| PIKES PEAK CHARTER L L C | PQ9A | 135 On-Demand |
| RED MOUNTAIN AVIATION L L C. | RV0A | 135 On-Demand |
| ROCKY MOUNTAIN AVIATION | J6TA | 135 On-Demand |
| SEA PACIFIC INC | URGA | 135 On-Demand |
| SUNDANCE AIR INC | MGDA | 135 On-Demand |
| TURBO WEST CORPAC INC | TQWA | 135 On-Demand |
| WINDSTAR AVIATION CORP | CIWA | 135 On-Demand |
| AMERICAN CHECK TRANSPORT INC. | VOXA | 135 On-Demand |
| CENTURY AVIATION INC | GNTA | 135 On-Demand |
| DURANGO AIR SERVICE INC | CMIA | 135 On-Demand |
| EARTH CENTER ADVENTURES INC. | E4HA | 135 On-Demand |
| GUNSLINGER INVESTMENT CORP. | W9CA | 135 On-Demand |
| PREMIER AVIATION INC | PGFA | 135 On-Demand |
| TUCKER, BLAINE | CLRA | 135 On-Demand |
| WESTERN AVIATORS INC | W6TA | 135 On-Demand |
| WESTERN SLOPE HELICOPTERS INC. | WL8A | 135 On-Demand |
| JETPROP INC | J25A | 135 On-Demand |
| CONNECTICUT: | | |
| DELTA JET LTD | FUUA | 135 On-Demand |
| DISTRICT OF COLUMBIA: | | |
| CAPITAL HELICOPTERS L L C | H14A | 135 On-Demand |
| SHORT BROTHERS USA INC | SB8M | 125 Air Operator |
| DELAWARE: | | |
| AMERICAN AEROSPACE CORPORATION. | D4AA | 135 On-Demand |
| CANNAVO, DAVID | EHEA | 135 On-Demand |
| DAWN AERO INC | DIQA | 135 On-Demand |
| MARSHALL GEOSURVEY ASSOCIATES. | M0YM | 125 Air Operator |
| MERCURY RESEARCH AND SURVEYING. | MK0M | 125 Air Operator |
| AMERICAN INTERNATIONAL AVIATION CORP. | I4NA | 135 On-Demand |
| VALLEY RESOURCES INC | VRYM | 125 Air Operator |
| FLORIDA: | | |
| OMNI AVIATION INC | OI8A | 135 On-Demand |
| CHIPOLA AVIATION INC | ETSA | 135 On-Demand |
| PARADISE HELICOPTERS INC | P1LA | 135 On-Demand |
| PENSACOLA AVIATION CENTER. | KRTA | 135 On-Demand |
| SOWELL AIRCRAFT SERVICE INC. | V4SA | 135 On-Demand |
| SOWELL AVIATION COMPANY INC. | DW4A | 135 On-Demand |
| SUNSHINE AERO INDUSTRIES | EUBA | 135 On-Demand |
| AIR CLASSIC CARGO INC | LXEA | 135 On-Demand |
| AIR FLORIDA CHARTER INC | H8DA | 135 On-Demand |
| AIR ONE INC | HZUA | 135 On-Demand |
| AIR ORLANDO CHARTER INC | AOUA | 135 On-Demand |
| AIRSCAN INC | OIPA | 135 On-Demand |
| ATLANTIC AIRWAYS INC | TCXA | 135 On-Demand |
| BORGHORST, MARK | B55B | 125 Air Operator |
| BRAUNIG CORPORATION INC | JG8A | 135 On-Demand |
| C AND R LEASING INC | E1VA | 135 On-Demand |
| CLYDE AIR INC | TQ6A | 135 On-Demand |
| CONSTRUCTION INSURANCE SERVICES INC. | ORGA | 135 On-Demand |
| CORPORATE AIRWAYS INC | FCTA | 135 On-Demand |
| DEAL AEROSPACE CORPORATION. | D5EA | 135 On-Demand |
| DISCOVERY AIR CHARTER INC. | DIBA | 135 On-Demand |
| F I T AVIATION INC | ECQA | 135 On-Demand |
| FLIGHT EXPRESS INC | FPIA | 135 On-Demand |
| FLY SAFELY INC | F77A | 135 On-Demand |
| KENN AIR CORP | ILZA | 135 On-Demand |
| MAGIC CHARTER INC | OVAA | 135 On-Demand |
| MARATHON FLIGHT SCHOOL INC. | LCRA | 135 On-Demand |
| MISSIONAIR | M4HM | 125 Air Operator |
| NATIONAL AIR CHARTERS INC. | NA6A | 135 On-Demand |
| PHILIPS AND JORDAN INC | JFQA | 135 On-Demand |
| PRETSCH, ERNEST | FOFA | 135 On-Demand |
| REGIONAL AIR CHARTERS INC. | M97A | 135 On-Demand |
| SEBASTIAN AERO SERVICES INC. | VWKA | 135 On-Demand |
| SUN AVIATION INC | ECWA | 135 On-Demand |
| TRANS NORTHERN AIRWAYS INC. | IHMA | 135 On-Demand |
| UNIVERSITY OF FLORIDA ATHLETIC ASSOCIATION. | UFEM | 125 Air Operator |
| VINTAGE PROPS AND JETS INC. | VNWA | 135 Commuters |
| WHISPER AIRLINES INC | KCDA | 135 On-Demand |
| ADVENTURE FLOATPLANE INC | Y6RA | 135 On-Demand |
| AIR CHARTER ONE INC | CO6A | 135 On-Demand |
| AIR FLIGHT INC | AFWA | 135 On-Demand |
| AIRCOASTAL HELICOPTERS INC. | JJWA | 135 On-Demand |
| AMELIA AIRWAYS INC | A2AA | 135 On-Demand |
| AMERIJET INTERNATIONAL INC. | PCSA | 121 Supplemental |
| A-OK JETS | FAUA | 135 On-Demand |
| ARAWAK AVIATION INC | EYDA | 135 On-Demand |
| ATLANTIC AIRLINES INC | HWTA | 135 On-Demand |
| BEL AIR TRANSPORT | MJNA | 135 On-Demand |
| BIMINI ISLAND AIR INC | B5MA | 135 On-Demand |
| BLACKHAWK INTL AIRWAYS | IKWA | 135 On-Demand |
| CATALINA AEROSPACE CORPORATION. | C40A | 135 On-Demand |
| COMMERCIAL AVIATION ENTERPRISES INC. | JKBA | 135 On-Demand |
| CUSTOM AIR TRANSPORT INC. | C7WA | 121 Supplemental |
| EXECSTAR AVIATION INC | XVQA | 135 On-Demand |
| EXECUTIVE AIR CHARTER OF BOCA RATON. | FOMA | 135 On-Demand |
| FLIGHT TRAINING INTERNATIONAL INC. | RL6A | 135 On-Demand |
| FLORIDA AIR TRANSPORT INC. | FLRB | 125 Air Operator |
| FLORIDA SUNCOAST AVIATION INC. | F7UA | 135 On-Demand |
| FLYING BOAT INC | FVYA | 121 Domestic/Flag |
| GULF AND CARIBBEAN CARGO INC. | VGCA | 121 Supplemental |
| HOP A JET INC | EXOA | 135 On-Demand |
| JET CHARTER INTERNATIONAL INC. | YJIA | 135 On-Demand |
| LOCAIR INC | YLXA | 135 On-Demand |
| M W TRAVEL AND LEISURE INC. | M8WA | 135 On-Demand |
| MID-STAR INC | YLPA | 135 On-Demand |
| NEALCO AIR CHARTER SERVICES INC. | N5CA | 135 On-Demand |
| PALM BEACH AEROSPACE INC. | P58M | 125 Air Operator |
| PALM BEACH COUNTY HEALTH CARE DISTRICT. | HC7A | 135 On-Demand |
| PARADISE ISLAND AIRLINES INC. | CICA | 121 Domestic/Flag |
| PERSONAL JET CHARTER INC | EZKA | 135 On-Demand |
| PLANE SPACE INC | P62A | 135 On-Demand |
| PLANET AIRWAYS INC | PZ6A | 121 Domestic/Flag |
| POMPANO HELICOPTERS INC | P8HA | 135 On-Demand |
| SEMINOLE TRIBE OF FLORIDA. | S64A | 135 On-Demand |
| SOUTHEASTERN JET AVIATION INC. | SJ6A | 135 On-Demand |
| SOUTHERN FLARE INC | F25A | 135 On-Demand |
| STUART JET CENTER INC | VSAA | 135 On-Demand |
| TRIANGLE AIRCRAFT SERVICES INC. | T9GM | 125 Air Operator |
| TROPIC AIR CHARTERS INC | T4CA | 135 On-Demand |
| TWIN TOWN LEASING CO INC | EYLA | 135 On-Demand |
| VOLAR HELICOPTERS INC | VOLA | 135 On-Demand |
| WORLD JET CHARTERS INC | WUJA | 135 On-Demand |
| AIR RECOVERY INC | YRUA | 135 On-Demand |
| AIR SAL INC | JCOA | 135 On-Demand |
| AIRGLASS AVIATION INC | S3HA | 135 On-Demand |
| ATLANTIC AIR CARGO INC | XAUA | 135 On-Demand |
| AVIATOR SERVICES INC | UFVA | 135 On-Demand |
| COLLIER COUNTY HELICOPTER OPERATION. | CCHA | 135 On-Demand |
| CONTINENTAL AVIATION SERVICES INC. | CX0B | 125 Air Operator |
| CORPORATE AIR CHARTERS INC. | C5GA | 135 On-Demand |
| EXEC AIR INC OF NAPLES | E69A | 135 On-Demand |
| FUN AIR CORP | FUNB | 125 Air Operator |
| GOLDEN AIRLINES INC | G1LA | 135 On-Demand |
| GULF COAST AIRWAYS INC | GW0A | 135 On-Demand |
| HUGHES FLYING SERVICE INC. | EYAA | 135 On-Demand |
| I–LAND AIR CORPORATION | IL7A | 135 On-Demand |
| MARCO AVIATION INC | MAEA | 135 On-Demand |
| MARIOS AIR INC | C8QA | 135 On-Demand |
| MILLON AIR INC | MIRA | 121 Supplemental |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| ROBINSON AIR CRANE INC .. | R19A | 135 On-Demand |
| SKYS FLIGHT SERVICE INC ... | S59A | 135 On-Demand |
| SUPER THREE INC ..... | SU6M | 125 Air Operator |
| TRANS AIR LINK CORP ..... | TALA | 121 Supplemental |
| WCA TRANSPORTATION SERVICES INC. | WT8A | 135 On-Demand |
| PARADISE FLIGHTS INC ..... | P31A | 135 On-Demand |
| AIR SITARAH INC ..... | IBHC | 135 On-Demand |
| BAY AIR FLYING SERVICE INC. | EDDA | 135 On-Demand |
| COMMANDER AIRWAYS INC .. | SUEA | 135 On-Demand |
| EAGLE AIR CORP ..... | E2CA | 135 On-Demand |
| EXECUJET CHARTER SERVICE INC. | EV7A | 135 On-Demand |
| EXECUTIVE AVIATION CHARTERS INC. | HD9A | 135 On-Demand |
| FLIGHTLINE GROUP INC ..... | FBUA | 135 On-Demand |
| GLOBAL AIR CHARTER INC ... | G2CA | 135 On-Demand |
| HUFFMAN AVIATION INC ..... | HZAA | 135 On-Demand |
| JONES FLYING SERVICE INC | ECTA | 135 On-Demand |
| LEADING EDGE AVIATION CHARTER SERVICE. | L1EA | 135 On-Demand |
| PRIORITY JETS INC ..... | NWHA | 135 On-Demand |
| RED BARON AVIATION INC ... | REBA | 135 On-Demand |
| SARASOTA AIRWAYS INC ..... | SQ8A | 135 On-Demand |
| STRONG AIR AIR CARGO INC | E35A | 135 On-Demand |
| SUN JET INTERNATIONAL INC | A4JA | 121 Supplemental |
| WALKABOUT AIR ..... | WK9A | 135 On-Demand |
| DSTS INC ..... | D8TM | 125 Air Operator |
| PAXSON COMMUNICATIONS CORPORATION. | XP0M | 125 Air Operator |
| GEORGIA: | | |
| QUICKSILVER AVIATION INC | QCKA | 135 On-Demand |
| AIR CHARTERS INC ..... | C89A | 135 On-Demand |
| AIRLINE AVIATION ACADEMY INC. | ACDA | 135 On-Demand |
| AVIOR TECHNOLOGIES OPERATIONS INC. | A8OA | 135 On-Demand |
| CRITICAL CARE MEDFLIGHT INC. | MFGA | 135 On-Demand |
| CUSTOM AIR SERVICE INC ... | C9QB | 125 Air Operator |
| DODSON INTERNATIONAL CORP. | DOSA | 135 On-Demand |
| EPPS AIR SERVICE INC ..... | ESMA | 135 On-Demand |
| GEORGIA FLIGHT INC ..... | IXGA | 135 On-Demand |
| H C L AVIATION INC ..... | UHVA | 121 Domestic/Flag |
| HILL AIRCRAFT AND LEASING CORP. | ESEA | 135 On-Demand |
| HOUSTON AIR INC ..... | H3AA | 135 On-Demand |
| LOWE AVIATION CO INC ..... | ETEA | 135 On-Demand |
| METRO ENVIRONMENTAL ASSOCIATES INC. | M1VA | 135 On-Demand |
| NATIONS AIR EXPRESS INC .. | USVA | 121 Domestic/Flag |
| SMITHAIR INC ..... | ETHA | 135 On-Demand |
| SOUTHEASTERN AIR CHARTER INC. | MFJA | 135 On-Demand |
| UK–USA HELICOPTERS INC .. | UK6A | 135 On-Demand |
| HAWAII: | | |
| ABOVE IT ALL INC ..... | OVFA | 135 On-Demand |
| AIR LINKS INC ..... | L6KA | 135 On-Demand |
| AIR NEVADA AIRLINES INC ... | RNVA | 135 Communities |
| ALII AVIATION INC ..... | ALUA | 135 On-Demand |
| CIRCLE RAINBOW AIR INC ... | DCRA | 135 On-Demand |
| GENAVCO CORP ..... | GVCA | 135 On-Demand |
| HAWAII AIR AMBULANCE INC | H48A | 135 On-Demand |
| HAWAII COUNTY FIRE DEPARTMENT. | H5FA | 135 On-Demand |
| MAUNA KEA HELICOPTERS INC. | MUNA | 135 On-Demand |
| MOLOKAI LANAI AIR SHUTTLE INC. | OIKA | 135 On-Demand |
| NIIHAU HELICOPTERS INC .... | NUIA | 135 On-Demand |
| PACIFIC HELICOPTER TOURS INC. | DBZA | 135 On-Demand |
| PEARL PACIFIC ENTERPRISES | YZPA | 135 On-Demand |
| SAFARI AVIATION INC ..... | XSFA | 135 On-Demand |
| SANDSTONE AERIAL SERVICE | SZNA | 135 On-Demand |
| WILL SQUYRES HELICOPTER SERVICE. | LBGA | 135 On-Demand |
| IOWA: | | |
| ACCESSAIR INC ..... | E6RA | 121 Domestic/Flag |
| CARVER AERO INC ..... | XRRA | 135 On-Demand |
| CHARTERSTAR INC ..... | C2SA | 135 On-Demand |
| DENISON AVIATION INC ..... | CSVA | 135 On-Demand |
| HAPS AIR SERVICE INC ..... | CRJA | 135 On-Demand |
| HASSMAN, DALE ..... | DHSA | 135 On-Demand |
| IOWA CITY FLYING SERVICE INC. | ICFA | 135 On-Demand |
| MONTICELLO AVIATION INC .. | K02A | 135 On-Demand |
| MOORE HELICOPTER SERVICES INC. | JLEA | 135 On-Demand |
| NIEDERHAUSER AIRWAYS INC. | CSNA | 135 On-Demand |
| P AND N CORP ..... | PNOA | 135 On-Demand |
| P S AIR INC ..... | ZSEA | 135 On-Demand |
| RITEL COPTER SERVICE INC | RCSA | 135 On-Demand |
| SIOUX CENTER AVIATION LTD | CQXA | 135 On-Demand |
| SPORT AVIATION INC ..... | S5IA | 135 On-Demand |
| TODDS FLYING SERVICE INC | TDFA | 135 On-Demand |
| WHITFIELD, WAYNE E ..... | CYUA | 135 On-Demand |
| IDAHO: | | |
| BRISTOL BAY SPORT FISHING INC. | YJBC | 135 On-Demand |
| AVCENTER INC ..... | GAYA | 135 On-Demand |
| BOARD OF DIRECTORS OF BANNOCK REGIONAL MEDICAL CEN. | BRMA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| AIR KETCHUM IDAHO INC ..... | K7MA | 135 On-Demand |
| AIR RESOURCES INC ..... | A00A | 135 On-Demand |
| ARNOLD, RAY E ..... | REAA | 135 On-Demand |
| CREW CONCEPTS INC ..... | FZOA | 135 On-Demand |
| CURRIE, DAVID A ..... | X5HA | 135 On-Demand |
| HELI'KO INC ..... | MGRA | 135 On-Demand |
| HORMAECHEA, RICHARD M .. | XXRA | 135 On-Demand |
| IDAHO TRANSPORT SERVICE INC. | IBNA | 135 On-Demand |
| JEFLYN AVIATION INC ..... | JL9A | 135 On-Demand |
| MCCALL AIR TAXI INC ..... | GBWA | 135 On-Demand |
| MIDDLE FORK AVIATION INC | MKTA | 135 On-Demand |
| PERE, GUY A ..... | PGKA | 135 On-Demand |
| PIONEER AVIATION INC ..... | FZQA | 135 On-Demand |
| REGIONAL EXPRESS CO ..... | RECA | 135 On-Demand |
| STANLEY AIR TAXI INC ..... | IKOA | 135 On-Demand |
| THOMAS HELICOPTERS INC .. | GBNA | 135 On-Demand |
| WESTERN AIRWAYS INC ..... | KHSA | 135 On-Demand |
| Z AIR ..... | ZI0A | 135 On-Demand |
| BUSINESS AVIATION INC ..... | BU7A | 135 On-Demand |
| HILLCREST AIRCRAFT CO INC | GFLA | 135 On-Demand |
| NORTHERN AIR INC ..... | NR9A | 135 On-Demand |
| OROFINO AVIATION INC ..... | INMA | 135 On-Demand |
| PANHANDLE HELICOPTER INC | PHAA | 135 On-Demand |
| RESORT AVIATION SERVICES INC. | YRVA | 135 On-Demand |
| SCANLON, JOHN T ..... | SCFA | 135 On-Demand |
| STOUT FLYING SERVICE INC | WQEA | 135 On-Demand |
| WHITEWATER CREEK INC ..... | W7IA | 135 On-Demand |
| ILLINOIS: | | |
| METRO-EAST AIR SERVICE INC. | DFIA | 135 On-Demand |
| AERO TAXI ROCKFORD INC .. | CGYA | 135 On-Demand |
| AIR ANGELS INC ..... | X34A | 135 On-Demand |
| AIRWAY CHARTER SERVICE INC. | IXLA | 135 On-Demand |
| ALLEGRA AIRCRAFT ..... | XUNA | 135 On-Demand |
| ALPINE AVIATION CORP ..... | CEVA | 135 On-Demand |
| DB AVIATION INC ..... | IEYA | 135 On-Demand |
| DIAMOND INTERNATIONAL AIRLINES INC. | D9IA | 135 On-Demand |
| EAGLE AIR TRANSPORT INC | E2TM | 125 Air Operator |
| GREAT BEAR AVIATION COMPANY. | G7BA | 135 On-Demand |
| INTEGRATED FLIGHT RESOURCES INC. | I4FA | 135 On-Demand |
| INTERNATIONAL AIRWAY EXPRESS INC. | VJCA | 135 On-Demand |
| LUMANAIR INC ..... | CGFA | 135 On-Demand |
| MALEC HOLDINGS LTD ..... | UMQA | 135 On-Demand |
| MIDWEST HELICOPTER AIRWAYS INC. | CHVA | 135 On-Demand |
| NAC AIRLINE INC ..... | CFBA | 135 On-Demand |
| NORTH AMERICAN JET CHARTER GROUP INC. | CJ6A | 135 On-Demand |
| NORTH WESTERN AVIATION INC. | YNIA | 135 On-Demand |
| NORTHWEST FLYERS INC ..... | NW9A | 135 On-Demand |
| O O T AIR EXPRESS COMPANY. | OO6A | 135 On-Demand |
| OLIVERS HELICOPTERS INC .. | OBYA | 135 On-Demand |
| OWNERS JET SERVICES LTD | LJCA | 135 On-Demand |
| ROTERS IN MOTION INC ..... | A9XA | 135 On-Demand |
| SCOTT AVIATION INC ..... | SVTA | 135 On-Demand |
| SOUTH SUBURBAN AVIATION INC. | XZSA | 135 On-Demand |
| SPIRIT AVIATION INC ..... | IS0A | 135 On-Demand |
| SUN AERO INC ..... | ZSUA | 135 On-Demand |
| VALLEY AIR SERVICE ..... | VL8A | 135 On-Demand |
| VIKING EXPRESS INC ..... | CHRA | 135 On-Demand |
| WINDY CITY CHARTER INC ... | ZRGA | 135 On-Demand |
| WSG INC ..... | J9MA | 135 On-Demand |
| BYERLY AVIATION INC ..... | BOEA | 135 On-Demand |
| COBB, FREDERICK L ..... | BOOA | 135 On-Demand |
| HEETCO JET CENTER INC ..... | BOUA | 135 On-Demand |
| JET AIR INC ..... | JAFA | 135 On-Demand |
| TATES FLYING SERVICE INC | JBNA | 135 On-Demand |
| THE FLIGHTSTAR CORP ..... | BONA | 135 On-Demand |
| INDIANA: | | |
| HIGH TECH APPLICATIONS INC. | I3RA | 135 On-Demand |
| ANDERSON AVIATION INC ..... | AIEA | 135 On-Demand |
| BROWN FLYING SCHOOL INC | DAVA | 135 On-Demand |
| COOK AIRCRAFT LEASING INC. | YSIB | 125 Air Operator |
| INDIANAPOLIS AVIATION INC | AIHA | 135 On-Demand |
| KEENAIRE INC ..... | KKEA | 135 On-Demand |
| LAZY S FLYING SERVICE ..... | KVEA | 135 On-Demand |
| RHOADES AVIATION INC ..... | JRAA | 121 Supplemental |
| TRI STATE AERO INC ..... | AHTA | 135 On-Demand |
| AIR CHARTER EXPRESS INC | X31A | 135 On-Demand |
| BOWMAN AVIATION INC ..... | BLVA | 135 On-Demand |
| CARTER, CRAIG S ..... | UKCA | 135 On-Demand |
| CONSOLIDATED CHARTER SERVICE INC. | CBGA | 135 On-Demand |
| CORPORATE AIR INC ..... | M7GA | 135 On-Demand |
| EXECUTIVE AVIATION INC ..... | E94A | 135 On-Demand |
| FORT WAYNE AIR SERVICE INC. | BLBA | 135 On-Demand |
| INTEGRATED AIRWAYS INC ... | KWTA | 135 On-Demand |
| K–AIR LEASING INC ..... | OCGA | 135 On-Demand |
| SUMMIT CITY AIR CHARTER INC. | JHYA | 135 On-Demand |
| TRAVEL MANAGEMENT COMPANY LTD. | T17A | 135 On-Demand |
| KANSAS: | | |
| HUSTED AND HUSTED AIR CHARTER INC. | IJTA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| KANSAS CITY AVIATION CENTER INC. | AMYA | 135 On-Demand |
| ACE AVIATION CORPORATION | BWWA | 135 On-Demand |
| CHARTERS INC ..... | QCHA | 135 On-Demand |
| KANSAS AIR CENTER INC ..... | CXIA | 135 On-Demand |
| OLIVER AVIATION INC ..... | OAVA | 135 On-Demand |
| PFEIFER, CAROL AND OR STEVEN J. | IURA | 135 On-Demand |
| RAYTHEON AIRCRAFT SERVICES INC. | ERYA | 135 On-Demand |
| SCHREIB-AIR INC ..... | S31A | 135 On-Demand |
| YINGLING AIRCRAFT INC ..... | BWRA | 135 On-Demand |
| SUNSET AERO SERVICES INC | SSTA | 135 On-Demand |
| KENTUCKY: | | |
| CENTRAL AMERICAN AIR TAXI INC. | AZWA | 135 On-Demand |
| COMMONWEALTH HELICOPTERS INC. | C90A | 135 On-Demand |
| DON DAVIS AVIATION INC ..... | FGBA | 135 On-Demand |
| EMERALD AVIATION INC ..... | INKA | 135 On-Demand |
| HORIZON AVIATION INC ..... | QZNA | 135 On-Demand |
| KENTUCKY AIRMOTIVE INC ... | KKIA | 135 On-Demand |
| MIDLINE AIR FREIGHT ..... | E7TA | 135 On-Demand |
| NEW IMAGE AIR INC ..... | N9IA | 135 On-Demand |
| PEGASUS AIRWAYS INC ..... | PK9A | 135 On-Demand |
| SUNWORLD INTERNATIONAL AIRLINES INC. | SQ7A | 121 Domestic/Flag |
| LOUISIANA: | | |
| AIR RELDAN INC ..... | HEBA | 135 On-Demand |
| AMERICAN AVIATION LLC ..... | A05A | 135 On-Demand |
| BATON ROUGE AIR CHARTER AND MANAGEMENT. | GOWA | 135 On-Demand |
| BUTLER AVIATION INC ..... | YBBA | 135 On-Demand |
| CAPITAL CITY AIR SERVICE INC. | L7WA | 135 On-Demand |
| CHARLIE HAMMONDS FLYING SERVICE INC. | HMDA | 135 On-Demand |
| EXCEL AIR CHARTER L L C .. | L5GA | 135 On-Demand |
| GULF STATES AIR INC ..... | SG6A | 135 On-Demand |
| INDUSTRIAL HELICOPTERS INC. | IIFA | 135 On-Demand |
| LOUISIANA AIRCRAFT COMPANIES INC. | UGIA | 135 On-Demand |
| MAYEUXS FLYING SERVICE INC. | KEVA | 135 On-Demand |
| MCMAHAN AVIATION INC ..... | GQ8A | 135 On-Demand |
| PETROLEUM HELICOPTERS INC. | HEEA | 135 On-Demand |
| PRIORITY AIR INC ..... | FTMA | 135 On-Demand |
| REILLY ENTERPRISES L L C | RE0A | 135 On-Demand |
| SEA AIR SERVICE INC ..... | KBNA | 135 On-Demand |
| SOUTHERN HELICOPTERS INC. | HDCA | 135 On-Demand |
| TIGER ATHLETIC FOUNDATION. | OTFA | 135 On-Demand |
| TRANS GULF SEAPLANE SERVICE INC. | HEIA | 135 On-Demand |
| TRANS-GULF AVIATION INC .. | TFUA | 135 On-Demand |
| VINTAGE WINGS AND THINGS | VWFM | 135 Air Operator |
| CASINO AIRLINES INC ..... | C37A | 121 Domestic/Flag |
| MASSACHUSETTS: | | |
| HYANNIS AIR SERVICE INC .. | HYIA | 135 Commuters |
| ISLAND SHUTTLE INC ..... | ISIA | 135 On-Demand |
| WIGGINS AIR CARGO INC ..... | W6CA | 135 On-Demand |
| ADVANCE MATERIALS CORP | ADBA | 135 On-Demand |
| BULLOCK CHARTER INC ..... | FUGA | 135 On-Demand |
| MARYLAND: | | |
| ODYSSEY TRANSPORT INC ... | OTYA | 135 On-Demand |
| FREEDOM AIR INC ..... | FEVA | 135 On-Demand |
| STREAMLINE AVIATION INC .. | W28A | 135 On-Demand |
| HELIVISION L L C ..... | H8VA | 135 On-Demand |
| MAINE: | | |
| BILLS FLYING SERVICES ..... | PLOA | 135 On-Demand |
| CALDEN, C HARVEY ..... | H7VA | 135 On-Demand |
| COASTAL HELICOPTERS INC | YBMA | 135 On-Demand |
| COLEMANS FLYING AND GUIDE SERVICE. | CMGA | 135 On-Demand |
| DEARBORN AVIATION INC ..... | D5OA | 135 On-Demand |
| DOWNEAST AIRLINES INC ..... | LHAA | 135 On-Demand |
| EASTERN AIRCRAFT AND SALES INC. | BFWA | 135 On-Demand |
| FOLSOMS AIR SERVICE INC | BGAA | 135 On-Demand |
| JACKS AIR SERVICE INC ..... | FSNA | 135 On-Demand |
| LIBBY CAMPS ..... | BPLA | 135 On-Demand |
| MAINE AVIATION CORP ..... | FSEA | 135 On-Demand |
| MAINE INSTRUMENT FLIGHT | BFYA | 135 On-Demand |
| MINSCHWANER, NEIL ..... | XYEA | 135 On-Demand |
| NAPLES SEAPLANE SERVICE INC. | BN6A | 135 On-Demand |
| OPTIMAIR INC ..... | O9PA | 135 On-Demand |
| PLAIN AIR FLYING SERVICE .. | POVA | 135 On-Demand |
| QUODDY AIR ..... | QDZA | 135 On-Demand |
| SKINNER, RICHARD S ..... | FRQA | 135 On-Demand |
| SKYWAGON CORPORATION INC. | I5MA | 135 On-Demand |
| STRANG, JAMES W ..... | NXYA | 135 On-Demand |
| MICHIGAN: | | |
| A AND R AVIATION SERVICES | R9RA | 135 On-Demand |
| AIRCRAFT MANAGEMENT SERVICES INC. | 14MA | 135 On-Demand |
| BROOKS AERO INC ..... | EANA | 135 On-Demand |
| BUTTERWORTH AERO MED INC. | BTEA | 135 On-Demand |
| HOFFMAN FLYING SERVICE INC. | EBEA | 135 On-Demand |
| KELLEY AIRCRAFT LEASING CO. | QKYA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| LOO, ROBERT H | ECDA | 135 On-Demand |
| SPARTA AVIATION SERVICE INC. | EAVA | 135 On-Demand |
| SUPERIOR AVIATION INC | EATA | 135 On-Demand |
| TRAVEL CONSULTANTS AVIATION INC. | T6FA | 135 On-Demand |
| WEST MICHIGAN AIR CARE INC. | ZYWA | 135 On-Demand |
| ASTRO STAR AVIATION INC | JOPA | 135 On-Demand |
| HELICOPTERS PLUS L L C | HZ9A | 135 On-Demand |
| RILEY AVIATION INC | BLIA | 135 On-Demand |
| AEROGENESIS AVIATION INC | XG9A | 135 On-Demand |
| AIR GO PACK | P1KA | 135 On-Demand |
| BIJAN AIR INC | BJUA | 135 On-Demand |
| CORPORATE AIR MANAGEMENT INC. | CMHA | 135 On-Demand |
| DETROIT RED WINGS | DWMM | 125 Air Operator |
| EAGLE AVIATION INC | EGUA | 135 On-Demand |
| ERIM INTERNATIONAL INC | ERIM | 125 Air Operator |
| EVANS AIR CORPORATION | EQHA | 135 On-Demand |
| FLIGHT ONE INC | BTCA | 135 On-Demand |
| FLINT AVIATION SERVICES INC. | BSRA | 135 On-Demand |
| H B AVIATION AND LEASING INC. | H8BA | 135 On-Demand |
| KITTY HAWK CHARTER INC | KKFA | 135 On-Demand |
| MCCARDELL PROPERTIES INC. | M75A | 135 On-Demand |
| MCMAHON HELICOPTER SERVICES INC. | BUBA | 135 On-Demand |
| MORTON HELICOPTERS | M37A | 135 On-Demand |
| PONTIAC FLIGHT SERVICE INC. | PONA | 135 On-Demand |
| ROUNDBALL ONE | REOB | 125 Air Operator |
| ROYAL AIR FREIGHT INC | BUHA | 135 On-Demand |
| SUBURBAN AVIATION INC | S41A | 135 On-Demand |
| SYSTEC 2000 INC | S6YA | 135 On-Demand |
| THOR PROPERTIES INC | T6PA | 135 On-Demand |
| TRI-STAR EXPRESS INC | T5RA | 135 On-Demand |
| MINNESOTA: | | |
| A B FLIGHT SERVICES INC | A2BA | 135 On-Demand |
| ADVENTURE BOUND SEAPLANES INC. | X1BA | 135 On-Demand |
| AIR CARE EXECUTIVE CHARTER AND SECURITY INC. | X15A | 135 On-Demand |
| AIR D INC | AA6A | 135 On-Demand |
| ANOKA FLIGHT TRAINING INC | VL6A | 135 On-Demand |
| AVIATION CHARTER INC | ABOA | 135 On-Demand |
| B A G S INC | YNNA | 135 On-Demand |
| BAUDETTE FLYING SERVICE INC. | BTFA | 135 On-Demand |
| BRAINERD HELICOPTER SERVICE INC. | BRNA | 135 On-Demand |
| ELMO AIR CENTER INC | CPGA | 135 On-Demand |
| GENERAL AVIATION SERVICES INC. | GVKA | 135 On-Demand |
| GUNDERSON, GREGORY RAHN. | KWJA | 135 On-Demand |
| HELICOPTER FLIGHT INC | BJDA | 135 On-Demand |
| HORIZON AVIATION INC | H3ZA | 135 On-Demand |
| JW AVIATION | JVWA | 135 On-Demand |
| MIDWEST AVIATION DIV OF SOUTHWEST A. | SOWA | 135 On-Demand |
| NAVAIR INC | N6VA | 135 On-Demand |
| SCOTTS HELICOPTER SERVICE INC. | CUHA | 135 On-Demand |
| SUN AMERICA LEASING CORP. | YOLA | 135 On-Demand |
| TACONITE AVIATION INC | BCRA | 135 On-Demand |
| THUNDERBIRD AVIATION INC | TBDA | 135 On-Demand |
| MISSOURI: | | |
| A–1 AIR CARRIERS INC | JKNA | 135 On-Demand |
| AEROFLITE INC | X76A | 135 On-Demand |
| BROOKS INTERNATIONAL AVIATION. | B42A | 135 On-Demand |
| C A LEASING INC | C18A | 135 On-Demand |
| EXECUTIVE BEECHCRAFT STL INC. | DEBA | 135 On-Demand |
| MC CORMICK AVIATION INC | M81A | 135 On-Demand |
| METROPOLITAN HELICOPTERS INC. | DFQA | 135 On-Demand |
| MID-AMERICA AVIATION INC | MDDA | 135 On-Demand |
| MULTI–AERO INC | MUIA | 135 On-Demand |
| OZARK AIR CHARTER INC | OZ8A | 135 On-Demand |
| PROVIDENCE AIRLINE CORP | PTLA | 121 Domestic/Flag |
| SCOTT, MARVIN L | MVNA | 135 On-Demand |
| ST LOUIS HELICOPTER AIRWAYS INC. | DFMA | 135 On-Demand |
| SUM AIR SERVICES INC | SXUA | 135 On-Demand |
| THUNDER AIR CHARTER INC | T0DA | 135 On-Demand |
| TRANS MO AIRLINES INC | XUIA | 135 Commuters |
| WEHRMAN, HOWARD Q | DEKA | 135 On-Demand |
| AIR ONE INC | ONNA | 135 On-Demand |
| CROUGH AG AVIATION | CRHA | 135 On-Demand |
| D AND D AVIATION INC | DOZA | 135 On-Demand |
| DE JARNETTE, RONALD W SR | DJMA | 135 On-Demand |
| EXECUTIVE BEECHCRAFT INC | AKGA | 135 On-Demand |
| PRO FLIGHT AIR INC | JDZA | 135 On-Demand |
| SAVE A CONNIE INC | S80M | 125 Air Operator |
| TABLE ROCK HELICOPTERS INC. | TQBA | 135 On-Demand |
| TIG–AIR AVIATION INC | AKFA | 135 On-Demand |
| MISSISSIPPI: | | |
| APOLLO AVIATION CO INC | QAIA | 135 On-Demand |
| HIGHER EDUCATION INC | F95A | 135 On-Demand |
| JACKSON AIR CHARTER INC | JC9A | 135 On-Demand |
| MERCURY AVIATION INC | MSQA | 135 On-Demand |
| RAS INC | EWPA | 135 On-Demand |
| MONTANA: | | |
| 3–D AVIATION INC | XTGA | 135 On-Demand |
| ARMENT, CHARLES RANDALL | OGZA | 135 On-Demand |
| BUTTE AVIATION INC | BTJA | 135 On-Demand |
| CENTRAL COPTERS INC | JOLA | 135 On-Demand |
| CHARLES TROWER AVIATION INC. | HTHA | 135 On-Demand |
| COLDWELL, JERRY | HSZA | 135 On-Demand |
| COLTON, STANLEY G | NBOA | 135 On-Demand |
| CONQUEST AVIATION L L C | L2VA | 135 On-Demand |
| DILLON FLYING SERVICE INC | EFSA | 135 On-Demand |
| ELGEN, DENNIS P | ELGA | 135 On-Demand |
| FRANCES MAHON DEACONESS HOSPITAL. | FMMA | 135 On-Demand |
| GALLATIN FLYING SERVICE INC. | JHTA | 135 On-Demand |
| GLIKO AVIATION INC | CXOA | 135 On-Demand |
| HOEM, LAURENCE R | LBPA | 135 On-Demand |
| HOLMAN ENTERPRISES | CXSA | 135 On-Demand |
| HOMESTEAD HELICOPTERS INC. | H1OA | 135 On-Demand |
| KINDEN, KEITH A | HTEA | 135 On-Demand |
| LAIRD, ERLEND D | DCZA | 135 On-Demand |
| LEADING EDGE AVIATION SERVICES INC. | LXGA | 135 On-Demand |
| LONAIRE FLYING SERVICE INC. | L15A | 135 On-Demand |
| LYNCH FLYING SERVICE INC | HSRA | 135 On-Demand |
| MINUTEMAN AVIATION INC | MINA | 135 On-Demand |
| MONTANA FLYING MACHINES L L C. | M26A | 135 On-Demand |
| MUSTANG AVIATION INC | M06A | 135 On-Demand |
| NEWTON, DONALD H | NAVA | 135 On-Demand |
| PRAIRIE AVIATION INC | VPEA | 135 On-Demand |
| RED EAGLE AVIATION INC | IKLA | 135 On-Demand |
| SUNBIRD AVIATION INC | CXNA | 135 On-Demand |
| WOLFF AVIATION | QWFA | 135 On-Demand |
| NORTH CAROLINA: | | |
| AIR HOLDINGS INC | TL6A | 135 On-Demand |
| DAIRY AIR INC | FFPA | 135 On-Demand |
| EAST AIR INC | ET6A | 135 On-Demand |
| EASTWIND AIRLINES INC | E9WA | 121 Domestic/Flag |
| GREENWOOD HELICOPTERS INC. | GHYA | 135 On-Demand |
| ISO AERO SERVICE INC | ISOA | 135 On-Demand |
| KINGSLAND AIR INC | K42A | 135 On-Demand |
| MC CORMACK, JAMES G | FPCA | 135 On-Demand |
| NORTH STATE AIR SERVICE INC. | NSTA | 135 On-Demand |
| ORION AVIATION L L C | O5RA | 135 On-Demand |
| SEAFLIGHT L L C | S08A | 135 On-Demand |
| SEQUIN ENTERPRISES INC | O5NA | 135 On-Demand |
| SOUTHEAST AIR CHARTER INC. | ZQUA | 135 On-Demand |
| TRADEWINDS AIRLINES INC | WRNA | 121 Supplemental |
| TRIANGLE AIR SERVICE LLC | T15A | 135 On-Demand |
| ASHEVILLE AIR CHARTER INC | X26A | 135 On-Demand |
| CAROLINAS HISTORIC AVIATION COMMISSION. | I8CM | 125 Air Operator |
| CORPORATE AIR FLEET INC | SXOA | 135 On-Demand |
| PIEDMONT AIR TRANSPORT INC. | P2DB | 125 Air Operator |
| PROFILE AVIATION CENTER INC. | LL0A | 135 On-Demand |
| SABER CARGO AIRLINES INC | SBRA | 135 On-Demand |
| SPITFIRE AVIATION INC | S1FA | 135 On-Demand |
| U S AVIATION L L C | D4KA | 135 On-Demand |
| US HELICOPTERS INC | USXA | 135 On-Demand |
| NORTH DAKOTA: | | |
| CAPITAL AVIATION CORPORATION. | CTQA | 135 On-Demand |
| EXECUTIVE AIR TAXI CORP | CTYA | 135 On-Demand |
| FOSS AND MEIER INC | CTIA | 135 On-Demand |
| GFK FLIGHT SUPPORT INC | G7FA | 135 On-Demand |
| WAKEFIELD FLIGHT SERVICE INC. | CTWA | 135 On-Demand |
| NEBRASKA: | | |
| ENGLES AIRCRAFT INC | JGXA | 135 On-Demand |
| NEW HAMPSHIRE: | | |
| AGILE AIR SERVICE INC | A5GA | 135 On-Demand |
| AIR DIRECT AIRWAYS | DIPA | 135 On-Demand |
| ALLIED AIR FREIGHT INC | F6GA | 135 On-Demand |
| JET AIRWAYS INC | JKXA | 135 On-Demand |
| LAKES REGION AVIATION INC | L9RA | 135 On-Demand |
| OIA AIR CORP | OIBA | 135 On-Demand |
| RIGHTWAY AVIATION INC | XWRA | 135 On-Demand |
| SILVER RANCH AIRPARK INC | FTDA | 135 On-Demand |
| NEW JERSEY: | | |
| ANALAR CO | CZIA | 135 On-Demand |
| SOMERSET AIR SERVICE INC | CECA | 135 On-Demand |
| TAFT AIR INC | TFRA | 135 On-Demand |
| BERLIN AIRLIFT HISTORICAL FOUNDATION. | BF0M | 125 Air Operator |
| EQUIPMNENT SUPPLY CO INC. | EQ6A | 135 On-Demand |
| GPI AVIATION INC | DINA | 135 On-Demand |
| HOBAN HELICOPTERS INC | H4FA | 135 On-Demand |
| O'BRIEN AVIATION INC | DIZA | 135 On-Demand |
| PEN TURBO INC | NW6M | 125 Air Operator |
| ROYAL AIR INC | RA0A | 135 On-Demand |
| SKYWAYS EXPRESS INC | S9XA | 135 On-Demand |
| KIWI INTERNATIONAL HOLDINGS INC. | K3HA | 121 Domestic/Flag |
| LIBERTY HELICOPTERS INC | MHIA | 135 On-Demand |
| SCHIAVONE CONSTRUCTION CO. | BKRA | 135 On-Demand |
| SPARTA AVIATION INC | S3ZA | 135 On-Demand |
| CHELSEA AIR SHUTTLE INC | X27A | 135 On-Demand |
| NEW MEXICO: | | |
| ADAMS, BRUCE M | GNVA | 135 On-Demand |
| AEROWEST MANAGEMENT SERVICES INC. | PBKA | 135 On-Demand |
| AIR/AMERICA INC | A2WA | 135 On-Demand |
| B AND M ENTERPRISES INC | GNXA | 135 On-Demand |
| EAGLE FLYING SERVICE INC | XZZA | 135 On-Demand |
| EDELWEISS HOLDINGS INC | E5HA | 135 commuters |
| EDS FLYING SERVICE INC | GRXA | 135 On-Demand |
| FLYING Z AVIATION INC | XFZA | 135 On-Demand |
| FOUR CORNERS AVIATION INC. | GONA | 135 On-Demand |
| GALLUP FLYING SERVICES INC. | GNMA | 135 On-Demand |
| KEMP AVIATION INC | K3IA | 135 On-Demand |
| MANSELL AVIATION INC | M9AA | 135 On-Demand |
| MC CAUSLAND AVIATION INC | GRUA | 135 On-Demand |
| MOUNTAIN AVIATION ENTERPRISES LTD. | XMNA | 135 On-Demand |
| NORD AVIATION INC | NRDA | 135 On-Demand |
| ROSS AVIATION INC | ROSA | 121 Supplemental |
| SEVEN BAR FLYING SERVICE INC. | GNLA | 135 On-Demand |
| SILVERWINGS AIR AMBULANCE LTD COMPANY. | X93A | 135 On-Demand |
| SOUTH AERO INC | GNBA | 135 On-Demand |
| MC RAE AVIATION SERVICES INC. | IFOA | 135 On-Demand |
| NEVADA: | | |
| ALPINE LAKE AVIATION INC | A4LA | 135 On-Demand |
| AMERICAN MEDFLIGHT INC | XPCA | 135 On-Demand |
| FALLON AIRMOTIVE | XFLA | 135 On-Demand |
| HEAVERNE, CLIFFORD J | ARUA | 135 On-Demand |
| HUTT AVIATION INC | HZNA | 135 On-Demand |
| KAJANS, FRED A | GJGA | 135 On-Demand |
| NEVADA-CAL AERO INC | VLJA | 135 On-Demand |
| PREMIER AVIATION INC | MCIA | 135 On-Demand |
| REMLINGER, JON RICHARD | T7DA | 135 On-Demand |
| RENO FLYING SERVICE INC | IPMA | 135 On-Demand |
| SILVER SKY AVIATION INC | SS9A | 135 On-Demand |
| SKYDANCE OPERATIONS INC | NCNA | 135 On-Demand |
| TEM ENTERPRISES INC | BJNA | 121 Domestic/Flag |
| AEROTECH SPECIALISTS INC | O9RA | 135 On-Demand |
| AIR BAJA CALIFORNIA INC | ODUA | 135 On-Demand |
| AVIATION VENTURES INC | XV6A | 135 On-Demand |
| DESERT SOUTHWEST AIRLINES. | JBFA | 135 On-Demand |
| ELAN EXPRESS INC | E4EB | 125 Air Operator |
| HELI USA AIRWAYS INC | S9HA | 135 On-Demand |
| IMPERIAL PALACE AIR LTD | IPEM | 125 Air Operator |
| KING AIRELINES INC | KNFA | 135 On-Demand |
| LAKE MEAD AIR INC | DOQA | 135 On-Demand |
| NATIONAL AIRLINES INC | N8TA | 121 Domestic/Flag |
| ROSS, THOMAS C | TCRA | 135 On-Demand |
| SEVEN DELTA ROMEO | N9DA | 135 On-Demand |
| SUNDANCE HELICOPTERS INC. | KBMA | 135 On-Demand |
| NEW YORK: | | |
| ADIRONDACK AIR INC | AI6A | 135 On-Demand |
| ADIRONDACK HELICOPTERS INC. | XH5A | 135 On-Demand |
| AMERICAN COMMERCIAL EXPRESS INC. | EUXA | 135 On-Demand |
| BIRDS SEAPLANE SERVICE INC. | BRBA | 135 On-Demand |
| G K W LEASING CORP | WNXA | 135 On-Demand |
| HELICORP INC | T4JA | 135 On-Demand |
| LAKE PLACID AIRWAYS INC | BPYA | 135 On-Demand |
| PANDA AIR LTD | PD9A | 135 On-Demand |
| TEAM AIR INC | QTZA | 135 On-Demand |
| AVIATION RESOURCES INC | KR7A | 135 On-Demand |
| EAST COAST AVIATION SERVICES LTD. | ECAA | 135 On-Demand |
| M AND J AERONAUTICS 3WF INC. | M04A | 135 On-Demand |
| NORTHEASTERN AVIATION CORP. | AOYA | 135 On-Demand |
| T D AVIATION INC | TD9A | 135 On-Demand |
| VENTURA AIR SERVICES INC | APMA | 135 On-Demand |
| WALL STREET HELICOPTERS | APTA | 135 On-Demand |
| BAIR HELICOPTERS L L C | B9NA | 135 On-Demand |
| CORNING INCORPORATED | IH1M | 135 On-Demand |
| COSTA, JOSEPH | BJGA | 135 On-Demand |
| ELMIRA-CORNING AIR SERVICE INC. | EL6A | 135 On-Demand |
| GREAT CIRCLE AVIATION INC | G4CA | 135 On-Demand |
| GREAT NORTHERN CHARTER INC. | YNYA | 135 On-Demand |
| MK AVMART INC | MK6A | 135 On-Demand |
| ROCHESTER AVIATION INC | OROA | 135 On-Demand |
| TAYLOR AVIATION INC | T5YA | 135 On-Demand |
| WELLSVILLE FLYING SERVICE INC. | BJEA | 135 On-Demand |
| NEW ENGLAND HELICOPTER INC. | UITA | 135 On-Demand |
| TOTAL FLIGHT MANAGEMENT INC. | TFMA | 135 On-Demand |
| LEBANON AIRPORT DEVELOPMENT CORP. | IGZA | 135 On-Demand |
| OHIO: | | |
| SEYON AVIATION INC | HRZA | 135 On-Demand |
| CORPORATE WINGS SERVICES CORPORATION. | DJFA | 135 On-Demand |
| ALL STAR HELICOPTERS INC | MG7A | 135 On-Demand |
| BROOKVILLE AIR PARK INC | CVXA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| CIN–AIR LP | CYWA | 135 On-Demand |
| D AND K AVIATION INC | D05A | 135 On-Demand |
| DIRECT AIR SERVICE | D5AA | 135 On-Demand |
| JET AIR INC | CWUA | 135 On-Demand |
| NORTHERN AIRMOTIVE CORP | NAQA | 135 On-Demand |
| SUNBIRD AIR SERVICES INC | CWTA | 135 On-Demand |
| AEROHIO AVIATION CORPORATION. | O5HA | 135 On-Demand |
| AIR CAMIS INC | CMRA | 135 On-Demand |
| AIR Z FLYING SERVICE INC | ZFDA | 135 On-Demand |
| AIRWOLF HELICOPTERS INC | A4WA | 135 On-Demand |
| AVIATION PROFESSIONALS INC. | P65A | 135 On-Demand |
| CASTLE AVIATION INC | CSJA | 135 On-Demand |
| CORPORATE WINGS INC | DSEA | 135 On-Demand |
| KEMPTHORN INC | K2MA | 135 On-Demand |
| PEREGRINE AVIATION INC | PGNA | 135 On-Demand |
| PILOT MANAGEMENT INCORPORATED. | GKHA | 135 On-Demand |
| WHITE AIR INC | DTCA | 135 On-Demand |
| WINNER AVIATION CORPORATION. | W3NA | 135 On-Demand |
| CVG AVIATION INC | CVGA | 135 On-Demand |
| OKLAHOMA: | | |
| AIR FLITE INC | IEEA | 135 On-Demand |
| CENTRAL AIR SOUTHWEST INC. | ZJWA | 135 On-Demand |
| CORPORATE AVIATION SERVICES INC. | HGTA | 135 On-Demand |
| CORPORATE HELICOPTERS | CXEA | 135 On-Demand |
| D AND D AVIATION INC | DQUA | 135 On-Demand |
| DOWNTOWN AIRPARK INC | VR1A | 135 On-Demand |
| ECKLES AIRCRAFT CO | E8AA | 135 On-Demand |
| FALCON AIR CHARTERS LLC | F1CA | 135 On-Demand |
| H L K ENTERPRISES INC | H7KA | 135 On-Demand |
| INTERNATIONAL BUSINESS AIRCRAFT INC. | HMNA | 135 On-Demand |
| JOHNSON, J P | HFXA | 135 On-Demand |
| LITCHFIELD FLYING LTD | LFQA | 135 On-Demand |
| T S P INC | VXIA | 135 On-Demand |
| TULSAIR BEECHCRAFT INC | HMGA | 135 On-Demand |
| OREGON: | | |
| ADVANCED AVIATION SYSTEMS CORP. | GDAA | 135 On-Demand |
| AERIAL PHOTOGRAPHY AND SURVEILLANCE CO INC. | P35A | 135 On-Demand |
| AIR CHARTERS OF OREGON | LNFA | 135 On-Demand |
| AVIA FLIGHT SERVICES INC | GPQA | 135 On-Demand |
| BERTEA AVIATION INC | GMDA | 135 On-Demand |
| BUSWELL AVIATION INC | KCZA | 135 On-Demand |
| C AND C AVIATION INC | MGLA | 135 On-Demand |
| DESERT AIR NORTH WEST | R7WA | 135 On-Demand |
| E–3 HELICOPTERS INC | D2EA | 135 On-Demand |
| EMANUEL HOSPITAL | LOVA | 135 On-Demand |
| ERICKSON, JACK | J8KM | 135 On-Demand |
| GOLDEN EAGLE HELICOPTERS INC. | GDCA | 135 On-Demand |
| GRAYBACK AVIATION INC | YGBA | 135 On-Demand |
| H AND H AVIATION INC | OHGA | 135 On-Demand |
| HAGGLUND, CARL D | GLGA | 135 On-Demand |
| HELI–JET CORP | GDMA | 135 On-Demand |
| HENDERSON AVIATION CO | GCMA | 135 On-Demand |
| HERMISTON AVIATION INC | JAXA | 135 On-Demand |
| HILLSBORO AVIATION INC | LJEA | 135 On-Demand |
| HOOD RIVER AIRCRAFT INC | GEUA | 135 On-Demand |
| HORIZONS UNLIMITED AIR INC. | HXUA | 135 On-Demand |
| J C SQUARED INC | QJUA | 135 On-Demand |
| KEENAN, JOSEPH E AND LORI L. | WPIA | 135 On-Demand |
| KENDALL, STANLEY F | S39A | 135 On-Demand |
| NINE FOUR TWO THREE CHARLIE INC. | TRDA | 135 On-Demand |
| OMNI INC | OMNA | 135 On-Demand |
| PACIFIC FLIGHTS INC | GCZA | 135 On-Demand |
| PACIFIC GAMBLE ROBINSON CO. | GLWA | 135 On-Demand |
| PARAMOUNT AVIATION INC | PMTA | 135 On-Demand |
| PREMIER JETS INC | CMWA | 135 On-Demand |
| RAINBOW HELICOPTERS INC | QRNA | 135 On-Demand |
| REESE BROTHERS OF OREGON INC. | PRBA | 135 On-Demand |
| RELIANT AVIATION INC | RELA | 135 On-Demand |
| SNOWY BUTTE HELICOPTERS INC. | S83A | 135 On-Demand |
| SOUTH COAST AVIATION INC | S5OA | 135 On-Demand |
| SUNSET SCENIC FLIGHTS INC | ZUNA | 135 On-Demand |
| TERRA HELICOPTERS INC | GKSA | 135 On-Demand |
| THE FLIGHT SHOP INC | THGA | 135 On-Demand |
| TROUTDALE AVIATION INC | TR6A | 135 On-Demand |
| WILDERNESS AIR CHARTERS INC. | WL9A | 135 On-Demand |
| BAKER AIRCRAFT INC | GLQA | 135 On-Demand |
| CIRRUS AIR L L C | C58A | 135 On-Demand |
| EAGLE CAP AVIATION INC | YYEA | 135 On-Demand |
| PENNSYLVANIA NCA: | | |
| AERO EXECUTIVE SERVICES INC. | XE8A | 135 On-Demand |
| DAVISAIR INC | DV7A | 135 On-Demand |
| DELLARIA AVIATION INC | VJTA | 135 On-Demand |
| EASTERN MEDI-VAC INC | VAJA | 135 On-Demand |
| LAUREL AVIATION INC | L6VA | 135 On-Demand |
| PENN AIR INC | BCBA | 135 On-Demand |
| PRIMEAIR INC | P67A | 135 On-Demand |
| PRO FLIGHT CENTER INC | P6GA | 135 On-Demand |
| SCAIFE FLIGHT OPERATIONS | RJBM | 125 Air Operator |
| GRANITE SALES INC | KT7A | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| INNOVATIVE AIR HELICOPTER INC. | I3HA | 135 On-Demand |
| LEADING EDGE AVIATION INC | LE7A | 135 On-Demand |
| LR SERVICES INC | CERA | 135 On-Demand |
| MARC FRUCHTER AVIATION INC. | CDKA | 135 On-Demand |
| TECH AVIATION SERVICE INC | TVMA | 135 On-Demand |
| BRANDYWINE HELICOPTERS | YWIA | 135 On-Demand |
| DECK, CLYDE E | AHBA | 135 On-Demand |
| JOHNSTON, CRAIG J | JZQA | 135 On-Demand |
| MILLS BROTHERS AVIATION | M2BA | 135 On-Demand |
| OAK RIDGE AVIATION | HVGA | 135 On-Demand |
| THOROUGHBRED AVIATION LTD. | TH8A | 135 On-Demand |
| HELICOPTER SERVICES INC | HRVA | 135 On-Demand |
| KEYSTONE HELICOPTER CORP. | EGRA | 135 On-Demand |
| NORTHEAST AIRCRAFT CHARTER INC. | NYIA | 135 On-Demand |
| STERLING CORP | JQVA | 135 On-Demand |
| UNIVERSITY FLIGHT SERVICES. | U44A | 135 On-Demand |
| PUERTO RICO: | | |
| AIR BORINQUEN INC | B26A | 135 On-Demand |
| AIR CALYPSO INC | Y3CA | 135 On-Demand |
| AIR CARGO NOW | C3QA | 135 On-Demand |
| AIR CAROLINA INC | OAWA | 135 On-Demand |
| AIR CHARTER INC | UOIA | 135 On-Demand |
| AIR CULEBRA INC | I1CA | 135 On-Demand |
| AIR EXECUTIVE INC | E82A | 135 On-Demand |
| AIR MANGO LTD | A1NA | 135 On-Demand |
| AIR SUNSHINE INC | RSHA | 135 Commuters |
| AMY AIR | I5RA | 135 On-Demand |
| BENITEZ, PEDRO FELICIANO | HREA | 135 On-Demand |
| CARIBBEAN HELICORP | C26A | 135 On-Demand |
| CITY WINGS INC | W5NA | 135 On-Demand |
| COPTERS CORP | IJKA | 135 On-Demand |
| CORPORATE AIR CHARTER INC. | QOAA | 135 On-Demand |
| DIAZ AVIATION CORP | FITA | 135 On-Demand |
| DODITA AIR CARGO INC | WNRB | 125 Air Operator |
| FAJARDO AIR EXPRESS INC | C7JA | 135 On-Demand |
| FC AIR INC | XFIA | 135 On-Demand |
| ICARUS CARIBBEAN CORP | IISA | 135 On-Demand |
| ISLA GRANDE FLYING SCHOOL AND SERVI. | FHSA | 135 On-Demand |
| ISLA NENA AIR SERVICE INC | IN9A | 135 On-Demand |
| M AND N AVIATION | XXDA | 135 On-Demand |
| MBD CORP | FIUA | 135 On-Demand |
| PEREZ, LUIS A | A6PA | 135 On-Demand |
| PRO-AIR INC | POEA | 135 On-Demand |
| PRO-AIR SERVICES | FHFA | 135 On-Demand |
| PUERTO RICO AIRWAYS | P8YA | 121 Domestic/Flag |
| ROBLEX AVIATION COMPANY | R8XA | 135 On-Demand |
| SAN JUAN JET CHARTER INC | XJUA | 135 On-Demand |
| VIEQUES AIR LINK INC | VLIA | 135 Commuters |
| RHODE ISLAND: | | |
| AQUIDNECK AVIATION INC | UU7A | 135 On-Demand |
| RLV INDUSTRIES INC | R5VA | 135 On-Demand |
| SOUTH CAROLINA: | | |
| ACE AVIATION | A8CA | 135 On-Demand |
| AIRSTREAM AVIATION INC | HX0A | 135 On-Demand |
| ANDERSON AVIATION INC | FEAA | 135 On-Demand |
| ARDALL INC | FEJA | 135 On-Demand |
| CAROLINA AIR SERVICES INC | C7AA | 135 On-Demand |
| CRACKER BOX CORPORATION. | X8BA | 135 On-Demand |
| EAGLE AVIATION INC | FEHA | 135 On-Demand |
| SINTRAIR INC | I5SA | 135 On-Demand |
| SPECIAL SERVICES CORPORATION. | Z3SA | 135 On-Demand |
| STEVENS AVIATION INC | VIBA | 135 On-Demand |
| SYSTEMS SOFT INC | C2BA | 135 On-Demand |
| TYLER AVIATION INC | FEFA | 135 On-Demand |
| WHITES AVIATION INC | FERA | 135 On-Demand |
| SOUTH DAKOTA: | | |
| JOHNSON FLYING SERVICES | EKWA | 135 On-Demand |
| TENNESSEE: | | |
| AVERITT AIR CHARTER INC | N9VA | 135 On-Demand |
| C AND G AIRCRAFT SALES INC. | FKDA | 135 On-Demand |
| CHOO CHOO AVIATION L L C | Q75A | 135 On-Demand |
| COLEMILL ENTERPRISES INC | DVIA | 135 On-Demand |
| CORPORATE AIR FLEET INC | VUCA | 135 On-Demand |
| DERRYBERRY, WILLIS CLAY | FJGA | 135 On-Demand |
| DICKSON AIR CENTER L L C | D8KA | 135 On-Demand |
| EDWARDS AND ASSOCIATES INC. | FKFA | 135 On-Demand |
| EXECUTIVE AIRCRAFT SERVICES INC. | XEOA | 135 On-Demand |
| FORWARD AIR INTERNATIONAL AIRLINES INC. | L17A | 135 On-Demand |
| FOSTER AIRCRAFT INC | F6RA | 135 On-Demand |
| GLOBAL AIR SERVICES INC | G8SA | 135 On-Demand |
| GRAHAM, HAROLD | G3HA | 135 On-Demand |
| HELICOPTER CORPORATION OF AMERICA. | NZCA | 135 On-Demand |
| MAYES, NORMAN C | DVQA | 135 On-Demand |
| PROFESSIONAL AIR CHARTER INC. | OYPA | 135 On-Demand |
| SILVER AVIATION INC | GJSA | 135 On-Demand |
| SPRAY, CARL | FJXA | 135 On-Demand |
| WINGS OF EAGLES AIR SERVICE INC. | WE8A | 135 On-Demand |
| XPRESS AIR INC | XIGA | 135 On-Demand |
| AIR NORTH LTD | A9NA | 135 On-Demand |
| AMERICAN HEALTH AVIATION INC. | A8HA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| BATTLES, RICHARD | ZEGA | 135 On-Demand |
| EASTERLING, ELLIS R III AND MELODI J. | EEMA | 135 On-Demand |
| GILDING, BERNARD | FLDA | 135 On-Demand |
| MIDSOUTH AVIATION ALLIANCE CORP. | M4DA | 135 On-Demand |
| RICHARDS AVIATION INC | FLHA | 135 On-Demand |
| SOUTHERN FLYING SERVICE | YZLA | 135 On-Demand |
| SWOR AVIATION | SVKA | 135 On-Demand |
| MONARCH AIRCRAFT INC | M3AM | 125 Air Operator |
| TEXAS: | | |
| GE CAPITAL AVIATION SERVICES INC. | G8EM | 125 Air Operator |
| JULIES AIRCRAFT SERVICE INC. | JULA | 135 On-Demand |
| AEROVATION INC | QIAA | 135 On-Demand |
| BIG SKY AIR INC | 1YBM | 125 Air Operator |
| C AND S AVIATION LTD | C4SA | 135 On-Demand |
| CHAMPIONSHIP AIRWAYS | MV9B | 125 Air Operator |
| CHERRY-AIR INC | CEDA | 135 On-Demand |
| DYNAMIC VENTURES INC | DYMA | 135 On-Demand |
| EXECUTIVE AIRE EXPRESS INC. | E18A | 135 On-Demand |
| EXECUTIVE AIRLINES COMPANY INC. | E4LA | 135 On-Demand |
| FORENSIC SERVICES INC | IDWA | 135 On-Demand |
| G T A INVESTMENTS INC | XGNA | 135 On-Demand |
| HALL AIRWAYS INC | H05A | 135 On-Demand |
| J O H AIR INC | KVDA | 135 On-Demand |
| MARTINAIRE EAST INC | MAQA | 135 On-Demand |
| MARTINAIRE INC | MT9A | 135 On-Demand |
| NORTHERN AIR INC | N6TM | 125 Air Operator |
| OMNIFLIGHT HELICOPTERS INC. | RMXA | 135 On-Demand |
| STANLEY, JACKY GLEN | QJGA | 135 On-Demand |
| TXI AVIATION INC | GQRA | 135 On-Demand |
| EXPRESS ONE INTERNATIONAL INC. | EISA | 121 Supplemental |
| LEGEND AIRLINES INC | L1GA | 121 Domestic/Flag |
| ACUNA, EDWARD SR | GWLA | 135 On-Demand |
| AIR AMERICA JET CHARTER INC. | VKMA | 135 On-Demand |
| AIR CHARTERS INC | YWGA | 135 On-Demand |
| AIR ROUTING INTERNATIONAL CORP. | VRIA | 135 On-Demand |
| ARAMCO ASSOCIATED CO | ASCB | 125 Air Operator |
| BASEOPS INTERNATIONAL INC. | UBIA | 135 On-Demand |
| EVERGREEN HELICOPTERS INTERNATIONAL INC. | EGIA | 135 On-Demand |
| EXECUTIVE AIR CHARTER | E1XA | 135 On-Demand |
| HUTCH AVIATION CENTER INC. | XYGA | 135 On-Demand |
| JMC AVIATION INC | J3CA | 135 On-Demand |
| P K CHARTER INC | PKCA | 135 On-Demand |
| PROJECT ORBIS INC | POIM | 125 Air Operator |
| SALAIKA, TIMOTHY ALBERT | GWHA | 135 On-Demand |
| TEM-KIL COMPANY INC | TK8A | 135 On-Demand |
| THUNDERBIRD AIRWAYS INC | T4BA | 135 On-Demand |
| WESTERN AIRWAYS | WAIA | 135 On-Demand |
| CONFEDERATE AIR FORCE | CAFM | 125 Air Operator |
| JETMAN L C | JM0A | 135 On-Demand |
| WESTERN AIR EXPRESS INC | WX5A | 135 On-Demand |
| HALLIBURTON CO | LXNM | 125 Air Operator |
| ADVANTAGE AIR CHARTER INC. | YDVA | 135 On-Demand |
| HELICOPTER EXPERTS INC | H2EA | 135 On-Demand |
| JARRALL GABRIEL AIRCRAFT CHARTER COMPANY INC. | HKJA | 135 On-Demand |
| MCCREERY AVIATION CO INC | HLFA | 135 On-Demand |
| SAN ANTONIO PIPER INC | MMPA | 135 On-Demand |
| SIERRA INDUSTRIES—UVALDE FLIGHT CENTER. | UVFA | 135 On-Demand |
| TEXAS AMERICAN AIRCRAFT SALES INC. | T3XA | 135 On-Demand |
| ZESCH AIR CHARTER INC | Z7CA | 135 On-Demand |
| ARLINGTON JET CHARTER COMPANY INC. | IJLA | 135 On-Demand |
| DAVID NICKLAS ORGAN DONOR AWARENESS FOUNDATION INC. | DO6M | 125 Air Operator |
| EAGLE AIR ENTERPRISES INC | ELEA | 135 On-Demand |
| HELIJET HOLDINGS INC | H39A | 135 On-Demand |
| MONTEX DRILLING CO | MDCM | 125 Air Operator |
| NORTH CENTRAL TEXAS SERVICES INC. | NXTA | 135 On-Demand |
| REL AVIATION MARINE | R6LA | 135 Commuters |
| TEXAS AERO INC | GRMA | 135 On-Demand |
| TEXAS AIR CHARTERS INC | GO7A | 135 On-Demand |
| UTAH: | | |
| AERO-COPTERS OF ARIZONA INC. | DQBA | 135 On-Demand |
| AIRCRAFT SPECIALITIES COMPANY. | DQQA | 135 On-Demand |
| DESERT AIR TRANSPORT INC | D7TA | 135 On-Demand |
| DINALAND AVIATION INC | DYSA | 135 On-Demand |
| GREAT WESTERN AVIATION INC. | DPOA | 135 On-Demand |
| HELOWOOD HELICOPTERS INC. | DYWA | 135 On-Demand |
| KOLOB CANYONS AIR SERVICES L L C. | K51A | 135 On-Demand |
| MIDWAY AVIATION INC | MZQA | 135 On-Demand |
| RICHARDS, BEN JAMES | DQMA | 135 On-Demand |
| RIVERS AVIATION INC | DD7A | 135 On-Demand |
| SCENIC AVIATION INC | DYVA | 135 On-Demand |
| SLICKROCK AIR GUIDES INC | S2GA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| TRANS WEST AIR SERVICES INC. | TV0A | 135 On-Demand |
| W ENTERPRISE HELICOPTERS | W9EA | 135 On-Demand |
| VIRGINIA: | | |
| LINE POWER MANUFACTURING CORP. | FJDA | 135 On-Demand |
| AEROMANAGEMENT FLIGHT SERVICES INC. | X58A | 135 On-Demand |
| BLUE RIDGE AERO SERVICE | B8OM | 125 Air Operator |
| AIR GERONIMO CHARTER INC. | C8PA | 135 On-Demand |
| CHESAPEAKE AVIATION INC .. | CRGA | 135 On-Demand |
| COMFORT AVIATION SERVICES INC. | H54A | 135 On-Demand |
| COMMONWEALTH AVIATION SERVICE INC. | VXWA | 135 On-Demand |
| EXECUTIVE AIR INC ..... | BHVA | 135 On-Demand |
| INTERNATIONAL JET CHARTER INC. | IJ9M | 125 Air Operator |
| INTERNATIONAL JET CHARTER INC. | UIJA | 135 On-Demand |
| SAKER, WILLIAM G ..... | JPCA | 135 On-Demand |
| SOUTHERN VIRGINIA AVIATION INC. | S2VA | 135 On-Demand |
| UNITED AIR SERVICES CO .... | UNAA | 135 On-Demand |
| VALLEY AIR INC ..... | VA7A | 135 On-Demand |
| AIR AMERICAN SUPPORT INC | B38M | 125 Air Operator |
| DORNIER AVIATION NORTH AMERICA INC. | D9AM | 125 Air Operator |
| MERCY MEDICAL AIRLIFT ..... | MYHA | 135 On-Demand |
| OC INC ..... | X20A | 135 On-Demand |
| SAAB AIRCRAFT OF AMERICA INC. | S4RM | 125 Air Operator |
| VIRGIN ISLANDS: | | |
| ACE FLIGHT CENTER ..... | JLZA | 135 On-Demand |
| ATLANTIC AIRCRAFT INC ..... | X25M | 125 Air Operator |
| CLAIR AERO ..... | EO7A | 135 On-Demand |
| CORPORATE CHARTER SERVICE INC. | C6CA | 135 On-Demand |
| DOMTRAVE AIRWAYS INC ..... | FINA | 135 On-Demand |
| FOUR STAR AVIATION INC .... | FHCA | 135 On-Demand |
| FRESH AIR INC ..... | F6AB | 125 Air Operator |
| ISLAND AIR CHARTERS INC .. | I5AA | 135 On-Demand |
| PREMIER AIRWAYS INC ..... | PI7A | 135 On-Demand |
| ROI INC ..... | R6IA | 135 On-Demand |
| SHILLINGFORD, CLINTON K ... | FHVA | 135 On-Demand |
| ST JOHN SEAPLANE INC ..... | S2JA | 135 On-Demand |
| VIRGIN AIR INC ..... | VAIA | 135 Commuters |
| WRA INC ..... | FOWA | 135 On-Demand |
| VERMONT: | | |
| VALLEY AIR SERVICES INC ... | IGXA | 135 On-Demand |
| WASHINGTON: | | |
| ALASKAS WILDERNESS LODGE INC. | AIWC | 135 On-Demand |
| AEROCOPTERS INC ..... | GKDA | 135 On-Demand |
| AIR RAINIER INC ..... | R5IA | 135 On-Demand |
| AIRPAC AIRLINES INC ..... | APCA | 135 On-Demand |
| COOL AIR INC ..... | CJOA | 135 On-Demand |
| DAVIS AVIATION INC ..... | XZDA | 135 On-Demand |
| ERICKSON AVIATION ..... | E4SA | 135 On-Demand |
| GALVIN FLYING SERVICE INC | HUNA | 135 On-Demand |
| HALEY, JOSEPH R ..... | OF7A | 135 On-Demand |
| HANSON, ROGER D ..... | O9AA | 135 On-Demand |
| HELICOPTER CONSULTANTS INC. | H89A | 135 On-Demand |
| JEM INVESTMENTS INC ..... | O4CM | 125 Air Operator |
| LUDLOW AVIATION INC ..... | HUMA | 135 On-Demand |
| METHOW AVIATION INC ..... | GGPA | 135 On-Demand |
| NATIONAL CHARTER NETWORK INC. | NCRA | 135 On-Demand |
| NATURES DESIGNS INC ..... | V5IA | 135 On-Demand |
| NORTHERN TIER AIRLINES INC. | NOQA | 135 On-Demand |
| NORTHWEST HELICOPTERS INC. | NTWA | 135 On-Demand |
| PACKARD, THOMAS G ..... | TCZA | 135 On-Demand |
| PAVCO INC ..... | PVCA | 135 On-Demand |
| PHX INC ..... | GHCA | 135 On-Demand |
| PUGET SOUND AIR COURIER | P84A | 135 On-Demand |
| RITE BROS AVIATION INC ..... | RTEA | 135 On-Demand |
| ROGERS, RICHARD O ..... | IRTA | 135 On-Demand |
| SNOHOMISH FLYING SERVICE INC. | GIQA | 135 On-Demand |
| SPORTCO INVESTMENTS II INC. | OB7M | 125 Air Operator |
| VULCAN NORTHWEST INC ..... | VN8M | 125 Air Operator |
| WEST ISLE AIR INC ..... | HUFA | 135 Commuters |
| WINGS ALOFT INC ..... | GHAA | 135 On-Demand |
| AIRCRAFT SPECIALITIES LTD | GLSA | 135 On-Demand |
| EVANS, JOHN F AND GRATZER, DAREL. | GKPA | 135 On-Demand |
| KELSO FLIGHT SERVICE INC | K5FA | 135 On-Demand |
| KOLBE, BARRY J ..... | LJOA | 135 On-Demand |
| MT ADAMS LUMBER COMPANY INC. | GEGA | 135 On-Demand |
| ARCHER AVIATION INC ..... | KWYA | 135 On-Demand |
| BERGSTROM AIRCRAFT INC | GMOA | 135 On-Demand |
| COMMANDER NORTHWEST LTD. | CMMA | 135 On-Demand |
| EAGLE HELICOPTERS INC ..... | IOAA | 135 On-Demand |
| EVANS AVIATION INC ..... | EAIB | 125 Air Operator |
| FALCON WEST HELICOPTERS INC. | OFWA | 135 On-Demand |
| FELTS FIELD AVIATION INC ... | GFVA | 135 On-Demand |
| INLAND NORTHWEST HELICOPTERS L L C. | I7HA | 135 On-Demand |
| INTER-STATE AVIATION INC .. | GGSA | 135 On-Demand |

FAA FLIGHT STANDARDS SERVICE—YEAR 2000 READINESS QUESTIONNAIRE NON-RESPONDENTS LIST—Continued

[As of October 4, 1999]

| State and company name | Designator | Aggregate |
|---|---|---|
| KENNEWICK AIRCRAFT SERVICES INC. | K3WA | 135 On-Demand |
| LAKE CHELAN AIR SERVICE INC. | LCCA | 135 On-Demand |
| MIDSTATE AVIATION INC ..... | GGUA | 135 On-Demand |
| NOLAND-DECOTO FLYING SERVICE INC. | GGNA | 135 On-Demand |
| OKANOGAN AIR SERVICE INC | GGDA | 135 On-Demand |
| POPE, JAMES R ..... | GGVA | 135 On-Demand |
| RMA INC ..... | VVRA | 135 On-Demand |
| SKYRUNNERS CORP ..... | SKQA | 135 On-Demand |
| THOMAS, CHARLES R ..... | GFXA | 135 On-Demand |
| PACIFIC NORTHWEST HELICOPTERS INC. | PNGA | 135 On-Demand |
| NOBLE AIR INC ..... | NB9A | 135 On-Demand |
| WISCONSIN: | | |
| AIR CARGO CARRIERS INC ... | DATA | 135 On-Demand |
| AIR CHARTER LTD ..... | A3CA | 135 On-Demand |
| AIR RESOURCE INC ..... | UROA | 135 On-Demand |
| GAIL FORCE CORPORATION .. | QGKA | 135 On-Demand |
| GROSS, KURT R ..... | W9SA | 135 On-Demand |
| KENDALL, TERRY A ..... | K3FA | 135 On-Demand |
| MAGNUS AVIATION INC ..... | AYQA | 135 On-Demand |
| MAXAIR INC ..... | MAXA | 135 On-Demand |
| MILWAUKEE GENERAL AVIATION INC. | OWWA | 135 On-Demand |
| ROESSEL AVIATION INC ..... | QROA | 135 On-Demand |
| SELECT LEASING INC ..... | J13M | 125 Air Operator |
| SKYTRANS AVIATION INC ..... | S02A | 135 On-Demand |
| STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION. | ZWSA | 135 On-Demand |
| T AND J AVIATION CO INC .... | DAZA | 135 On-Demand |
| TRANS NORTH AVIATION LTD | EBFA | 135 On-Demand |
| NAE INC ..... | NE9A | 135 On-Demand |
| WEST VIRGINIA: | | |
| EXECUTIVE AIR TERMINAL INC. | E96A | 135 On-Demand |
| FRED L HADDAD INC ..... | HDZA | 135 On-Demand |
| GREENBRIER VALLEY AVIATION INC. | BYWA | 135 On-Demand |
| HELICOPTER FLITE SERVICES INC. | BXOA | 135 On-Demand |
| JEDA INC ..... | EJDA | 135 On-Demand |
| RADER AVIATION INC ..... | BXSA | 135 On-Demand |
| STONE RIVER LLC ..... | B9ZA | 135 On-Demand |
| WYOMING: | | |
| AIR CAROLINA INC ..... | TB7A | 135 On-Demand |
| BIGHORN AIRWAYS INC ..... | BIGA | 135 On-Demand |
| CASPER AIR SERVICE INC .... | CBCA | 135 On-Demand |
| FLIGHTLINE AVIATION SERVICES INC. | F3NA | 135 On-Demand |
| FRANKLIN AVIATION INC ..... | FK9A | 135 On-Demand |
| HAWKINS AND POWERS AVIATION INC. | BZBA | 135 On-Demand |
| POWERS AND HAWKINS ENTERPRIZES. | PHEB | 125 Air Operator |
| SHANE, RONALD A AND SHARON L. | BYYA | 135 On-Demand |
| SKULL CREEK AIR SERVICE | UKLA | 135 On-Demand |
| SKY AVIATION CORP ..... | BZHA | 135 On-Demand |

Mr. DODD. Mr. President, lastly, all of us have a sense of responsibility to our constituents and the people of this country to act when we have information that raises concerns about the safety of an industry over this new millennium period. Since so many air carriers did not respond to the FAA survey, I have unanswered questions about the safety of these companies to which we deserve the answers. The irresponsibility of these carriers and companies that fail to respond prompts me to offer this amendment which I have already sent to the desk on behalf of Senator BENNETT, myself, Senator MCCAIN, Senator HOLLINGS, and Senator ROCKEFELLER.

We realize the FAA already has the authority to suspend a carrier's flying privileges under appropriate circumstances. With this proposal, we want to make it explicit that Y2K noncompliance is one of those circumstances. Under the amendment, any air carrier that does not respond by November 1 to the FAA's request for information about their Y2K status may be required to surrender its operating certificate. It is simple. If you don't comply, you don't fly. The FAA will have the authority to keep you grounded.

Air carriers do business not by right, but by privilege. Most fulfill their responsibilities with distinction, offering services unmatched by any country on the face of this Earth.

Since the Y2K noncompliance of air carriers may raise safety issues, Congress must ensure that the privilege of possessing a certificate can be withdrawn from carriers and manufacturers that fail to give their regulator, the FAA, the information that is central to the safety of the flying public. This amendment does just that. We hope it spurs these carriers and manufacturers to respond to the survey before November 1, and we know it will reassure the public about the safety of the aviation system as we enter this new millennium, just 87 days away.

I urge the adoption of the amendment and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the chairman of the full committee is here. On the Democratic side, the amendment is acceptable, and I believe that is the case on the Republican side, but I will let the chairman of the full committee speak for himself.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Connecticut for his usual perspective on an important issue that had escaped the attention of this committee, and it is an important issue. His involvement in the Y2K issue clearly indicates he is qualified to discuss this issue, and this amendment will be extremely helpful. I thank the Senator from Connecticut.

I believe there is no further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2241), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, for the benefit of my colleagues, we are working through most of the amendments. We are close except for a couple. We have a number that have been agreed to. I would like to clear some that have been agreed to by both sides.

AMENDMENT NO. 2256

(Purpose: to establish a commission to study the airline industry and to recommend policies to ensure consumer information and choice)

Mr. MCCAIN. Mr. President, I send to the desk an amendment on behalf of Senator BURNS and Senator ASHCROFT.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. BURNS, for himself and Mr. ASHCROFT, proposes an amendment numbered 2256.

The amendment is as follows:

At the appropriate place insert:

TITLE —

**SECTION 1. SHORT TITLE.**

This title may be cited as the ''Improved Consumer Access to Travel Information Act''.

**SEC. 2. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.**

(b) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(c) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) consumer access to information about the products and services of the airline industry;

(B) the effect on the marketplace on the emergency of new means of distributing such products and services;

(C) the effect on consumers of the declining financial condition of travel agents in the United States; and

(D) the impediments imposed by the airline industry on distributors of the industry's products and services, including travel agents and Internet-based distributors.

(2) POLICY RECOMMENDATIONS.—Based on the results of the study described in paragraph (1), the Commission shall recommend to the President and Congress policies necessary to—

(A) ensure full consumer access to complete information concerning airline fares, routes, and other services;

(B) ensure that the means of distributing the products and services of the airline industry, and of disseminating information about such products and services, is adequate to ensure that competitive information is available in the marketplace;

(C) ensure that distributors of the products and services of the airline industry have adequate relief from illegal, anticompetitive practices that occur in the marketplace; and

(D) foster healthy competition in the airline industry and the entry of new entrants.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—In carrying out the study authorized under subsection (c)(1), the Commission shall specifically address the following:

(1) CONSUMER ACCESS TO INFORMATION.—With respect to consumer access to information regarding the services and products offered by the airline industry, the following:

(A) The state of such access.

(B) The effect in the 5-year period following the date of the study of the making of alliances in the airline industry.

(C) Whether and to what degree the trends regarding such access will produce benefits to consumers.

(2) MEANS OF DISTRIBUTION.—With respect to the means of distributing the products and services of the airline industry, the following:

(A) The state of such means of distribution.

(B) The roles played by travel agencies and Internet-based providers of travel information and services in distributing such products and services.

(C) Whether the policies of the United States promote the access of consumers to multiple means of distribution.

(3) AIRLINE RESERVATION SYSTEMS.—With respect to airline reservation systems, the following:

(A) The rules, regulations, policies, and practices of the industry governing such systems.

(B) How trends in such systems will affect consumers, including—

(i) the effect on consumer access to flight reservation information; and

(ii) the effect on consumers of the use by the airline industry of penalties and promotions to convince distributors to use such systems, and the degree of consumer awareness of such penalties and promotions.

(4) LEGAL IMPEDIMENTS TO DISTRIBUTORS SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—The policies of the United States with respect to the legal impediments to distributors seeking relief for anticompetitive actions, including—

(A) Federal preemption of civil actions against airlines; and

(B) the role of the Department of Transportation in enforcing rules against anticompetitive practices.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

(A) 5 voting members and 1 nonvoting member appointed by the President.

(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Voting members appointed under paragraph (1) shall be appointed from among individuals who are experts in economics, service product distribution, or transportation, or any related discipline, and who can represent consumers, passengers, shippers, travel agents, airlines, or general aviation.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairperson of the Commission (referred to in this Act as the ''Chairperson'') from among its voting members.

(f) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of voting members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(g) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(h) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(i) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(j) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(k) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c)(2).

(l) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (k). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

(m) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

Mr. MCCAIN. Mr. President, that amendment has been accepted by both sides, and there is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2256) was agreed to.

AMENDMENT NO. 1925

(Purpose: expressing the sense of the Senate concerning air traffic over northern Delaware)

Mr. MCCAIN. Mr. President, on behalf of Senator ROTH, I send amendment No. 1925 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ROTH, proposes an amendment numbered 1925.

The amendment is as follows:

At the appropriate place, insert the following new section:

**SEC. ___. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.**

(a) DEFINITION.—The term ''Brandywine Intercept'' means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) FINDINGS.—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Transportation should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of

title 14 of the Code of Federal Regulations required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

Mr. MCCAIN. Mr. President, this amendment has been agreed to by both sides. There is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1925) was agreed to.

AMENDMENT NO. 2251

(Purpose: to restore the eligibility of reliever airports for Airport Improvement Program Letters of Intent)

Mr. MCCAIN. Mr. President, I send to the desk amendment No. 2251 on behalf of Senator ABRAHAM.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ABRAHAM, proposes an amendment numbered 2251.

The amendment is as follows:

On page 14, strike lines 9 through 11.

Mr. MCCAIN. Mr. President, this amendment has been agreed to by both sides, and there is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2251) was agreed to.

AMENDMENT NO. 1909

(Purpose: to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001, and for other purposes)

Mr. MCCAIN. Mr. President, on behalf of myself, I send amendment No. 1909 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1909.

The amendment is as follows:

At the appropriate place, insert the following:

**TITLE —FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT**

**SEC. 01. AUTHORIZATION OF APPROPRIATIONS.**

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(6) $240,000,000 for fiscal year 2000;

''(7) $250,000,000 for fiscal year 2001; and

''(8) $260,000,000 for fiscal year 2002;''.

**SEC. 02. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.**

(a) IN GENERAL.—Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and'' at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new clause:

''(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.''; and

(2) in paragraph (3), by inserting ''The report shall be prepared in accordance with requirements of section 1116 of title 31, United States Code.'' after ''effect for the prior fiscal year.''.

(b) REQUIREMENT.—Not later than March 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan.

(c) CONTENTS.—The plan required by subsection (b) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

**SEC. 03. INTERNET AVAILABILITY OF INFORMATION.**

The Administrator of the Federal Aviation Administration shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

**SEC. 04. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.**

Section 44504(b)(1) of title 49, United States Code, is amended by inserting '', including nonstructural aircraft systems,'' after ''life of aircraft''.

**SEC. 05. POST FREE FLIGHT PHASE I ACTIVITIES.**

No later than May 1, 2000, the Administrator of the Federal Aviation Administration shall transmit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

**SEC. 06. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.**

The Administrator of the Federal Aviation Administration shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield payment research program above safety, security, Flight 21, environment, or energy research programs.

**SEC. 07. SENSE OF SENATE REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.**

It is the sense of the Senate that with the World Radio Communication Conference scheduled to begin in May, 2000, and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

**SEC. 08. STUDY.**

The Secretary shall conduct a study to evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transmit Research Program to the research needs of airports.

Mr. MCCAIN. Mr. President, the amendment is agreed to by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1909) was agreed to.

AMENDMENTS NOS. 1911, 1897, 1914, 2238, EN BLOC

Mr. MCCAIN. Mr. President, I send the final four amendments to the desk en bloc. They are amendment No. 1911 on behalf of Senator FEINSTEIN, amendment No. 1897 on behalf of Senator ABRAHAM, amendment No. 1914 on behalf of Mr. TORRICELLI, and amendment No. 2238 on behalf of Senator CONRAD. I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments numbered 1911, 1897, 1914, and 2238, en bloc.

The amendments are as follows:

AMENDMENT NO. 1911

(Purpose: To direct the Secretary of Transportation, acting throiugh the Administrator of the Federal Aviation Administration, to issue regulations relating to the outdoor air and ventilation requirements for ventilation for passenger cabins)

At the appropriate place, insert the following new section:

**SEC. ___. STUDY OF OUTDOOR AIR, VENTILATION, AND RECIRCULATION AIR REQUIREMENTS FOR PASSENGER CABINS IN COMMERCIAL AIRCRAFT.**

(a) DEFINITIONS.—In this section, the terms ''air carrier'' and ''aircraft'' have the meanings given those terms in section 40102 of title 49, United States Code.

(b) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the ''Secretary'') shall conduct a study of sources of air supply contaminants of aircraft and air carriers to develop alternatives to replace engine and auxiliary power unit bleed air as a source of air

supply. To carry out this paragraph, the Secretary may enter into an agreement with the Director of the National Academy of Sciences for the National Research Council to conduct the study.

(c) AVAILABILITY OF INFORMATION.—Upon completion of the study under this section in one year's time, the Administrator of the Federal Aviation Administration shall make available the results of the study to air carriers through the Aviation Consumer Protection Division of the Office of the General Counsel for the Department of Transportation.

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AMENDMENT NO. 1897

(Purpose: To provide for a General Aviation Metropolitan Access and Reliever Airport Grant Fund)

At the appropriate place insert the following:

**SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.**

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrument landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.''

(b) APPORTIONMENT.—Title 49, United States Code, section 47114(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 percent of the amount subject to apportionment for each fiscal year to States that include a General Aviation Metropolitan Access and Reliever Airport equal to the percentage of the apportionment equal to the percentage of the number of operations of the State's eligible General Aviation Metropolitan Access and Reliever Airports compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports.''

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AMENDMENT NO. 1914

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study on airport noise)

At the appropriate place in title IV, insert the following:

**SEC. 4___. STUDY.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(b) AREAS OF STUDY.—The study shall examine—

(1) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(2) the threshold of noise at which health impacts are felt;

(3) the effectiveness of noise abatement programs at airports around the United States; and

(4) the impacts of aircraft noise on students and educators in schools.

(c) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

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AMENDMENT NO. 2238

**SECTION 1. SENSE OF THE SENATE.**

It is the Sense of the Senate that—

(a) essential air service (EAS) to smaller communities remains vital, and that the difficulties encountered by many of communities in retaining EAS warrant increased federal attention.

(b) the FAA should give full consideration to ending the local match required by Dickinson, North Dakota.

**SEC. 2. REPORT.**

Not later than 60 days after enactment of this legislation, the Secretary of Transportation shall report to the Congress with an analysis of the difficulties faced by many smaller communities in retaining EAS and a plan to facilitate easier EAS retention. This report shall give particular attention to communities in North Dakota.

Mr. MCCAIN. Mr. President, those amendments are agreed to by both sides.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1911, 1897, 1914, and 2238) were agreed to.

Mr. BURNS. Mr. President, I rise today to introduce an amendment to S. 82, the Air Transport Improvement Act. This amendment will establish a commission to study the future of the travel agent industry and determine the consumer impact of airline interaction with travel agents.

Since the Airline Deregulation Act of 1978 was enacted, major airlines have controlled pricing and distribution policies of our nation's domestic air transportation system. Over the past four years, the airlines have reduced airline commissions to travel agents in an competitive effort to reduce costs.

I am concerned the impact of today's business interaction between airlines and travel agents may be a driving force that will force many travel agents out of business. Combined with the competitive emergence of Internet services, these practices may be harming an industry that employs over 250,000 Americans.

This amendment will explore these concerns through the establishment of a commission to objectively review the emerging trends in the airline ticket distribution system. Among airline consumers there is a growing concern that airlines may be using their market power to limit how airline tickets are distributed.

Mr. President, if we lose our travel agents, we lose a competitive component to affordable air fare. Travel agents provide a much needed service and without, the consumer is the loser.

The current use of independent travel agencies as the predominate method to distribute tickets ensures an efficient and unbiased source of information for air travel. Before deregulation, travel agents handled only about 40% of the airline ticket distribution system. Since deregulation, the complexity of the ticket pricing system created the need for travel agents resulting in travel agents handling nearly 90% of transactions.

Therefore, the travel agent system has proven to be a key factor to the success of airline deregulation. I'm afraid, however, that the demise of the independent travel agent would be a factor of deregulation's failure if the major airlines succeed in dominating the ticket distribution system.

Travel agents and other independent distributors comprise a considerable portion of the small business sector in the United States. There are 33,000 travel agencies employing over 250,000 people. Women or minorities own over 505 of travel agencies.

The assault on travel agents has been fierce. Since 1995, commissions have been reduced by 30%, 14% for domestic travel alone in 1998. Since 1995, travel agent commissions have been reduced from an average of 10.8% to 6.9% in 1998. Travel agencies are failing in record numbers.

Mr. President, I think it is important to study this issue as well as the related issues of the current state of ticket distribution channels, the importance of an independent system on small, regional, start-up carriers, and the role of the Internet. I would like to ask my colleagues to support this important amendment.

DEKALB-PEACHTREE AIRPORT

Mr. COVERDELL. Mr. President, will the distinguished chairman of the Senate Commerce Committee yield for a question?

Mr. MCCAIN. I will be happy to yield to the senior Senator from Georgia.

Mr. COVERDELL. Mr. President, the DeKalb-Peachtree Airport is the second busiest airport in Georgia, and this level of activity makes living and working in this area noisy and dangerous. Businesses cannot expand, and poorer residents cannot afford to move until a government buy-out of these properties is completed. The Federal Aviation Administration, commonly referred to as the FAA, has done studies which show that increased operations at Dekalb-Peachtree Airport are too noisy and unsafe for residents and businesses in the northern vicinity of the airport. While the FAA has provided some relief and been helpful in the purchasing of some homes, there needs to be a speedy conclusion to this buy-out process in order to allow these homes and businesses to move to safer areas and give the airport the room it requires to meet an ever-increasing demand. Additional FAA funding is needed as soon as possible. to complete this task, would the Chairman be willing provide additional federal funding in the FAA reauthorization bill to address this situation?

Mr. MCCAIN. I appreciate the efforts of the senior Senator from Georgia on behalf of his constituents and for bringing this matter to the attention of the Senate at the beginning of this Congress. As the Senator may know, there are a number of businesses and

residents located near other airports across the country in a similar situation to what is occurring at the Dekalb-Peachtree Airport. The Commerce Committee has authorized a significant increase in noise mitigation funding for the FAA to address this problem and accelerate the buy-out process.

Mr. COVERDELL. I thank the chairman for his assistance. My staff and I look forward to working with him and the junior Senator from Georgia on this important matter.

Mr. CLELAND. Will the chairman yield for another question?

Mr. MCCAIN. I will be happy to yield to the junior Senator from Georgia.

Mr. CLELAND. Mr. President, the noise mitigation funding which this bill authorizes is very much needed—and appreciated—by communities located near our nation's airports. Over 10 years ago, Georgia's second busiest airport, Dekalb-Peachtree Airport, began a runway expansion program to accommodate its increased traffic. Six years ago, the FAA began providing funding to relocate the residential homes located in the Airport's Runway Protection Zone. Thanks to noise mitigation money, 108 homes have had the opportunity to relocate. Unfortunately, after a decade, 58 homes and 61 businesses are still in limbo, and still impacted by the noise from 225,000 flights a year. This community near Atlanta—and I am sure there are communities in similar straights in Arizona—has suffered for years, because the buy-out has gone on far too long. Don't you agree that in determining the need for noise money, the FAA should take into consideration the harmful, drawn-out impact on communities from long-standing projects which have awaited completion over a number of years?

Mr. MCCAIN. The Senator is correct. As the Senator knows, in the report accompanying the Federal Aviation Administration reauthorization bill, the Commerce Committee, at the instigation of the Junior Senator from Georgia, urges the FAA to take into consideration the negative impact on communities, like DeKalb County, of such unresolved long-standing projects when allocating noise mitigation money.

Mr. CLELAND. I thank the chairman for his remarks, and I look forward to continuing to work with the Senator from Arizona and my colleague from Georgia to complete the Dekalb-Peachtree Airport buy-out.

LOUISVILLE AIRPORT

Mr. BUNNING. Mr. President, I want to express my hope that Senators MCCAIN and GORTON will work to include language in the conference report accompanying S. 82, which is of great importance to the Regional Airport Authority of Louisville and Jefferson County, KY. I would like to provide a brief explanation of the need for this provision and what it is intended to accomplish.

Mr. MCCAIN. I thank the Senator from Kentucky for his support of the legislation and we are pleased to hear his views on this provision.

Mr. BUNNING. In 1991, the Regional Airport Authority of Louisville and Jefferson County entered into a letter of intent (LOI) with the Federal Aviation Administration for funding from the Airport Improvement Program for an ambitious expansion of the Louisville Airport. The LOI was for $126 million. When the new east runway was completed in 1995 and ready for operation, Louisville was informed that no funds were available in the FAA Facilities and Equipment Account (F&E) to provide an Instrument Landing System (ILS), thus rendering the new runway inoperative. FAA advised Louisville that if they procured the ILS, the FAA would later reimburse them for the expenditure of $5.68 million for the system.

Mr. MCCAIN. I can appreciate the demands on the F&E account for these expenditures and can well understand how such a regrettable situation might occur.

Mr. BUNNING. We currently have a confusing situation where the FAA has informed Louisville that $4.2 million in funds drawn down against the LOI in 1998 were for reimbursement for the ILS.

Mr. MCCAIN. As the Senator knows, the FAA routinely provides safety and navigational equipment to airports.

Mr BUNNING. Yes, indeed. That is precisely the purpose of the language. The $4.2 million the FAA designated as reimbursement is money the Louisville Airport would have received under the $126 million LOI anyway. The provision in the legislation simply directs the FAA to amend the existing LOI with the Regional Airport Authority to increase it by $5.68 million, thus reimbursing Louisville the total cost of the ILS.

Mr. MCCAIN. It is my understanding that a similar provision was included in the Statement of Managers accompanying the Transportation appropriations legislation for fiscal year 2000.

Mr. BUNNING. That is correct.

Mr. MCCAIN. I thank the Senator for his description of the situation, and I will be happy to continue to work to rectify this matter.

Mr. BUNNING. I thank the Senators for their assistance.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that Dan Elwell, a congressional fellow in Senator STEVENS' office, be granted the privilege of the floor for the pendency of the Senate consideration of S. 82.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that notwithstanding the agreement of yesterday referencing the filing of amendments, Senator FITZGERALD be recognized and that it be in order for him to offer an amendment not previously filed, and that the amendment then be agreed to. Prior to that, if it is agreeable with Senator FITZGERALD, Senator ASHCROFT wants to have 5 minutes to make a statement. I ask unanimous consent that prior to that, Senator ASHCROFT have 5 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? Without objection, it is so ordered. The Senator from Missouri is recognized.

## NOMINATION OF RONNIE WHITE

Mr. ASHCROFT. Mr. President, I thank the Senator from Arizona for affording me this opportunity to make some remarks regarding the vote on the nomination of Ronnie White.

Yesterday, in accordance with the unanimous consent agreement entered into last week, we set aside substantially over an hour to debate not only the White nomination but a number of other nominations which came before the Senate today. I was here for that debate, I engaged in that debate, and I outlined my opposition to Judge White, not my opposition based on anything personal or based on my distaste in any way for the judge, but based on my real reservations about his record as it relates to law enforcement.

After the conclusion of the vote today, there were a number of individuals who secured integrals of time to speak about that nomination and about that vote and raised questions that more properly should have been raised in the debate, and, secondly, deserve a response. So I come to respond in that respect.

I want to explain why I believe Judge White should not have been confirmed, and I believe the Senate acted favorably and appropriately in protecting the strong concerns raised by law enforcement officials.

The National Sheriffs Association expressed their very serious opposition to the nomination of Judge White. The Missouri Federation of Chiefs of Police expressed their opposition. The Missouri Sheriffs Association raised strong concerns and asked for a very serious consideration. In my conferences with law enforcement officials, prosecutors and judges, they raised serious concerns; so that when those who come to the floor today talk about this nomination in a context that is personal rather than professional and is political rather than substantive, I think they miss the point.

There are very serious matters addressed in his record that deserve the attention of the Senate and which, once having been reviewed by Members of the Senate, would lead Senators to the conclusion that, indeed, the Senate did the right thing.

Judge White's sole dissent in the Missouri v. Johnson, a brutal cop killer, an individual who killed three law enforcement officials over several hours, holding a small town in Missouri in a terrified condition, that opinion which sought to create new ground for allowing convicted killers who had the death

penalty ordered in their respect, allowing them new ground for new trials, and the like, is something that ought to trouble us. We do not need judges with a tremendous bent toward criminal activity or with a bent toward excusing or providing second chances or opportunities for those who have been accused in those situations.

Missouri v. Kinder is another case where he was the sole dissenter, a case of murder and assault, murder with a lead pipe, the defendant was seen leaving the scene of the crime with the lead pipe and DNA evidence confirming the presence of the defendant with the person murdered.

The judge in that case wrote a dissent saying that the case was contaminated by a racial bias of the trial judge because the trial judge had indicated that he opposed affirmative action and had switched parties based on that.

Another case, Missouri v. Damask, a drug checkpoint case. The sole dissent in the case was from Judge White who would have expanded substantially the rights of defendants to object to searches and seizures.

I believe that law enforcement officials had an appropriate, valid, reasonable concern. That concern was appropriately recognized and reflected in the vote of the Senate. Not only Missouri needs judges, but the entire country needs judges whose law enforcement experience is such that it sends a signal that they are reliable and will support appropriate law enforcement.

I am grateful to have had this opportunity. No time was expected for debate on this issue today, and as an individual who was involved in this matter, I am pleased to have had this opportunity. I thank the Senate. I thank the Senator from Arizona for helping make this time available to me.

I yield the floor.

## AIR TRANSPORTATION IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

AMENDMENT NO. 2264 TO AMENDMENT NO. 1892

(Purpose: To replace the slot provisions relating to Chicago O'Hare International Airport)

Mr. FITZGERALD. Mr. President, I rise on behalf of myself and my colleague from Illinois, Senator DURBIN, to propose an amendment to the amendment proposed by the Presiding Officer himself, Senator GORTON, and Senator ROCKEFELLER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. FITZGERALD], for himself and Mr. DURBIN, proposes an amendment numbered 2264 to amendment No. 1892.

The amendment is as follows:

On page 5, beginning with ''apply—'' in line 15, strike through line 19 and insert ''apply after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.''.

On page 8, beginning with line 7, strike through line 17 on page 12 and insert the following:

(1) IN GENERAL.—Subchapter I of chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

**''§ 41718. Special Rules for Chicago O'Hare International Airport**

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STATE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(2) 3-year report.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41718(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

On page 19, strike lines 10 and 11.

On page 19, line 12, strike ''(B)'' and insert ''(A)''.

On page 19, line 13, strike ''(C)'' and insert ''(B)''.

On page 19, line 15, strike ''(D)'' and insert ''(C)''.

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor?

Mr. FITZGERALD. Yes, I will yield.

Mr. BYRD. I ask unanimous consent that following the Senator's statement, I be recognized to speak for not to exceed 15 minutes on another matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, this amendment would exempt O'Hare International Airport from any lifting of the high density rule. I understand this amendment has been accepted on both sides. I ask unanimous consent the amendment be agreed to.

I thank the Presiding Officer himself for his efforts to work with me, and also the distinguished Commerce Committee Chairman, Senator MCCAIN from Arizona, and the ranking Democratic member, Senator ROCKEFELLER. Of course, I thank the good auspices of our majority leader who helped work out this agreement. I appreciate the time and consideration of all on a very difficult matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 2264) was agreed to.

Mr. FITZGERALD. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

## IN DEFENSE OF CHURCHES

Mr. BYRD. Mr. President, recent comments by a political figure have unfairly and, I think, unjustly castigated American churches and millions of American church-goers as ''. . . a sham and a crutch for weak-minded people who need strength in numbers. [meaning organized religion] tells people to go out and stick their noses in other people's business.'' Now these comments are being defended as the kind of outspoken honesty that people really seek in a politician. While I am totally in favor of greater candor from politicians, particularly in these days of poll-driven and consultant-drafted mealy-mouthed pap masquerading as ''vision,'' I am emphatically not in favor of rudeness. There is far too much rude and divisive talk in this Nation these days, and it only exacerbates the kind of climate that encourages acts of violence against anyone who is different or any organization that is not mainstream—or maybe even if it is mainstream, as churches are still mainstream, at least in my part of the world. We cannot and should not let this kind of meanness be excused in the name of honesty and candor.

I do not question anyone's right to voice his opinion, whether I agree with it or not, but I also do not believe it is necessary to demean or belittle or denigrate anyone in the process of voicing an opinion. I am pleased to see that I am not alone in my outrage, but that many people have expressed similar feelings. I hope that we can all learn a lesson from this episode.

All of us ask for guidance from those we trust whenever we are faced with difficult problems. We ask our parents, or our wives, we ask our husbands, or our friends. So what is wrong with seeking the advice of someone who has

seen more troubles and received more training in counseling than ourselves—someone who has a calling, a passion, for this role? Someone such as our pastor or priest or minister? Or what is wrong with asking the One who knows and shares all of our troubles—in asking the Creator for guidance and support? What is wrong with asking ourselves, ''What would Jesus do?'' There is nothing wrong with using the spiritual guidance provided to us from God and His Son, and tested over nearly 2,000 years of human experience. It is not weak-minded. It is not sheep-like to grow up within a framework of faith and to celebrate the rituals of the church. It does not mean that one has a weakness and needs organized religion to ''strengthen oneself.''

Churches across this Nation provide millions of strong people with spiritual, emotional, and physical support. People who are active in their church may literally count their blessings when disaster strikes them. Be it the sudden loss of a loved one, a fire, a flood, that person will find himself surrounded with caring friends and helping hands. Insurance may provide a sense of financial security, but no matter whose good hands your insurance may be in, an insurance company cannot hold your hand and offer a shoulder to lean on while your home is reduced to smoky ruins or washed downstream in a flood. A pastor, a priest, a minister, or friend from your church can do so, and will do so. And people in your church will offer you the clothes off of their backs, or a place to stay, or food to eat when you are hungry, or help in many other small ways that are a balm on a hurting soul. Instead of facing your loss alone, help arrives in battalions.

Churches have become, in many ways, the new centers of community in America. We live in ever-expanding suburbs. We spend long hours each day commuting to jobs miles from our homes. Our children ride buses to distant schools that may combine many neighborhoods or even many communities.

We may rarely see our neighbor, or may know the neighbor only to nod at as we back our cars out of our driveways. Air conditioning, television, and other amenities have taken the place of sitting on the front porch with a glass of lemonade. Now, if we are outside, we are likely on a deck in the back yard, hidden by a fence or a hedge from the prying eyes of our unseen neighbors. But in church on Sunday, one is encouraged to shake a neighbor's hand. One is asked to pray for neighbors who are sick or in distress. And one hears the word of God—a Name that is above all other names—and participates in the observance of the liturgy that binds all of us in a seamless lineage to the heritage of man.

Churches are not for the weak-minded, Mr. President. They are for the strong. They are for people who are not afraid to seek guidance, not afraid to show charity, not afraid to practice kindness. Tolerance for the beliefs of others is one of the cornerstones on which this Nation is founded, and we in public life would be well-advised to remember that.

Let me close these remarks, Mr. President, with a passage from George Washington's Farewell Address. Mr. President, George Washington, commander of the American forces at Valley Forge, was not a weak-minded man. George Washington, the first President of the United States—and the greatest President of all—was not a weak-minded man. Let's share what he had to say about religion. We might even class George Washington as a politician.

Here is what George Washington said. I suggest that all take note.

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

Let me digress briefly to suggest that all politicians, whether at the State or local or national level, take note of what George Washington said.

> The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had no intention to speak on this matter. It is purely coincidence—one might even suggest the hand of the Almighty—that caused me just a few minutes ago to read a column that appeared in the Boston Globe in this particular case, a column that picks up on the very theme the distinguished senior Senator from West Virginia has addressed this afternoon.

I will read the column into the CONGRESSIONAL RECORD. I have rarely ever done this, but I found this column so compelling. It corresponds very much to the eloquent words of our colleague from West Virginia and the compelling words of our first American President, George Washington.

First of all, we live in a wonderful country that allows people to express their views, whether they be public people or not. The Governor of Minnesota has expressed his views in a national publication that comes to the issue of organized religion. He certainly is entitled to his views, but I think for those of us who disagree with him and, in fact, as public persons, we bear responsibility to challenge those words when they are offensive to millions of Americans, be they Christians, Jews, Muslims, whether or not people who practice their religion in a church, a synagogue, or a mosque. There is every reason to believe that organized religion, if you will, has contributed significantly to the strength and well-being of the Nation.

This morning, in a column by E.J. Dionne called the Gospel of Jesse Ventura, he quotes the statements made by the Governor of Minnesota in which the Governor said:

> Organized religion is a sham and a crutch for weak-minded people who need strength in numbers. It tells people to go out and stick their noses in other people's business.

Now, Mr. President, the column:

> Well, Governor, I have to hand it to you. You've told us over and over that you say what's on your mind and, because of that, you're unlike the average politician. This statement definitely justifies all your self-congratulation.
>
> Because you're so honest and tough-minded, I figured you wouldn't mind answering a few questions about your comments. I ask them because none of your explanations after the interview helped me understand your meaning. Perhaps I'm thick-headed and you can bring me to your level of enlightenment.
>
> Martin Luther King Jr. was a pastor who led the Southern Christian Leadership Conference. He organized church people to fight for justice. Many who opposed him thought he was sticking his nose into other people's business. In his first major civil rights sermon at the Holt Street Baptist Church in Montgomery, Ala., he declared: ''If we are wrong, Jesus of Nazareth was merely a utopian dreamer and never came down to earth! If we are wrong, justice is a lie!''
>
> Please tell me, Governor, I want to know: Was Martin Luther King Jr. ''weak-minded'' for working through ''organized religion''? While you're at it, were all those civil rights activists, so many motivated by religious faith, ''weak-minded'' for risking their lives in the struggle?
>
> Rabbi Abraham Heschel was a brilliant theologian and wrote about the Hebrew prophets. He was moved by his sense of the prophetic to become a leading ally of King's battle for equality. Was he weak-minded?
>
> Dietrich Bonhoffer was a German theologian moved by his faith to oppose Hitler. He went to prison and was eventually killed. ''I have discovered,'' he wrote a few weeks before his execution, ''that only by living fully in the world can we learn to have faith.'' Was Dietrich Bonhoffer using his faith as a ''sham and a crutch?''
>
> The Polish workers of the Solidarity trade union movement, inspired by faith and helped immensely by their ''organized religion,'' faced down the Communist dictatorship in Poland. They risked jail and beatings and helped change the world. Was that weak-minded of them?
>
> What about those theologians who thought through religious questions and the meaning of life on behalf of all those churchy souls you say need crutches? Were Augustine and Aquinas weak-minded? Were Luther and Calvin? What about 20th-century prophets such as Reinhold Niebuhr and Martin Buber? They were towering intellects, I've always thought, but perhaps I'm blind and you can help me see.
>
> I respect and admire the courage you demonstrated in serving our country as a Navy SEAL. But just out of curiosity: Do you think the military chaplains you met were weak-minded?

Father Andrew Greeley, the sociologist, has found that ''relationships related to religion'' are clearly the major forces mobilizing volunteers in America. We're talking here about mentors for children, volunteers in homeless programs, those who give comfort at shelters for battered women. Are all these good volunteers just seeking strength in numbers?

While you were making money wrestling, Mother Teresa was devoting her life to the poor of Calcutta. Maybe you think she would have been better off in the ring with Disco Inferno.

I don't want to get too personal, but I truly want to know what you're trying to tell us. The nuns who taught me in grade school and the Benedictine monks who taught me in high school devoted the whole of their lives to helping young people learn. Was their dedication to others a sign of weakness? The parish I grew up in was full of parents—my own included—whose religious faith motivated them to build a strong community that nurtured us kids. I guess you're telling me those parents I respected were only seeking strength in numbers.

Somewhere around 100 million Americans attend religious services in any given week. Sociologists agree we are one of the most religiously observant countries in the world, especially compared to other wealthy nations. Are we a weak-minded country?

In explaining your comments afterward, you said: ''This is Playboy; they want you to be provocative.'' Does that mean you would have said something different to the editors of, say, Christianity Today?

And, Governor, one last question: Are you tough-minded enough to understand the meaning of the words: ''Your act is wearing thin?''

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## ART FROM THE HEART

Mr. WELLSTONE. Mr. President, I thought I would use this time, before we go forward in the Senate with some additional votes, to speak on two matters. I am actually waiting for a few visuals, or pictures, I want to show regarding what I am going to say.

First of all, let me thank a pretty amazing group of young people from my State of Minnesota for coming all the way here to Washington, DC. These are high school students, and they have brought, if you will, art that is from the heart. It is an art display that will be on exhibit in the rotunda of the Russell Senate Office Building.

This month of October is an awareness of domestic violence month. People in the country should understand, if they don't already, that about every 13 seconds, a woman is battered in her home—about every 13 seconds.

A home should be a safe place for women and children. What these students have done is—and I first saw their display at the Harriet Tubman Center back home in Minnesota—they have presented some art that, as I say, is really from the heart. This artwork, in the most powerful way, deals with the devastating impact of violence in homes, not only on women and adults but on children as well.

Quite often, we have debates out here on the floor of the Senate about the negative impact of television violence, or violence in movies, on children. The fact is that for too many children—maybe as many as 5 million children in our country—they don't need to turn on the TV or go to a movie to see the violence; they see the violence in their homes.

We will have this really marvelous display of art by these students from Minnesota, and it will be in the Russell rotunda on display this week. Tonight, for other Senators, at 6:30, there will be a reception for these students. They should be honored for their fine work.

Mr. President, I commend Mr. Dionne. His words speak eloquently to the emotions and feelings of many of us. Again, I respect the Governor of Minnesota in expressing his views, but we certainly have an obligation to express ours. E.J. Dionne has expressed them well with this Member of the Senate.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

## DISSIDENTS DISAPPEARING IN BELARUS

Mr. WELLSTONE. Mr. President, the government of Belarus has systematically intimidated and punished members of opposition political groups for several years now. Ordinary citizens—some as young as fifteen—have been beaten, arrested, and charged with absurd criminal offenses all because they dared to speak out against the President of Belarus, Alex Lukashenko, and his crushing of basic human rights and civil liberties there.

Recently, however, events have grown worse. Four dissidents, closely watched by the government's omnipresent security police have vanished. The government says it has no clues as to why. Up until now, the President only beat and jailed his opponents. The President now appears to be behind a series of disappearances by key opposition figures since April, as reported in the New York Times. Last week, the State Department said that it was greatly concerned about the pattern of disappearances and urged the government of Belarus to find and protect those who had vanished. The disappearances coincide with the strongest campaign yet launched by Belarus's pro-democracy movement to press the government for reforms.

The first person to disappear was the former chairwoman of the Central Bank (Tamara Vinnikova). She publicly supported the former prime minister, an opposition candidate, and was being held on trumped up charges under house arrest with an armed guard at the time she vanished. That she was held under house arrest, guarded at all times by live-in KGB agents, her telephone calls and visitors strictly screened, strongly suggests that her disappearance was orchestrated by the authorities.

In May, Yuri Zakharenka, a former interior minister and an opposition activist, disappeared as he was walking home. He was last seen bundled into a car by a group of unidentified men. His wife said for two weeks prior to his abduction, he had complained of being tailed by two cars.

At the height of protests in July, another opposition leader, speaker of the illegally disbanded parliament, fled to Lithuania, saying that he feared for his life.

Then two weeks ago, Victor Gonchar, a leading political dissident, and his friend, a publisher, vanished on an evening outing, even though Mr. Gonchar was under constant surveillance by the security police. Gonchar's wife reportedly contacted city law enforcement agencies, local hospitals and morgues without result. The government maintains that it has no information on his whereabouts. Mr. Gonchar has been instrumental in selecting an opposition delegation to OSCE-mediated talks with the government, and was scheduled to meet with the U.S. ambassador to Belarus on September 20. Earlier this year, police violently assaulted and arrested him on charges of holding an illegal meeting in a private cafe, for which he served ten days in jail.

Before President Lukashenko came to office in 1994, one could see improvements in the human rights situation in Belarus. Independent newspapers emerged, and ordinary citizens started openly expressing their views and ideas, opened associations and began to organize. The parliament became a forum for debate among parties with differing political agendas. The judiciary also began to operate more independently.

After Mr. Lukashenko was elected president, he extended his term and replaced the elected Parliament with his own hand-picked legislators in a referendum in 1996, universally condemned as rigged. Since then, he has held fast to his goal of strengthening his dictatorship. He has ruthlessly sought to control and subordinate most aspects of public life, both in government and in society, cracking down on the media, political parties and grass roots movements. Under the new constitution, he overwhelming dominates other branches of government, including the parliament and judiciary.

The first president of democratic Belarus, Stanislav Shushkevich, and now in the opposition, said recently that the government is resorting to state terrorism by abducting and silencing dissidents. He said, ''the regime has gone along the path of eliminating the leaders against whom it can't open even an artificial case. This is done with the goal of strengthening the dictatorship.''

I am deeply concerned that comments by senior government officials

this past week which betray official indifference to those disappearances.

I urge President Lukashenko to use all available means at his disposal to locate the four missing—and to ensure the safety and security of all living in Belarus, regardless of their political views. What is happening in Belarus now is an outrage. The world is watching what President Lukashenko does to address it.

Mr. President, I want the Government of Belarus to know that their blatant violation of the human rights of citizens is unacceptable. The report several days ago of four prominent men and women who have had the courage to stand up against this very repressive Government of Belarus raises very serious questions. As a Senator, I want to speak from the floor and condemn that Government's repressive actions. I want to make it clear to the Government of Belarus that these actions, the repression and violation of citizens' rights in Belarus, is unacceptable, I think, to every single Senator.

I think many of us in the human rights community are very worried about whether or not they are still alive. I would not want the Government of Belarus to think they can engage in this kind of repressive activity with impunity. That is why I speak about this on the floor of the Senate.

## ECONOMIC CONVULSION IN AGRICULTURE

Mr. WELLSTONE. Mr. President, let me, one more time, return to a question I have put to the majority leader, and then I say to my colleague from Arizona I will complete my remarks.

In the last 3 weeks now, I have asked for the opportunity to introduce legislation—amendments—which would speak directly to what can only be described as an economic convulsion in agriculture, the unbelievable economic pain in the countryside, and the number of farmers who are literally being obliterated and driven off the land.

Up to date, I have not been able to get any kind of clear commitment from the majority leader as to when we will have the opportunity for all of us in the Senate to have a substantive debate about this and take action. For those of us in agricultural States, this is very important. I want to signal to colleagues that I will look for an opportunity, and the first opportunity I get, I will try to do everything I can to focus our attention on what can only be described as a depression in agriculture. I will try to focus the attention of people in the Senate, Democrats and Republicans alike, on the transition that is now taking place in agriculture, which I think, if it runs its full course, we will deeply regret as a Nation.

Mr. President, I yield the floor.

## AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. MCCAIN. Mr. President, for the benefit of my colleagues, we are nearing the end as far as amendments are concerned. We will be ready within about 20 minutes to a half hour to complete an amendment by Senator DORGAN. We are in the process of working on it. We have several amendments by Senator HATCH that we are trying to get so we can work those out. We have no report yet from Senator HUTCHISON on whether or not she wants an amendment. So if Senator HUTCHISON, or her staff, is watching, we would like to get that resolved. There is a modification of an amendment by Senator BAUCUS.

Other than that, we will be prepared to move to the previous unanimous consent agreement concerning debate on the Robb amendment and vote on that, followed by final passage. I believe we are nearing that point. So as we work out the final agreements on these amendments, I hope that within 10 or 15 minutes we will be able to complete action on that and be prepared to move to the Robb amendment debate and then final passage.

Mr. President, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1898, AS MODIFIED

Mr. MCCAIN. Mr. President, on behalf of Senator BAUCUS, I send a modification to the desk and ask that it be accepted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification will be accepted.

The amendment (No. 1898), as modified, is as follows:

At the appropriate place, insert the following:

( ) AIRLINE QUALITY SERVICE REPORTS.—The Secretary of Transportation shall modify the Airline Service Quality Performance reports required under part 234 of title 14, Code of Federal Regulations, to more fully disclose to the public the nature and source of delays and cancellations experienced by air travelers. Such modifications shall include a requirement that air carriers report delays and cancellations in categories which reflect the reasons for such delays and cancellations. Such categories and reporting shall be determined by the Administrator in consultation with representatives of airline passengers, air carriers, and airport operators, and shall include delays and cancellations caused by air traffic control.

AMENDMENT NO. 1927

(Purpose: To amend title 18, United States Code, with respect to the prevention of frauds involving aircraft or space vehicle parts in interstate or foreign commerce.)

Mr. MCCAIN. Mr. President, on behalf of Senator HATCH and others, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. HATCH, Mr. LEAHY, and Mr. THURMOND, proposes an amendment numbered 1927.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HATCH. Mr. President, today I am proud to offer the Aircraft Safety Act of 1999 as an amendment to S. 82, the Air Transportation Improvement Act. I join with Senator LEAHY and Senator THURMOND in proposing this amendment, which will provide law enforcement with a potent weapon in the fight to protect the safety of the traveling public. This is one piece of legislation which could truly help save hundreds of lives.

Current federal law does not specifically address the growing problem of the use of unapproved, uncertified, fraudulent, defective or otherwise unsafe aviation parts in civil, military and public aircraft. Those who traffic in this potentially lethal trade have thus far been prosecuted under a patchwork of Federal criminal statutes which are not adequate to deter the conduct involved. Most subjects prosecuted to date have received little of no jail time, and relatively minor fines have been assessed. Moreover, law enforcement has not had the tools to prevent these individuals from reentering the trade or to seize and destroy stockpiles of unsafe parts.

While the U.S. airline industry can take pride in the safety record they have achieved thus far, trade in fraudulent and defective aviation parts is a growing problem which could jeopardize that record. These suspect parts are not only readily available throughout the country, they are being installed on aircraft as we speak. This problem will continue to grow as our fleet of commercial and military aircraft continues to age. Safe replacement parts are vital to the safety of this fleet. When you consider that one Boeing 747 has about 6 million parts, you begin to understand the potential for harm caused by the distribution of fraudulent and defective parts.

Where do these parts come from? Some are used or scrap parts which should be destroyed, or have not been properly repaired. Others are simply counterfeit parts using substandard materials unable to withstand the rigors imposed through daily use on a modern aircraft. Some are actually scavenged from among the wreckage and broken bodies strewn about after an airplane crash. For example, when American Airlines Flight 965 crashed into a mountain in Columbia in 1995, it wasn't long before some of the parts from that aircraft wound up back in

the United States and resold as new by an unscrupulous Miami dealer who had obtained them through the black market.

While the danger to passengers and civilians on the ground is substantial, this danger also jeopardizes the courageous men and women of our armed forces. The Army is increasingly buying commercial off-the-shelf aircraft and parts for their growing small jet and piston-engine passenger and cargo fleets. The Department of Defense will buy 196 such aircraft by 2005 and virtually every major commercial passenger aircraft is in the Air Force fleet, although the military designation is different. In addition, there are dozens of specially configured commercial aircraft that have frame modifications to serve special missions, such as reconnaissance and special operations forces. The safety of all of these vehicles is dependent on the quality of the parts used to repair them and keep them flying.

The amendment we have proposed will criminalize: (1.) The knowing falsification or concealment of a material fact relating to the aviation quality of a part; (2.) The knowing making of a fraudulent misrepresentation concerning the aviation quality of a part; (3.) the export, import, sale, trade or installation of any part where such transaction was accomplished by means of a fraudulent certification or other representation concerning the aviation quality of a part; (4.) An attempt or conspiracy to do the same.

The penalty for a violation will be up to 15 years in prison and a fine of up to $250,000, however, if that part is actually installed, the violator will face up to 25 years and a fine of $500,000. And if the part fails to operate as represented and serious bodily injury or death results, the violator can face up to life in prison and a $1,000,000 fine. Organizations committing a violation will be subject to fines of up to $25,000,000.

In addition to the enhanced criminal penalties created, the Department of Justice may also seek reasonable restraining orders pending the disposition of actions brought under the section, and may also seek to remove convicted persons from engaging in the business in the future and force the destruction of suspect parts. Criminal forfeiture of proceeds and facilitating property may also be sought. The Attorney General is also given the authority to issue subpoenas for the purpose of facilitating investigations into the trafficking of suspect parts, and wiretaps may be obtained where appropriate.

This amendment is supported by Attorney General Reno, Secretary Slater, Secretary Cohen and NASA Administrator Goldin, and OMB has indicated that this amendment is in accord with the President's program. I ask my fellow Senators to join with Senators LEAHY, THURMOND and me in supporting this important piece of legislation.

I ask unanimous consent that relevant material, including a copy of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
*Washington, DC.*

HON. ORRIN G. HATCH,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Enclosed is proposed legislation, ''The Aircraft Safety Act of 1999.'' This is part of the legislative program of the Department of Justice for the first session of the 106th Congress. This legislation would safeguard United States aircraft, space vehicles, passengers, and crewmembers from the dangers posed by the installation of nonconforming, defective, or counterfeit parts in civil, public, and military aircraft. During the 105th Congress, similar legislation earned strong bi-partisan support, as well as the endorsement of the aviation industry.

The problems associated with fraudulent aircraft and spacecraft parts have been explored and discussed for several years. Unfortunately, the problems have increased while the discussions have continued. Since 1993, federal law enforcement agencies have secured approximately 500 criminal indictments for the manufacture, distribution, or installation of nonconforming parts. During that same period, the Federal Aviation Administration (FAA) received 1,778 reports of suspected unapproved parts, initiated 298 enforcement actions, and issued 143 safety notices regarding suspect parts.

To help combat this problem, an interagency Law Enforcement/FAA working group was established in 1997. Members include the Federal Bureau of Investigation (FBI); the Office of the Inspector General, Department of Transportation; the Defense Criminal Investigative Service; the Office of Special Investigations, Department of the Air Force; the Naval Criminal Investigative Service, Department of the Navy; the Customs Service, Department of the Treasury; the National Aeronautics and Space Administration; and the FAA. The working group quickly identified the need for federal legislation that targeted the problem of suspect aircraft and spacecraft parts in a systemic, organized manner. The enclosed bill is the product of the working group's efforts.

Not only does the bill prescribe tough new penalties for trafficking in suspect parts; it also authorizes the Attorney General, in appropriate cases, to seek civil remedies to stop offenders from re-entering the business and to direct the destruction of stockpiles and inventories of suspect parts so that they do not find their way into legitimate commerce. Other features of the bill are described in the enclosed section-by-section analysis.

If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public. Consequently, we urge that you give the bill favorable consideration.

We would be pleased to answer any questions that you may have and greatly appreciate your continued support for strong law enforcement. The Office of Management and Budget has advised us that, from the perspective of the Administration's program, there is no objection to the submission of this legislative proposal, and that its enactment would be in accord with the program of the President.

Sincerely,

JANET RENO,
*Attorney General.*
RODNEY E. SLATER,
*Secretary of Transportation.*
WILLIAM S. COHEN,
*Secretary of Defense.*
DANIEL S. GOLDIN,
*Administrator, National Aeronautics and Space Administration.*

Enclosures.

PROPOSED LEGISLATION

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,*

**SECTION 1.**

This Act may be cited as the ''Aircraft Safety Act of 1999.''

**SEC. 2. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACEVEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.**

(a) Chapter 2 of title 18, United States Code, is amended—

(1) by adding at the end of section 31 the following:

'''Aviation quality' means, with respect to aircraft or spacevehicle parts, that the item has been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law, regulation, or contract.

'''Aircraft' means any civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

'''Part' means frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

'''Spacevehicle' means a man-made device, either manned or unmanned, designed for operation beyond the earth's atmosphere.

'''State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) Chapter 2 of title 18, United States Code, is amended by adding at the end the following—

**''§38. Fraud involving aircraft or spacevehicle parts in interstate or foreign commerce**

''(a) OFFENSES.—Whoever, in or affecting interstate or foreign commerce, knowingly—

''(1) falsifies or conceals a material fact; makes any materially fraudulent representation; or makes or uses any materially false writing, entry, certification, document, record, data plate, label or electronic communication, concerning any aircraft or spacevehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or spacevehicle any aircraft or spacevehicle part using or by means of fraudulent representations, documents, records, certifications, depictions, data plates, labels or electronic communications; or

''(3) attempts or conspires to commit any offense described in paragraph (1) or (2), shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) If the offense relates to the aviation quality of the part and the part is installed in an aircraft or spacevehicle, a fine of not more than $500,000 or imprisonment for not more than 25 years, or both;

''(2) If, by reason of its failure to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000 or imprisonment for any term of years or life, or both;

''(3) If the offense is committed by an organization, a fine of not more than $25,000,000; and

''(4) In any other case, a fine under this title or imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—(1) The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person convicted of an offense under this section to divest himself of any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks; imposing reasonable restrictions on the future activities or investments of any such person, including, but not limited to, prohibiting engagement in the same type of endeavor as used to perpetrate the offense, or ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) The Attorney General may institute proceedings under this subsection. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

''(3) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—(1) The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person shall forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds such person obtained, directly or indirectly, as a result of such offense; and

''(B) any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such offense.

''(2) The forfeiture of property under this section, including any seizure and disposition thereof, and any proceedings relating thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §853), except for subsection (d) of that section.

''(e) CONSTRUCTION WITH OTHER LAWS.—This Act shall not be construed to preempt or displace any other remedies, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction of aircraft or spacevehicle parts into commerce.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring within the United States or conduct occurring outside the United States if—

''(1) The offender is a United States person; or

''(2) The offense involves parts intended for use in U.S. registry aircraft or spacevehicles; or

''(3) The offense involves either parts, or aircraft or spacevehicles in which such parts are intended to be used, which are of U.S. origin.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—(A) In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control; and

''(ii) requiring a custodian of records to give testimony concerning the production and authentication of such records.

''(B) A subpoena under this subsection shall describe the objects required to be produced and prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

''(C) The production of records shall not be required under this section at any place more than 500 miles distant from the place where the subpoena for the production of such records is served.

''(D) Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

''(2) SERVICE.—A subpoena issued under this section may be served by any person who is at least 18 years of age and is designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

''(3) ENFORCEMENT.—In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony concerning the production and authentication of such records. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

''(4) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a summons under this section, who complies in good faith with the summons and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft of space vehicle parts in interstate of foreign commerce.''.

**SEC. 3. CONFORMING AMENDMENT.**

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

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SECTION-BY-SECTION ANALYSIS

**SECTION 1.**

This section states the short title of the legislation, the ''Aircraft Safety Act of 1999.''

**SECTION 2. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACEVEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.**

This section, whose primary purpose is to safeguard U.S. aircraft and spacecraft, and passengers and crewmembers from the dangers posed by installation of nonconforming, defective, or counterfeit frames, assemblies, components, appliances, engines, propellers, materials, parts or spare parts into or onto civil, public, and military aircraft. Thus, even though the section is cast as an amendment to the criminal law, it is a public safety measure.

The problems associated with nonconforming, defective, and counterfeit aircraft parts have been explored and discussed in a number of fora for several years. For example, in 1995, the Honorable Bill Cohen, then Chairman of the Senate Subcommittee on Oversight of Government Management and the District of Columbia (now Secretary of Defense), said: ''Airplane parts that are counterfeit, falsely documented or manufactured without quality controls are posing an increased risk to the flying public, and the federal government is not doing enough to ensure safety.'' Similarly, Senator Carl Levin, in a 1995 statement before the same Subcommittee, said: ''A domestic passenger airplane can contain as many as 6 million parts. Each year, about 26 million parts are used to maintain aircraft. Industry has estimated that as much as $2 billion in unapproved parts are now sitting on the shelves of parts distributors, airlines, and repair stations.''

Notwithstanding increased enforcement efforts, the magnitude of the problem is increasing: according to the June 10, 1996, edition of Business Week magazine, ''Numerous FAA inspectors . . . say the problem of substandard parts has grown dramatically in the past five years. That's partly because the nation's aging airline fleet needs more repairs and more parts to keep flying—increasing the opportunities for bad parts to sneak in. And cash-strapped startups outsource much of their maintenance, making it harder for them to keep tabs on the work.'' According to Senator Levin's 1995 statement, ''over the past five years, the Department of Transportation Inspector General and the Federal Bureau of Investigation have obtained 136 indictments, 98 convictions, about $50 million in criminal fines, restitutions and recoveries in cases involving unapproved aircraft parts. . . . The bad news is that additional investigations are underway with no sign of a flagging market in unapproved parts.''

Yet, no single Federal law targets the problem in a systemic, organized manner. Prosecutors currently use a variety of statutes to bring offenders to justice. These statutes include mail fraud, wire fraud, false statements and conspiracy, among others. While these prosecutorial tools work well enough in many situations, none of them focus directly on the dangers posed by nonconforming, defective, and counterfeit aircraft parts. Offenders benefit from this lack of focus, often in the form of light sentences. One incident reveals the inherent shortcomings of such an approach.

''In 1991, a mechanic at United [Airlines] noticed something odd about what were supposed to be six Pratt & Whitney bearing-seal spacers used in P&W's jet engines—engines installed on Boeing 727s and 737s and McDonnell-Douglas DC–9s world-wide. The spacers proved to be counterfeit, and P&W determined that they would have disintegrated within 600 hours of use, compared with a 20,000-hour service life of the real part. A spacer failure in flight could cause the total failure of an engine. Investigators traced the

counterfeits to a broker who allegedly used unsuspecting small toolmakers and printers to fake the parts, as well as phony Pratt & Whitney boxes and labels. The broker . . . pled guilty to trafficking in counterfeit goods and received a seven-month sentence in 1994.'' (June 10, 1996, Edition of Business Week Magazine.)

Given the potential threat to public safety, a focused, comprehensive law is needed to attack this problem.

Prevention of Frauds Involving Aircraft or Spacecraft Parts in Interstate or Foreign Commerce remedies the problems noted above by amending Chapter Two of Title 18, United States Code. Chapter Two deals with ''Aircraft and Motor Vehicles,'' and currently contains provisions dealing with the destruction of aircraft or aircraft facilities, and violence at international airports but says nothing about fraudulent trafficking in nonconforming, defective, or counterfeit aircraft parts.

Subsection (a) builds on the existing framework of Chapter Two by adding some relevant definitions to Section 31. The subsection defines ''aviation quality,'' when used with respect to aircraft or aircraft parts, to mean aircraft or parts that have been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards, specified by law, regulation, or contract. The term is used in Section 38(b) of the Act, which sets forth the maximum penalties for violation of the offenses prescribed by Section 38(a). If the misrepresentation or fraud that leads to a conviction under Section 38(a) concerns the ''aviation quality'' of an aircraft part, then Section 38(b)(2) enhances the maximum punishment by 10 years imprisonment and doubles the potential fine.

This subsection also defines ''aircraft.'' This definition essentially repeats the definition of aircraft already provided in Section 40102 of Title 49.

''Part'' is defined to mean virtually all aircraft components and equipment.

''Spacevehicle'' is defined to mean any man-made device, manned or unmanned, designed for operation beyond the earth's atmosphere and would include rockets, missiles, satellites, and the like.

Subsection (b) adds a totally new Section 38 to Chapter Two of Title 18. Subsection 38(a)(1)–(3) sets out three new offenses designed to outlaw the fraudulent exportation, importation, sale, trade, installation, or introduction of nonconforming, defective, or counterfeit aircraft or aircraft parts into interstate or foreign commerce. This is accomplished by making it a crime to falsify or conceal any material fact, to make any materially fraudulent representation, or to use any materially false documentation or electronic communication concerning any aircraft or spacecraft part, or to attempt to do so.

The three provisions, overlap to some extent but each focuses upon a different aspect of the problem to provide investigators and prosecutors with necessary flexibility. All are specific intent crimes; that is, all require the accused to act with knowledge, or reason to know, of his fraudulent activity.

Proposed subsection (b) prescribes the maximum penalties that attach to the offenses created in Subsection (a). A three-pronged approach is taken in order to both demonstrate the gravity of the offenses and provide prosecutors and judges alike with flexibility in punishing the conduct at issue. A basic 15-year imprisonment and $250,000 fine maximum punishment is set for all offenses created by the new section; however, the maximum punishment may be escalated if the prosecution can prove additional aggravating circumstances. If the fraud that is the subject of a conviction concerns the aviation quality of the part at issue and the part is actually installed in an aircraft or spacevehicle, then the maximum punishment increases to 25 years imprisonment and a $500,000 fine. If, however, the prosecution is able to show that the part at issue was the probable cause of a malfunction or failure leading to an emergency landing or mishap that results in the death or injury of any person, then the maximum punishment is increased to life imprisonment and a $1 million fine. Finally, if a person other than an individual is convicted, the maximum fine is increased to $25 million.

New subsection (c) authorizes the Attorney General to seek appropriate civil remedies, such as injunctions, to prevent and restrain violations of the Act. Part of the difficulty in stopping the flow of nonconforming, defective, and counterfeit parts into interstate or foreign commerce is the ease with which unscrupulous individuals and firms enter and re-enter the business; ''Moreover, even when they are caught and punished, these criminals can conceivably go back to selling aircraft parts when their sentences are up.'' (*See,* 1995 Statement of Senator Joe Lieberman before the Senate Subcommittee on Oversight of Government Management and the District of Columbia.) In addition to providing a way to maintain the status quo and to keep suspected defective or counterfeit parts out of the mainstream of commerce during an investigation, this provision adds important post-conviction enforcement tools to prosecutors. The ability to bring such actions may be especially telling in dealing with repeat offenders since a court may, in addition to imposing traditional criminal penalties, order individuals to divest themselves of interests in businesses used to perpetuate related offenses or to refrain from entering the same type of business endeavor in the future. Courts may also direct the disposal of stockpiles and inventories of parties not shown to be genuine or conforming to specifications to prevent their subsequent resale or entry into commerce. It is envisioned that the prosecution would seek such relief only when necessary to ensure aviation safety.

Proposed subsection (d) provides for criminal forfeiture proceedings in cases arising under new section 38 of Title 18.

Proposed subsection (e) discusses how the Act is to be construed with other laws relating to the subject of fraudulent importation, sale, trade, installation, or introduction of aircraft or aircraft parts. The section makes clear that other remedies, whether civil or criminal, are not preempted by the Act and may continue to be enforced. In particular, the Act is not intended to alter the jurisdiction of the U.S. Customs Service, which is generally responsible for enforcing the laws governing importation of goods into the United States.

Proposed subsection (f) deals with the territorial scope of the Act. To rebut the general presumption against the extraterritorial effect of U.S. criminal laws, this section provides that the Act will apply to conduct occurring both in the United States and beyond U.S. borders. Clearly the U.S. will apply the law to conduct occurring outside U.S. territory only when there is an important U.S. interest at stake. If, however, an offender affects the safety of U.S. aircraft, spacevehicles, or is a U.S. person, this section would provide for subject matter jurisdiction even if the offense is committed overseas.

Subsection (g) of new section 38 authorizes administrative subpoenas to be issued in furtherance of the investigation of offenses under this section. Under this provision, the Attorney General or designee may issue written subpoenas requiring the production of records relevant to an authorized law enforcement inquiry pertaining to offenses under the new section. Testimony concerning the production and authentication of such records may also be compelled. The subsection also sets forth guidance concerning the service and enforcement of such subpoenas and provides civil immunity to any person who, in good faith, complies with a subpoena issued pursuant to the Section.

The subsection is modeled closely on an analogous provision found in Section 3486(a)(1) of Title 18, pertaining to health care fraud investigations. Like the health care industry, the aviation industry—including the aviation-parts component of the industry—is highly regulated since the public has an abiding interest in the safe and efficient operation of all components of the industry. The public also has concomitant interest in access to the records and related information pertaining to the industry since, often, the only evidence of possible violations of law may be the records of this regulated industry. Thus, companies and individuals doing business in this industry are in the public limelight by choice and have reduced or diminished expectations of privacy in their affairs relating to how that business is conducted. In such situations, strict probable cause requirements regarding the production of records, documents, testimony, and related materials make enforcement impossible. This provision recognizes this but also imposes some procedural rigor and related safeguards so that the administrative subpoena power is not abused in this context. The provisions rquires the information sought to be relevant to the investigation, reasonably specific, and not unreasonably burdensome to meet.

**SECTION 3. CONFORMING AMENDMENT.**

This section would add the new offenses created by the Act to the list of predicate offenses for which oral, wire, and electronic communications may be authorized.

Mr. MCCAIN. Mr. President, the amendment has been agreed to by both sides. There is no further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1927) was agreed to.

AMENDMENT NO. 2240

(Purpose: To preserve essential air services at dominated hub airports)

Mr. MCCAIN. Mr. President, on behalf of Senator DORGAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. DORGAN, proposes an amendment numbered 2240.

Mr. MCCAIN. 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:

At the appropriate place, insert the following:

**SEC. PRESERVATION OF ESSENTIAL AIR SERVICE AT DOMINATED HUB AIRPORTS.**

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

**''§ 41743. Preservation of basic essential air service at dominated hub airports**

''(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable

and competitive performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, then the Secretary may require the air carrier that has more than 50 percent of the total annual enplanements at that essential airport facility to take action to enable an air carrier to provide reliable and competitive essential air service to that community. Action required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service to facility necessary for the performance of satisfactory essential air service to that community.

''(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731) in the contiguous 48 states at which 1 air carrier has more than 50 percent of the total annual enplanements at that airport.''.

Mr. MCCAIN. Mr. President, I thank Senator DORGAN for this amendment. Senator DORGAN has been, for at least 10 years I know, deeply concerned about this whole issue of essential air service. Although essential air service has increased funding, still we are not having medium-sized and small markets being served as they deserve.

I thank Senator DORGAN for the amendment.

It has been agreed to by both sides. I don't believe there is any further debate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2240) was agreed to.

The PRESIDING OFFICER. Without objection, the modified Baucus amendment is agreed to.

The amendment (No. 1898), as modified, was agreed to.

Mr. MCCAIN. Thank you, Mr. President. All we have now remaining is the managers' amendment, which will be arriving shortly. Then I will have a request on behalf of the leader for FAA passage, and the parliamentary procedures for doing so.

Mr. DOMENICI. Mr. President, I wonder if I might use a few moments while the manager is waiting to give general observations. I am totally in favor of the bill. I just want to talk generally about the Airport and Airways Trust Fund.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

Over the last several years, there has been a lot of talk and support on the House side for the idea of changing the budgetary status of the Airport and Airways Trust Fund. In fact, the House's FAA Reauthorization bill, the so-called AIR–21, would take the Airport and Airways Trust Fund off-budget. Some say the House's real intent is to create a new budgetary firewall for aviation, similar to those created for the highway and mass transit trust funds under the Transportation Equity Act for the 21st Century (TEA–21).

I've been hearing distant, low rumbles from a minority of my colleagues on this side of the Capitol. They, too, would like an off-budget status or firewall for the Aviation Trust Fund.

Let me reiterate my response to these proposals—These proposals are dangerous and fiscally irresponsible. They undermine the struggle to control spending, reduce taxes, and balance the budget.

Taking the Aviation Trust Fund off-budget would allow FAA spending to be exempt from all congressional budget control mechanisms. It would provide aviation with a level of protection now provided only to Social Security. Important spending control mechanisms such as budget caps, pay-as-you-go rules, and annual congressional oversight and review would no longer apply.

A firewall scenario has very similar problems. A firewall would prevent the Appropriations Committee from reducing trust fund spending, even if the FAA was not ready to spend the money in a given year. If the Appropriations Committee wanted to increase FAA spending above the firewall, it would have to come from the discretionary spending cap, a very difficult choice given the tight discretionary caps through 2002.

These proposals would also create problems in FAA management and oversight. Both an off-budget or firewall status would reduce management and oversight of the FAA by taking trust fund spending out of the budget process. Placing the FAA and the trust fund on autopilot by locking-up funding would result in fewer opportunities to review and effect needed reforms. This is very dangerous. There would be little leverage to induce the FAA to strive for higher standards of performance. Now is the time for more management and oversight by both the Authorizing and Appropriations committee, not less.

The Budget Enforcement Act and other budget laws were created to keep runaway spending in check. I oppose, as we all should, budgetary changes that would make it more difficult to control spending, weaken congressional oversight, create a misleading federal budget, and violate the spirit of the law.

Some of my colleagues object to the building of money in the Aviation Trust Fund. They contend that all of the revenues should be spent on airport improvements. They say that all of the aviation related user taxes should be dedicated to aviation, and should not be used for other spending programs, deficit reduction, or tax cuts.

On the contrary, total FAA expenditures have far exceeded the resources flowing into the trust fund. Since the trust fund was created in 1971 to 1998, total expenditures have exceeded total tax revenues by more than $6 billion.

This is because the Aviation Trust Fund resources have been supplemented with General Revenues. The purpose of the General Fund contribution is that the federal government should reimburse the FAA for the direct costs of public-sector use of the air traffic control system. The FAA estimated in 1997 that the public-sector costs incurred on the air traffic control system is 7.5 percent.

In 1999, a total of 15 percent of federal aviation funding came from the General Fund. Since the creation of the Aviation Trust Fund, the General Fund subsidy for the FAA is 38 percent of all spending. This far exceeds the 7.5 percent public-sector costs that FAA estimated. Therefore, over the life of the trust fund, the public sector has subsidized the cost of the private-sector users of the FAA by $46 billion.

Let this Congress not make the fiscally irresponsible decision to insulate aviation spending from any fiscal restraint imposed by future budget resolutions; to make aviation spending off-limits to Congressional Appropriations Committees. Let us not grant aviation a special budgetary privilege, and make it more difficult for future Congresses and Administrations to enact major reforms in airport and air traffic control funding and operations.

Taking the Aviation Trust Funds off-budget or creating a firewall—these proposals are not fit to fly!

I yield the floor. I thank the chairman for yielding.

Mr. MCCAIN. Mr. President, I thank the Senator from New Mexico.

AMENDMENT NO. 2265

(Purpose: To make available funds for Georgia's regional airport enhancement program)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator COVERDELL.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COVERDELL, proposes an amendment numbered 2265.

Mr. MCCAIN. 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:

At the appropriate place in the Manager's substitute amendment, insert the following:

**SEC. . AVAILABILITY OF FUNDS FOR GEORGIA'S REGIONAL AIRPORT ENHANCEMENT PROGRAM.**

Of the amounts made available to the Secretary of Transportation for the fiscal year 2000 under section 48103 of title 49, United States Code, funds may be available for Georgia's regional airport enhancement program for the acquisition of land.

Mr. MCCAIN. Mr. President, there is no further debate on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2265) was agreed to.

Mr. MCCAIN. Mr. President, I know of no further amendments to be offered to S. 82 other than the managers' package.

I ask unanimous consent that the Senate proceed to the debate and vote

in relation to the Robb amendment. I further ask unanimous consent that following the vote in relation to the Robb amendment, the managers' amendment be in order, and following its adoption, the bill be advanced to third reading.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I wonder whether I could ask my colleague, how long will the debate be on the Robb amendment?

Mr. MCCAIN. According to the previous unanimous consent amendment, there was 5 minutes for Senators BRYAN, WARNER, ROBB, and 5 minutes for me. I don't intend to use my 5 minutes because I know that the Senator from Nevada can far more eloquently state the case.

Mr. WELLSTONE. I shall not object.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on passage of the House bill.

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

Mr. MCCAIN. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, therefore, two back-to-back votes will occur within a short period of time, the last in the series being final passage of the FAA bill.

I thank all Senators for their cooperation.

Before I move on to the debate on the part of Senator BRYAN, Senator ROBB, Senator WARNER, and myself, I will ask that the Chair appoint Republican conferees on this side of the aisle as follows: Senators MCCAIN, STEVENS, BURNS, GORTON, and LOTT; and from the Budget Committee, Senators DOMENICI, GRASSLEY, and NICKLES.

I hope the other side will be able to appoint conferees very shortly as well so that we can move forward to a conference on the bill. I understand the Democratic leader has not decided on the conferees. But we have decided ours.

I see the Senator from Nevada.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

AMENDMENT NO. 2259

Mr. BRYAN. Mr. President, I would like to accommodate the distinguished Senator from Arizona, the chairman. The Senator from Nevada would like to use 2 minutes of his time at this point and reserve the remainder.

I rise in opposition to the amendment offered by our distinguished colleague from Virginia. I do so because the effect of his amendment would leave us with the perimeter rule unchanged.

Very briefly, the perimeter rule is a rule enacted by statute by the Congress of the United States which prohibits flights originating from Washington National to travel more than 1,250 miles and prohibits any flights originating more than 1,250 miles from Washington National from landing here.

The General Accounting Office has looked at this and has found that it is anticompetitive. It tends to discriminate against new entrants into the marketplace, and it cannot be justified by any rational standard.

As is so often the case, a page of history is more instructive than a volume of logic. The history of this dates back to 1986 when there was difficulty in getting long-haul carriers to move to Washington Dulles. At that point in time, the perimeter rule, which was then something like 750 miles, was put into effect to force air service for long-haul carriers out of Dulles. As we all know, that is no longer the case. Dulles has gone to a multibillion-dollar expansion and the original basis for the rule no longer exists.

The effect, unfortunately, of the amendment offered by the distinguished Senator from Virginia is to leave that perimeter rule in place unchanged. The Senator from Arizona has recommended a compromise. He and I would prefer to abolish the rule in its entirety. Yielding to the reality of the circumstances, he has provided a compromise to provide for 24 additional slots: 12 to be made available for carriers that would serve outside of the perimeter; that is, beyond the 1,250 miles, and 12 within the 1,250 miles.

This is a very important piece of legislation, and I urge my colleagues to defeat it on the basis that it is anticompetitive, unnecessary, and no longer serves any useful purpose.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, in light of the fact that Senator WARNER just arrived and Senator ROBB has not arrived, I ask unanimous consent that we stand in a quorum call for approximately 5 minutes, and that will give Senator WARNER time to collect his thoughts. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. I yield 3 minutes of my time to the Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, each Member of the Senate will vote on the Robb amendment as they see fit. I want to simply make a philosophical statement, which I made earlier but will make it again.

The fact that passengers, planes, parcels, international flight activities, planes in the air, and planes on the ground are either going to be doubling, tripling, or quadrupling over the next 10 years is obviously not now in effect but has everything to do with the future of what it is that our airports are willing to accept and what it is that those who live around our airports are willing to accept.

To stop aviation growth, to stop aviation traffic, passengers, packages, new airlines, and new international flight activity is to try to stop the Internet. It is something you might wish for, but it is not going to happen. In fact, it is not something we wish for because it is good economic activity. Ten million people work for the airline aviation industry, and many of those people work in and around the airports where those airplanes land and take off.

My only point is, we cannot expect to have progress in this country without there being a certain inconvenience that goes along with it. We have become accustomed to having our cake and eating it, too, and that is having our airports but then having a relatively small number of flights landing or a slotted number, in the case of four of our major airports, landing, but then the thought of others landing becomes very difficult.

Atlanta, Newark, and many other large airports do not have any slots at all. The people who live around them survive. They hear the noise. They do not like it. The noise mitigation is getting much better as technology improves, and the safety technology, if the Congress will give the money, will get even better than it is. It is virtually a perfect record.

I simply make the observation that slots are a difficult subject. They are very controversial because people prefer quietness to noise. But in a world that grows more complex in commerce, in which the standard of living is increasing enormously, one cannot have the convenience of travel, the convenience of packages, the convenience of letters, the convenience of getting around internationally, and the convenience of many new airplanes and expect to have everything the way it was 30 years ago hold until this day.

I thank the Presiding Officer and the chairman of the committee and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I ask unanimous consent that the time be counted against my time under a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Mr. President, I just attended a ceremony at the Department of Defense, at which time the President signed the authorization bill for the Armed Forces of the United States for the year 2000. I was necessarily delayed in returning to the floor. My colleague, Senator ROBB, accompanied me, and he will be here momentarily. We worked together on this amendment, as we worked together on this project from the inception, a project basically to try to get National Airport and Dulles Airport into full operation.

Our aim all along has been to let modernization go forward and, to the extent we can gain support in this Chamber, limit any increase in the number of flights. We do this because of our concerns regarding safety, congestion, and other factors. I say ''other factors'' because at the time the original legislation was passed whereby we defederalized these airports and allowed a measure of control by other than Federal authorities, giving the State of Virginia, the State of Maryland, and the District of Columbia a voice in these matters, it was clear that Congress should not micromanage these two airports.

We went through a succession of events to achieve this objective, and we are here today hopefully to finalize this legislation—and I have already put in an amendment to allow the modernization to go forward—and to do certain other things in connection with the board, to let the board be appointed.

Now we come to the question of the increased flights, and I support the amendment by my distinguished colleague.

I want to cover some history.

My remarks today will focus on the unwise provisions included in this bill which tear apart the perimeter and high density rules at Reagan National Airport. These rules have been in effect—either in regulation or in statute—for nearly 30 years. Since 1986, these rules have been a critical ingredient in providing for significant capital investments and a balance in service among this region's three airports—Dulles International, Reagan National, and Baltimore-Washington International.

First and foremost, I believe these existing rules have greatly benefitted the traveling public—the consumer.

Mr. President, to gain a full understanding of the severe impact these increased slot changes will have on our regional airports, one must examine the recent history of these three airports.

Prior to 1986, Dulles and Reagan National were federally owned and managed by the FAA. The level of service provided at these airports was deplorable. At National, consumers were routinely subject to traffic gridlock, insufficient parking, and routine flight cancellations and delays. Dulles was an isolated, underutilized airport.

For years, the debate raged within the FAA and the surrounding communities about the future of Reagan National. Should it be improved, expanded or closed? This ongoing uncertainty produced a situation where no investments were made in National and Dulles and service continued to deteriorate.

A national commission, now known as the Holton Commission, was created in 1984. It was led by former Virginia Governor Linwood Holton and former Secretary of Transportation Elizabeth Dole and charged with resolving the longstanding controversies which plagued both airports. The result was a recommendation to transfer federal ownership of the airports to a regional authority so that sorely needed capital investments to improve safety and service could be made.

I was pleased to have participated in the development of the 1986 legislation to transfer operations of these airports to a regional authority. It was a fair compromise of the many issues which had stalled any improvements at both airports over the years.

The regulatory high density rule was placed in the statute so that neither the FAA nor the Authority could unilaterally changes it. The previous passenger cap at Reagan National was repealed, thereby ending growth controls, in exchange for a freeze on slots. Lastly, the perimeter rule at 1,250 miles was established.

For those interested in securing capital investments at both airports, the transfer of these airports under a long-term lease arrangement to the Metropolitan Washington Airports Authority gave MWAA the power to sell bonds to finance the long-overdue work. The Authority has sold millions of dollars in bonds which has financed the new terminal, rehabilitation of the existing terminal, a new control tower and parking facilities at Reagan National.

These improvements would not have been possible without the 1986 Transfer Act which included the high density rule, and the perimeter rule. Limitations on operations at National had long been in effect through FAA regulations, but now were part of the balanced compromise in the Transfer Act.

For those who feared significant increases in flight activity at National and who for years had prevented any significant investments in National, they were now willing to support major rehabilitation work at National to improve service. They were satisfied that these guarantees would ensure that Reagan National would not become another ''Dulles or BWI''.

Citizens had received legislative assurances that there would be no growth at Reagan National in terms of permitted scheduled flights beyond on the 37-per-hour-limit. Today, unless the Robb amendment is adopted, we will be breaking our commitments.

These critical decisions in the 1986 Transfer Act were made to fix both the aircraft activity level at Reagan National and to set its role as a short/medium haul airport. These compromises served to insulate the airport from its long history of competing efforts to increase and to decrease its use.

Since the transfer, the Authority has worked to maintain the balance in service between Dulles and Reagan National. The limited growth principle for Reagan National has been executed by the Authority in all of its planning assumptions and the Master Plan. While we have all witnessed the transformation of National into a quality airport today, these improvements in terminals, the control tower and parking facilities were all determined to meet the needs of this airport for the foreseeable future based on the continuation of the high density and perimeter rules.

These improvements, however, have purposely not included an increase in the number of gates for aircraft or aircraft capacity.

Prior to the 1986 Transfer Act, while National was mired in controversy and poor service, Dulles was identified as the region's growth airport. Under FAA rules and the Department of Transportation's 1981 Metropolitan Washington Airports Policy, it was recognized that Dulles had the capacity for growth and a suitable environment to accommodate this growth.

Following enactment of the Transfer Act, plans, capital investments and bonding decisions made by the Authority all factored in the High Density and Perimeter rules.

Mr. President, I provide this history on the issues which stalled improvements at the region's airports in the 1970s and 1980s because it is important to understanding how these airports have operated so effectively over the past 13 years.

Every one of us should ask ourselves if the 1986 Transfer Act has met our expectations. For me, the answer is a resounding yes. Long-overdue capital investments have been made in Reagan National and Dulles. The surrounding communities have been given an important voice in the management of these airports. We have seen unprecedented stability in the growth of both airports. Most importantly, the consumer has benefited by enhanced service at Reagan National.

For these reasons, I have opposed an increase in slots at Reagan National. There is no justification for an increase of this size. It is not recommended by the administration, by the airline industry, by the Metropolitan Washington Airports Authority or by the consumer.

The capital improvements made at Reagan National since the 1986 Transfer Act have not expanded the 44 gates or expanded airfield capacity. All of the improvements that have been made

have been on the land side of the airport. No improvements have been made to accommodate increased aircraft capacity. Expanding flights at Reagan National will simply ''turn back the clock'' at National to the days of traffic gridlock, overcrowded terminal activity and flight delays—all to the detriment of the traveling public.

This ill-advised scheme is sure to return Reagan National to an airport plagued by delays and inconvenience. This proposal threatens to overwhelm the new facilities, just as the previous facilities were overwhelmed.

Mr. President, it is completely inappropriate for Congress to act as ''airport managers'' to legislate new flights. Those decisions should be made by the local airport authority with direct participation by the public in an open process. Today, we will be preventing local decisionmaking.

I know that my colleagues readily cite a recent GAO report that indicates that new flights at Reagan National can be accommodated. This report, however, plainly includes an important disclaimer. That disclaimer states:

> This study did not evaluate the potential congestion and noise that could result from an increase in operations at Reagan National. Ultimately, . . . the Congress must balance the benefits that additional flights may bring to the traveling public against the local community's concerns about the effect of those flights on noise, the environment, and the area's other major airports.

Surely, we cannot make this important decision in a vacuum. Determining how many flights serve Reagan National simply by measuring how quickly we can clear runway space is not sound policy.

For these reasons I urge the adoption of the Robb amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The 5 minutes allocated to the Senator have expired.

Mr. SARBANES. Mr. President, I rise in support of Senator ROBB's amendment to strike the exceptions to the high-density slot limit and the flight perimeter rule at Reagan National Airport.

I have serious concerns about increasing the number of flights and granting exemptions to the 1,250 mile nonstop perimeter rule at Ronald Reagan Washington National Airport. In my judgment, the bill provisions creating new slots at DCA and allowing for nonstop flights beyond the airport's existing 1,250 mile perimeter are fundamentally flawed for four reasons: first, they contravene longstanding federal policy; second, they undermine regional airport plans and programs; third these provisions will not have any significant impact on service for most consumers or competition in the Washington metropolitan region; and finally the provisions will subject local residents to an unwarranted increase in overflight noise.

First, the slot and perimeter rules have been in place for more than thirty years. And they were codified in the 1986 legislation that created the Metropolitan Washington Airports Authority. Both rules were pivotal in reaching the political consensus among federal, regional, state, and local interests that allowed for passage of the 1986 legislations. The rules, as codified, were designed to carefully balance the benefits and impacts of aviation in the Washington metropolitan area. The bill now before us would overturn more than thirty years of federal policies and upset the balance struck in 1986.

Second, the slot and perimeter rules are among the most fundamental air traffic management and planning tools available to the Metropolitan Washington Airports Authority. The Washington-Baltimore regional airport system plan and Reagan National Airport's master plan both rely on the slot and perimeter rules. By eliminating these tools, the bill before us would inappropriately override the authority and control vested in the Metropolitan Washington Airport Authority and would affect local land use plans. One of the main purposes of the 1986 Metropolitan Washington Airports Authority Act was to remove the federal government from the business of micro managing the operation of National Airport. The bill before us puts the federal government right back in the business of making decisions about daily operations and local community impacts—issues that should be left to local decision-makers.

Third, if the Washington region were not served by two other airports, Dulles and BWI, specifically designed to handle the kind of long-haul commercial jet operations never intended to use National, then the argument that the slot and perimeter rules are somehow inherently ''anti-competitive,'' might have some validity. However, because consumers have access to so many choices, the rules do not injure competition in the Washington-Baltimore region. Far from being an anemic market, the Washington-Baltimore market today is one of the healthiest and most competitive markets in the country. Consumers can choose between three airports and a dizzying number of flights and flight times. Indeed, GAO recently reported that even if the perimeter rule were removed ''only a limited number of passengers will switch'' from Dulles or BWI to National, underscoring my contention that the proposed new slots will yield no significant benefit to local consumers or otherwise improve the local market.

Finally, let me address the very important issue of noise, which is of principal concern to my constituents. Anyone who lives in the flight path of National Airport knows what a serious problem aircraft noise poses to human health and even performing daily activities. Citizens for the Abatement of Aircraft Noise (CAAN), a coalition of citizens and civic associations which has been working for more than 14 years to reduce aircraft noise in the Washington metropolitan area, has analyzed data from a recent Metropolitan Washington Airport Authority report which shows that between 31% and 53% of the 32 noise monitoring stations in the region have a day-night average sound level which is higher than the 65 decibel level that has been established by the EPA and the American National Standards Institute as the threshold above which any residential living is incompatible. New slots will add to the noise problem.

Mr. President, I support this amendment because I believe Congress should defer to the FAA and local airport officials on this issue. I also believe that Congress should not be asking hundreds of thousands of local residents to tolerate more aircraft noise merely to benefit a handful of frequent flyers and fewer than a handful of airlines. I urge my colleagues to support the amendment as well.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. ROBB. Mr. President, I thank my senior colleague. He and I were away from the Senate floor for the signing of the defense authorization bill, which was the work of my colleague from Virginia and the committee he chairs. I thank him for his kind comments.

Very simply, this amendment is about a 1986 agreement, on which the senior Senator from Virginia and I both worked, as well as many others. It was an agreement between the Federal Government and the local governments and the State governments involved to make sure that we addressed the serious concerns that were then holding up any progress on improvements on National Airport.

At that time, we recognized that the two airports, Dulles Airport and Ronald Reagan Washington National Airport, work in tandem; they should be viewed as a single airport. Together, they serve consumers and the Washington region well. It was agreed that a local authority would best manage the airports, just as all other airports across the nation.

In this particular case, if we were to approve an increase in flights at National Airport, we would be breaking that deal.

We would also increase the delay and increase the disruption to local communities. Most importantly, we would be going back on a deal—we would be reneging on a deal that was made so the Federal Government would stay out of the business of trying to micromanage the only two airports in the area.

I hope the Members will respect the agreement that this body, the Federal Government, and the State governments and the local governments entered into in 1986, and move to strike the additional slots that are in an otherwise meritorious bill.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Does the Senator from Virginia yield the remainder of the time? You have 2 minutes left.

Mr. ROBB. Unless my senior colleague has additional remarks or the Senator from Arizona, I would yield back.

Mr. WARNER. I have no additional remarks. My colleague has handled it. Our statements are very clear. We have worked together now for these many months. We did our very best on behalf of our State for this issue.

Mr. MCCAIN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona has no more time.

Mr. ROBB. The Senator from Virginia yields back any time remaining.

The PRESIDING OFFICER. The Senator from Nevada has 2 minutes 55 seconds.

Mr. BRYAN. Mr. President, it is tempting to engage my colleagues in debate, both of whom are good friends, but I shall refrain from doing so, knowing the merits of this will result in the rejection of this amendment; therefore, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to the Robb amendment. The yeas and nays have been ordered. The clerk will call the roll.

Excuse me. The yeas and nays have not been ordered.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The question is on agreeing to the Robb amendment No. 2259. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Florida (Mr. MACK) are necessarily absent.

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—37

| | | |
|---|---|---|
| Bayh | Hollings | Moynihan |
| Biden | Hutchison | Murray |
| Collins | Inouye | Reed |
| Conrad | Jeffords | Robb |
| Daschle | Johnson | Sarbanes |
| DeWine | Kennedy | Schumer |
| Dodd | Kerry | Smith (NH) |
| Dorgan | Lautenberg | Snowe |
| Durbin | Leahy | Torricelli |
| Edwards | Levin | Warner |
| Fitzgerald | Lieberman | Wellstone |
| Graham | Lincoln | |
| Gregg | Mikulski | |

NAYS—61

| | | |
|---|---|---|
| Abraham | Burns | Gorton |
| Akaka | Byrd | Gramm |
| Allard | Campbell | Grams |
| Ashcroft | Cleland | Grassley |
| Baucus | Cochran | Hagel |
| Bennett | Coverdell | Harkin |
| Bingaman | Craig | Hatch |
| Bond | Crapo | Helms |
| Boxer | Domenici | Hutchinson |
| Breaux | Enzi | Inhofe |
| Brownback | Feingold | Kerrey |
| Bryan | Feinstein | Kohl |
| Bunning | Frist | Kyl |
| Landrieu | Roberts | Stevens |
| Lott | Rockefeller | Thomas |
| Lugar | Roth | Thompson |
| McCain | Santorum | Thurmond |
| McConnell | Sessions | Voinovich |
| Murkowski | Shelby | Wyden |
| Nickles | Smith (OR) | |
| Reid | Specter | |

NOT VOTING—2

| | |
|---|---|
| Chafee | Mack |

The amendment (No. 2259) was rejected.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Mr. President, the Senator from New Jersey, Mr. LAUTENBERG, has inserted—

Mr. BYRD. Mr. President, the Senate is not in order. May we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I hope the Senator will forgive me. I am asking for order, and I am going to insist on it. I want to help the Chair to get order.

The PRESIDING OFFICER. The Senator is entitled to be heard.

Mr. BYRD. I hope the Chair will break that gavel so that Senators will hear him.

The PRESIDING OFFICER. Will the Senators in the well holding conversations please take them out.

I thank the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

AMENDMENTS NOS. 2266 AND 1921

(Purpose: To make technical changes and other modifications to the substitute amendment.)

(Purpose: To improve the safety of animals transported on aircraft, and for other purposes)

Mr. MCCAIN. Mr. President, the Senator from New Jersey has insisted on his rights, which he has as a Senator, to propose an amendment, for which he seeks half an hour of discussion, followed by a vote on his amendment. He has another amendment which he has agreed to include in the managers' package, which is agreeable to both sides.

I ask unanimous consent that the Lautenberg amendment No. 1921 concerning pets be included in the managers' package and that the package be accepted at this time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I add to that unanimous consent request that immediately following that, the Senator from New Jersey be recognized for half an hour, and following this half hour we will vote on his second amendment, and that be immediately followed by final passage.

Mr. LAUTENBERG. Mr. President, I am not going to object. But I will try to wrap that up in less than half an hour to move the process.

Mr. MCCAIN. I thank the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 2266 and 1921) were agreed to.

(The text of the amendments is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. Without objection, the underlying Gorton amendment No. 1892 is agreed to.

The amendment (No. 1892) was agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent that no further amendments be in order.

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

Mr. MCCAIN. I yield the floor. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

As a courtesy to the Senator from New Jersey, all those having conversations will please take them off the floor.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, there is still a fair amount of commotion in the Chamber, and if I might ask that the Chamber be in order.

The PRESIDING OFFICER. The Senator is entitled to be heard.

Mr. LAUTENBERG. Mr. President, I hate to talk above the din, but I will take the liberty of doing so if that competition continues to exist.

Mr. BYRD. Mr. President, there is no reason the Senator from New Jersey has to insist on order. I ask that the Chair get order in the Senate.

The PRESIDING OFFICER. If each Senator holding a conversation could give the Senator from New Jersey their attention or take the conversation out of the Chamber, it would be appreciated.

The Senator from New Jersey.

Mr. LAUTENBERG. I thank the keeper of sanity in the Senate, the distinguished Senator from West Virginia, for his ever available courtesy.

AMENDMENT NO. 1922

(Purpose: To state requirements applicable to air carriers that bump passengers involuntarily)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. LAUTENBERG) proposes an amendment numbered 1922.

Mr. LAUTENBERG. 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:

At the end of title IV, insert the following new section:

**SEC. 454. REQUIREMENTS APPLICABLE TO AIR CARRIERS THAT BUMP PASSENGERS INVOLUNTARILY.**

(a) IN GENERAL.—If an air carrier denies a passenger, without the consent of the passenger, transportation on a scheduled flight for which the passenger has made a reservation and paid—

(1) the air carrier shall provide the passenger with a one-page summary of the passenger's rights to transportation, services, compensation, and other benefits resulting from the denial of transportation;

(2) the passenger may select comparable transportation (as defined by the air carrier), with accommodations if needed, or a cash refund; and

(3) the air carrier shall provide the passenger with cash or a voucher in the amount that is equal to the value of the ticket.

(b) DELAYS IN ARRIVALS.—If, by reason of a denial of transportation covered by subsection (a), a passenger's arrival at the passenger's destination is delayed—

(1) by more than 2 hours after the regularly schedule arrival time for the original flight, but less than 4 hours after that time, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to twice the value of the ticket; or

(2) for more than 4 hours after the regularly schedule arrival time for the original flight, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to 3 times the value of the ticket.

(c) DELAYS IN DEPARTURES.—If the earliest transportation offered by an air carrier to a passenger denied transportation as described in subsection (a) is on a day after the day of the scheduled flight on which the passenger has reserved and paid for seating, then the air carrier shall pay the passenger the amount equal to the greater of—

(1) $1,000; or

(2) 3 times the value of the ticket.

(d) RELATIONSHIP OF BENEFITS.—

(1) GENERAL AND DELAY BENEFITS.—Benefits due a passenger under subsection (b) or (c) are in addition to benefits due a passenger under subsection (a) with respect to the same denial of transportation.

(2) DELAY BENEFITS.—A passenger may not receive benefits under both subsection (b) and subsection (c) with respect to the same denial of transportation. A passenger eligible for benefits under both subsections shall receive the greater benefit payable under those subsections.

(e) CIVIL PENALTY.—An air carrier that fails to provide a summary of passenger's rights to one or more passengers on a flight when required to do so under subsection (a)(1) shall pay the Federal Aviation Administration a civil penalty in the amount of $1,000.

(f) DEFINITIONS.—In this section:

(1) AIRLINE TICKET.—The term ''airline ticket'' includes any electronic verification of a reservation that is issued by the airline in place of a ticket.

(2) VALUE.—The term ''value'', with respect to an airline ticket, means the value of the remaining unused portion of the airline ticket on the scheduled flight.

(3) WITHOUT CONSENT OF THE PASSENGER.—The term ''without consent of the passenger'', with respect to a denial of transportation to a passenger means a passenger, is denied transportation under subsection (a) for reasons other than weather or safety.

Mr. LAUTENBERG. Mr. President, I first want to thank the managers of the bill and acknowledge their hard work. The distinguished Senator from Arizona and the distinguished Senator from West Virginia have performed an extremely arduous task to get this bill to the place that it is. I don't enjoy holding the work back. I don't think I am doing that. By some quirk in the process, our amendment was not offered at an earlier time because of a procedural mixup. I thank them. I commend them for their understanding. I know they want to see this bill get into law. It is very important that we do.

I offer an amendment on an issue that is, unfortunately, becoming more and more of a problem for American travelers. That is the experience of reserve paid passengers being bumped from overbooked airline flights.

I have talked to Members, and I speak from direct personal experience where airlines said: Sorry, seats are filled—even though you have arrived on time, paid for your reservation—that is life, and we are sorry, and you can get there by going first to Boston, or Cincinnati, or what have you.

Our skies are more crowded than ever. People need to move quickly between different cities to do business and also to attend to a wide variety of personal functions. As this need has grown, people who fly find themselves increasingly at the mercy of the airlines. The airlines are not quite as user friendly as they used to be when they were scraping to get the revenues and the profits. They do not always treat their customers as they should.

They are pretty good. I give them credit. But in 1998, almost 45,000 customers—44,797, to be precise—were bumped from domestic flights on the 10 largest carriers; 45,000 people to whom word was given, well, you have lost your seat, and maybe you can get to your business appointment tomorrow; maybe you can miss the flight you were going to take to India; or maybe the funeral that was going to be held that you were going to attend can be held over for a couple of days until you get there.

Mr. President, it is not pleasant news when it happens. This year, the numbers have increased. For the first 6 months, 29,213 customers have been involuntarily bumped. If the trend continues, this year over 58,000 people could be involuntarily bumped—paid for, reserved, and just not able to get on the airplane.

People with a paid reservation have a right to expect a seat on the flight they booked. But too often they discover that having a ticket doesn't mean much when they get to the gate.

For the first half of the year, the number of people bumped from airlines has increased. Nothing ruins a business trip or a vacation more thoroughly than being bumped from a flight. It is sometimes impossible to make up for the lost hours and the frustration of rearranging longstanding business or personal plans.

The airlines ought not to be able to act as an elitist business. They have to treat their customers with respect, just as any other seller of services or products would have to do. They are the only business I know of that deliberately oversells their products.

Can you imagine, if you go to your doctor and you have an appointment, it is urgent that you see him, and you get bumped because someone else took your place; or you go to buy furniture, you paid for it, for 3 months you want to go down and see the final product, and they say, sorry, someone else took your place.

The airlines have a unique position. They also are users of a commodity that belongs to the American people; that is, our airspace. They use our airports that are paid for by others. They have lots of community services that accompany this process of handling passengers. When people hold a valid ticket to a sporting event or a concert, they know when they get there they are going to have a seat. They deserve the same assurances when they try to fly.

Current practices don't go far enough. There are regulations, but they don't have the teeth to get the airlines to respect passengers who hold paid for and reserved tickets. The regulations are out of date. They don't provide incentives for the airlines to pay attention to this overbooking problem. The amount of compensation has not been increased for those who are bumped since the early 1980s. The dollar amounts are not enough to have any impact on the airlines and their decisions to overbook flights.

I do not want to see them flying with empty seats. I do not think that is a good idea. People ought not to take advantage and make two, three, and four reservations and then do not show up. But the airlines are smart enough to figure out a different way to do it. Perhaps they will have to have some kind of a deposit on a reservation that is honored as part of the cost of the ticket. If not, then it becomes a reminder to the passenger, as well as to the airline, as well as a benefit to the airline, that they lost their seat.

While there are regulations now, we need to make this a matter of statutory law so the airlines step up to this serious issue. The Senate needs to send a strong message to the airlines that it cannot treat our constituents as second-class citizens when they fly. We need to put strong measures into law to protect consumers, and that is what this amendment does.

Very simply, my amendment is not out to get the airlines. It is to make sure that people are treated fairly, and we are going to have a chance to see whether my colleagues agree with me.

My amendment will make the airlines act more responsibly by allowing travelers who are bumped from a flight to first choose between alternative travel plans or receiving a full refund. Every traveler who is bumped will receive cash or a travel voucher at least

equal to the amount they paid for the flight. The amount of compensation would increase based on how long the person is delayed from his or her destination.

If a passenger is delayed more than 2 hours, he or she would receive 200 percent of the value of his or her ticket. If a passenger cannot depart that day, then he or she would receive 300 percent of the value of the ticket, or $1,000, whichever is greater. This will remind the airlines they have, after all, already sold that seat. They have already gotten the income from that seat.

My amendment would also require the airlines to disclose these rights to passengers in a one-page, simple-language summary. The burden should not be on the customer to read up on the latest Federal regulation or law to know their rights.

My goal is not to sponsor a ticket giveaway. The goal is to hold the airlines accountable when they put profits ahead of respect and service for their customers.

I will cut short my presentation. I ask my colleagues to recognize on what we are voting. We are voting on whether or not a passenger who gets bumped is entitled to compensation for being refused that flight or whether we are going to protect the airline's ability to continue to sell more than one person the same seat and hope they will be able to get away with it.

That, Mr. President, concludes my comments.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I see the majority leader on the floor. It is the intention of the two leaders to finish debate on this, have a vote on this amendment, and then have final passage by voice vote.

Mr. MCCAIN. I ask unanimous consent to vitiate the yeas and nays.

Mr. LAUTENBERG. I object.

Mr. MCCAIN. On final passage.

Mr. LAUTENBERG. No objection.

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

The question is on agreeing to the Lautenberg amendment.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I want to speak a moment to my colleagues. The Senator from New Jersey has indicated he wants to send a strong message to the airlines. I do, too. In fact, over a period of a number of months, a number of us have negotiated a strong message. What we did not do, however, is prescribe exactly what it was that would take place with each and every one of the problems. We forced them to report to us through the Department of Transportation with the inspector general monitoring and watching.

I have no objection to part of what is in this amendment, but what the Senator from New Jersey gets into is the most careful kind of mandating: If it is more than 2 hours late, such and such; if it is 4 hours late, such and such penalty. It goes on. Sometimes it is three times the value of the ticket—it just depends for what it might be.

In other words, it is precisely the opposite of what we approached the airlines to negotiate with in a very hard fashion. For example, they are going to have to reply to us on notification of known delays, cancellations, diversions, and a lot of other subjects, and they are going to have to do it within a prescribed amount of time, to which they have agreed.

We are going to increase penalties for consumer violations under which this amendment falls. I say to the Senator, I do not have any problem with him putting forward the purpose of his amendment. I do have a problem and urge my colleagues to have a problem with prescribing exactly how much would be paid according to which number of hours and how long the delay was. That is what we have tried to avoid.

The Senator, from the beginning, has not been for that approach, but that approach is what we have agreed to with the airlines. I ask the Senator if he will be willing to take out on page 2, from line 9 through page 3, line 6—if he will be willing to modify his amendment to that extent?

Mr. MCCAIN. Mr. President, I believe under the unanimous consent agreement, it is now time for the vote on the Lautenberg amendment.

Mr. LAUTENBERG. Mr. President, I agree with the exception of one thing that happened I am sure was inadvertent. As I understood it, the unanimous consent agreement did not call for rebuttal in any way. Since the distinguished Senator from West Virginia chose to rebut, I would like to make a couple of sentences to respond to that, and I assume there will be no objection.

The PRESIDING OFFICER. The Senator is correct. Is there objection? The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, GAO has reviewed voluntary customer service plans and the GAO concluded many of the new measures that the airlines volunteered to do were already required in law or regulation. The problem is the voluntary customer service plan says nothing on the topic of involuntary bumping. Whatever there is already on the books does not do it.

I hope my colleagues will support this reminder to the airlines that they have to take better care of the passengers.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, following the Lautenberg vote, I ask unanimous consent that H.R. 1000 be discharged from the Commerce Committee, that the Senate proceed to its immediate consideration, all after the enacting clause be stricken, the text of S. 82, as amended, be inserted in lieu thereof, the bill be read a third time, and a voice vote then occur on passage of H.R. 1000. Finally, I ask consent that following the vote, S. 82 be placed back on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the Lautenberg amendment.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1922. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—30

| | | |
|---|---|---|
| Baucus | Hollings | Lincoln |
| Boxer | Jeffords | Mikulski |
| Bryan | Johnson | Moynihan |
| Byrd | Kennedy | Reed |
| Cleland | Kerrey | Sarbanes |
| Conrad | Kerry | Snowe |
| Dodd | Lautenberg | Specter |
| Feingold | Leahy | Torricelli |
| Feinstein | Levin | Wellstone |
| Harkin | Lieberman | Wyden |

NAYS—68

| | | |
|---|---|---|
| Abraham | Durbin | McCain |
| Akaka | Edwards | McConnell |
| Allard | Enzi | Murkowski |
| Ashcroft | Fitzgerald | Murray |
| Bayh | Frist | Nickles |
| Bennett | Gorton | Reid |
| Biden | Graham | Robb |
| Bingaman | Gramm | Roberts |
| Bond | Grams | Rockefeller |
| Breaux | Grassley | Roth |
| Brownback | Gregg | Santorum |
| Bunning | Hagel | Schumer |
| Burns | Hatch | Sessions |
| Campbell | Helms | Shelby |
| Cochran | Hutchinson | Smith (NH) |
| Collins | Hutchison | Smith (OR) |
| Coverdell | Inhofe | Stevens |
| Craig | Inouye | Thomas |
| Crapo | Kohl | Thompson |
| Daschle | Kyl | Thurmond |
| DeWine | Landrieu | Voinovich |
| Domenici | Lott | Warner |
| Dorgan | Lugar | |

NOT VOTING—2

| | |
|---|---|
| Chafee | Mack |

The amendment (No. 1922) was rejected.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I rise to recognize the importance of today's passage of S. 82, the Federal Aviation Administration Reauthorization bill. Today is a great day for rural America's air passengers. This legislation, now known as the Air Transportation Improvement Act of 1999, will bring much needed air service to under served communities throughout the Nation. It will grant billions of dollars in federal funds to our Nation's small

airports for upgrades, through the Airport Improvements Program (AIP).

Senator MCCAIN, Chairman of the Committee on Commerce, Science and Transportation, is to be commended for his superb leadership on this complex and contentious measure. Together with Senator HOLLINGS, their joint efforts moved this bill through the committee, to the Senate floor, and to conference.

Also, Senator SLADE GORTON's leadership role in this legislation was vital. My friend and Colleague from the State of Washington proved himself pivotal earlier during S. 82 floor consideration. His counterpart, Senator JAY ROCKEFELLER, should also be commended for his efforts to move this bill forward.

Rural Americans are the biggest winners with the passage of S. 82. Citizens of under served communities will no longer have to travel hundreds of miles and several hours to board a plane. This legislation gives incentives to domestic air carriers and its affiliates to reach out to these people and serve them conveniently near their homes. Many Americans will be able to travel a reasonable distance to gain access to our Nation's skies and, from there, anywhere they wish to go.

I also applaud the hard work of Senator FRIST of Tennessee. He added provisions to S. 82 to expand small community air service. His dedicated efforts ensured that under served cities like Knoxville, Chattanooga and Bristol/Johnson are now in a position to receive additional or expanded air service. Likewise, his efforts will ensure that several under served regions in my home state of Mississippi, such as Gulfport-Biloxi, Tupelo, or Jackson, will become eligible to compete for more flights.

The major policy changes in S. 82 led to hard fought, but honest disagreements. I have enormous respect for the efforts of Senators JOHN WARNER and CHARLES GRASSLEY as they diligently advocated for their constituents and their respective states. This honest debate and willingness to work together to achieve common goals is what makes it exciting to serve in the United States Senate.

Throughout the last twelve months, my home state of Mississippi has received federal support from the AIP to make needed physical improvements. A portion of these funds went to the Meridian Airport Authority to rehabilitate the taxiway pavement. Other funds were allocated to the John C. Stennis International Airport in Hancock County to extend and light existing taxiways. These enhancements are needed. And this bill will ensure that the AIP will continue uninterrupted for the next three years. AIP's reauthorization within S. 82 will allow Mississippi to continue to receive funds for essential enhancements for the upcoming year. I look forward to working with the airport authorities in my home state to make sure that the right improvements are made at the right airports. This is essential to aviation safety and economic growth.

S. 82, through the Gorton-Rockefeller amendment, begins the process of evaluating current Air Traffic Control (ATC) management problems and implements initial change to begin to address these problems. I hope the Gorton/Rockefeller amendment will be a starting point for an intensive review of the ATC system next year. The delays experienced this past summer will return until a long-term solution to the Nation's ATC problems is implemented.

Once my Colleagues initiate ATC review, I encourage them to include all relevant stakeholders in this issue including officials from the general aviation community, Department of Defense, commercial airlines industry, and airports. Likewise, I hope the Senate will review other models of air traffic management, such as Nav Canada and others to examine ways that other countries are addressing this matter.

No legislative initiation is ever possible without the dedicated efforts of staff, and I want to take a moment to identify those who worked hard to prepare S. 82 for consideration by the full Senate.

From the Senate Committee on Commerce, Science and Transportation: Marti Allbright; Lloyd Ator; Mark Buse; Ann Choiniere; Julia Kraus; Michael Reynolds; Ivan Schlager; Scott Verstandig; and Sam Whitehorn.

The following staff also participated on behalf of their Senators: David Broome; Steve Browning; Jeanne Bumpus; John Conrad; Brett Hale; Amy Henderson; Ann Loomis; Randal Popelka; Jim Sartucci; and Lori Sharpe.

These individuals worked very hard on S. 82, and the Senate owes them a debt of gratitude for their dedicated service to this legislation.

Mr. President, our Nation's small communities are a step closer to receiving long-sought air service. Also, America's smaller, yet important airstrips and airports will be enhanced. This is good for all Americans.

Mr. DASCHLE. Mr. President, I would like to voice my support for S. 82, the Air Transportation Improvement Act. I would also like to take this opportunity to commend Senator MCCAIN, the Chairman of the Senate Commerce Committee, and Senator HOLLINGS, the Ranking Member of that committee, for their leadership and their willingness to accommodate many of our colleagues who raised concerns about various provisions in the bill.

I would also like to thank Senator GORTON, the Chairman of the Aviation Subcommittee, and Senator ROCKEFELLER, the Ranking Member of that committee. They truly have been tireless advocates for improving aviation safety, security and system capacity. I would also like to thank the Majority Leader, Senator LOTT, for the cooperation he has shown on this bill and for recently leading the way on another aviation bill that allowed the FAA to release FY99 funds for airport construction projects. Finally, I would like to thank all of my colleagues for their willingness to allow timely Senate consideration of this must-pass legislation.

If it seems like the Senate has already considered legislation bill to authorize programs at the Federal Aviation Administration (FAA) including the Airport Improvement Program (AIP), that is because it has. More than a year ago, the Senate passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act. Although there was overwhelming support for this legislation in the Senate last year, House and Senate negotiators could not agree on a multi-year FAA authorization bill. In October of last year, Congress passed a six-month authorization of the FAA instead. The FAA has been operating under short-term extensions ever since.

Mr. President, this is no way to fund the FAA. Short-term extension after short-term extension disrupts long-term planning at the FAA and at airports around the country that rely on federal funds to improve their facilities and enhance aviation safety. Perhaps the only thing worse than passing a short-term extension is allowing the AIP program to lapse all together. Unfortunately, that is exactly what Congress did before the August recess when the House failed to pass a 60-day extension previously approved by the Senate. Almost two months later, Congress passed a bill authorizing the FAA to release $290 million for airport construction projects just before the funds were set to expire at end of the fiscal year.

Airports around the country came within one day of losing federal funds they need for construction projects. The numerous short-term extensions could have been avoided if Congress would have simply passed a multi-year FAA preauthorization bill. We had our chance last year, and we have had more than enough time to carry out that responsibility this year. The Senate Commerce Committee approved S. 82, the Air Transportation Improvement Act of 1999 on February 11—almost eight months ago. As my colleagues know, this legislation is almost identical to S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act.

With the amendment offered by the managers of the bill, S. 82 would authorize programs at the FAA including the AIP program through FY02. Specifically, it would provide more than $2.4 billion a year for airport construction projects and more than $2 billion a year for facilities and equipment upgrades. It would also provide between $5.8 billion and $6.3 billion for the FAA's operations in FY00 through FY02.

S. 82 includes a number of provisions to encourage competition among the

airlines and quality air service for communities. For instance, it would authorize $80 million for a four-year pilot program to improve commercial air service in small communities that have not benefitted from deregulation. Specifically, the bill calls for the establishment of an Office of Small Community Air Service Development at the Department of Transportation (DoT) to work with local communities, states, airports and air carriers and develop public-private partnerships that bring commercial air service including regional jet service to small communities.

I have often commented about how critical the Essential Air Service Program has been to small communities in South Dakota and around the country to retain air service. Although the Small Community Aviation Development Program would not provide a similar per passenger subsidy, it would give DoT the authority to provide up to $500,000 per year to as many as 40 communities that participate in the program and agree to pay 25 percent in matching funds. In addition, the legislation would establish an air traffic control service pilot program that would allow up to 20 small communities to share in the cost of building contract control towers. I am hopeful that South Dakota will have the opportunity to participate in the Small Community Aviation Development Program.

Mr. President, some have suggested that we should use S. 82 as a vehicle to reform the air traffic control (ATC) system. Due to a number of factors, including bad weather, flight delays reached record levels this summer. Last month, Senator ROCKEFELLER noted on the Senate floor that air traffic control delays increased by 19 percent from January to July of this year and by 36 percent from May to June when compared to the same time periods last year. The Air Transport Association estimates that the cost of air traffic control delays is $4.1 billion annually.

The Administrator of the FAA, Jane Harvey, recently announced a number of short-term plans to reduce air traffic control delays. Ensuring aviation safety must always be the FAA's top priority. But I think Administrator Harvey should be commended for working with the airlines to determine ways to reduce air traffic control delays while maintaining the FAA's commitment to safety. Although these short-term improvements may help reduce flight delays, Administrator Harvey and Secretary of Transportation, Rodney Slater, insist that more must be done to modernize the AT for the long-term.

Last week, Senators ROCKEFELLER and GORTON introduced a bill with a package of ATC improvements, and I am pleased that they plan to offer this proposal as an amendment to Air Transportation Improvement Act. Their proposal would create a Chief Operating Officer position with responsibility for funding and modernizing the ATC system. It would also create public-private joint ventures to purchase air traffic control equipment. Under their proposal, FAA seed money would be leveraged with money from the airports and airlines to purchase and field ATC modernization equipment more quickly. Although more may need to be done to improve the ATC system in the future, I think the plans announced by Administrator Harvey and the amendment offered by Senators ROCKEFELLER and GORTON are steps in the right direction.

Mr. President, I know some of our colleagues oppose provisions in that bill that would increase the number of flights at the four slot-controlled airports. The proposal to increase the number of flights at Ronald Reagan Washington National Airport has been particularly controversial, and I would like to commend Senator ROBB for being a strong advocate for his constituents in Northern Virginia. Although the amendment offered by the managers of the bill would reduce the increase from 48 to 24 new flights into Ronald Reagan Washington National Airport, I understand from Senator ROBB that many Virginians continue to find that increase objectionable. I know my distinguished colleague from Virginia will continue to make persuasive arguments against the increase, and I look forward to that debate.

Although there may be different provisions in this bill that each of us of may find objectionable, I hope my colleagues will join me in supporting S. 82, the Air Transportation Improvement Act. We simply cannot continue to fund the FAA and the AIP program with short-term extensions. It is unfair to the FAA, and it is unfair to airports in South Dakota and throughout the country. I encourage my colleagues to support S. 82, the Air Transportation Improvement Act.

Mr. GRASSLEY. I have filed an amendment dealing with child exploitation which I will not press at this time. However, during the conference on the FAA bill, I intend to pursue the matter further. It is my understanding that Senator MCCAIN will be willing to entertain soon an amendment during conference. Is that correct?

Mr. MCCAIN. That is correct.

Mr. HARKIN. Mr. President, the Senate struck the portion of the Gorton slots amendment concerning O'Hare Airport and inserted a portion of the language that had appeared in last years measure. I understand that was not done because the Chairman and Senator ROCKEFELLER supported the substance of the change. I understand there was a concern with the filing of over 300 amendments on the issue. It was clear that we would have had difficulty finishing the bill if the Senate was forced to consider those amendments. Now we can move this measure to conference. I am hopeful that we will see the slot rule eliminated in two phases in the conference. I believe that the O'Hare elements of the Gorton Amendment are solid and would be an excellent position for the Senate to push for, given that the House has proposed to eliminate slots at O'Hare.

We need a two-step elimination of the slot rule to provide time for mitigation against the adverse effects of the rule. These include: the need to provide for improved turboprop service for our small cities, the need to provide for regional jets for our mid-sized cities, the need to provide for balance between the major carriers and we need an ability to provide for new entrant carriers to competitively compete. I am pleased that Senator GRASSLEY is expected to be a conferee on the entire measure.

Mr. GRASSLEY. Mr. President, I agree with the remarks of my fellow Senator from Iowa. We need to eliminate the slot rule which is detrimental to the air service for cities in Iowa and throughout the Midwest. But, the elimination of slots does need to be done in the proper way. Otherwise the major carriers will absorb all of the capacity of the airport, not [providing sufficient service for small and medium sized cities. We need to provide for service by new entrant carriers that can provide for real competition on the price of tickets, increased ability to provide for turboprops so our smaller cities can have proper service, and regional jets for improved service to mid sized cities. While I am pleased with the action by the House, I do believe that it is important that the conferees support the content of the original Gorton proposal.

Mr. MCCAIN. Mr. President, I do agree with the comments of both Senators from Iowa about the need to eliminate the slot rule in two phases at O'Hare. As I stated this morning, I am a supporter of the Gorton slot amendment before its modification by Senator FITZGERALD. I intend to do what I can to have the conference report on the bill contain the provisions of that measure regarding O'Hare which I believe is good policy.

Providing for a 40 month first phase during which regional jets and turboprop aircraft to airports with under two million enplanements, as well as exemption of new entrant carriers, all under the limitations set out in the original amendment would be exempt from the slot rule is crucial. These are key elements of a first phase in the elimination of slots at O'Hare. I will also support the increased service provisions that allow for improved service in conference.

Mr. ROCKEFELLER. Mr. President, I fully agree with Senators HARKIN and GRASSLEY and Chairman MCCAIN. It is very important that service to small and mid-sized cities be improved. I believe that the Gorton slot provisions as originally proposed was good policy that I intend to support in conference. Both Senators HARKIN and GRASSLEY

have worked hard toward the development of the slot amendment concerning O'Hare and the New York Airports and their interest is well noted and I intend to do what I can in conference to provide for a mechanism along the lines that they proposed be agreed to in the conference.

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1000 by title.

The legislative clerk read as follows:

A bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 1000 is stricken and the text of S. 82, as amended, is inserted in lieu thereof. The question is on third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1000), as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1000), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. S. 82 is returned to the calendar.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer. I want to thank some folks because this is important to do. I thank Senators HOLLINGS, GORTON, MCCAIN, DASCHLE, Majority Leader LOTT, and Senator DODD, obviously, on the slot question. I thank very much Senators SCHUMER, DURBIN, HARKIN and ROBB for their cooperation.

On the Democratic Commerce staff, I thank Sam Whitehorn, Kevin Kayes, Julia Kraus and Kerry Ates, who works with me; and on the GOP Commerce staff, Ann Choiniere and Michael Reynolds; and on Senator GORTON's staff, Brett Hale. They have all done wonderful work and I thank them.

Mr. CRAPO addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

## MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## SUCCESSFUL INTERCEPT TEST OF THE NATIONAL MISSILE DEFENSE SYSTEM

Mr. COCHRAN. Mr. President, I am sure that by now Senators have heard the news that this past weekend a key element of our national missile defense system was successfully tested when a self-guided vehicle intercepted and destroyed an intercontinental ballistic missile in outer space some 140 miles above the Pacific Ocean.

This test was another in a string of successes of our new missile defense technology. The test last Saturday evening follows two consecutive successful intercepts each for the PAC–3 and THAAD theater missile defense systems.

The timing of this good news is fortunate, coming as it does a few weeks after our intelligence community released an unclassified summary of a new intelligence estimate which shows both theater and long-range ballistic missile threats continue to grow. That summary states:

The proliferation of [Medium Range Ballistic Missiles]—driven primarily by North Korean No-Dong sales—has created an immediate, serious, and growing threat to U.S. forces, interests and allies in the Middle East and Asia and has significantly altered the strategic balances in those regions.

Our new theater missile defense systems such as PAC–3, THAAD, and the airborne laser, and the Navy's area and theaterwide systems will help redress those balances and ensure the security of our forces and our allies.

The summary of the new intelligence estimate also discloses that new ICBM threats to the territory of the United States could appear in a few years and that those threats may be more sophisticated than previously estimated. The summary states:

Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies.

It states that countries such as North Korea, Iran, and Iraq could ''develop countermeasures based on these technologies by the time they flight-test their missiles.

The Washington Times reported recently that China's recent test of the DF–31 ICBM employed such countermeasures, and if the Chinese are willing to share this technology with rogue states such as North Korea, as the intelligence summary estimates, the threat we face may be more sophisticated than previously anticipated.

The intelligence summary notes a related trend that was also illustrated in a recent news report. It states:

Foreign assistance continues to have demonstrable effects on missile advances around the world. Moreover, some countries that have traditionally been recipients of foreign missile technology are now sharing more amongst themselves and are pursuing cooperative missile ventures.

Recently, the Jerusalem Post reported Syria is, with the help of Iran, developing a new 500 kilometer-range missile based on the North Korean Scud C. According to the summary of the National Intelligence Estimate, Iran is receiving technical assistance from Russia, and North Korea from China.

These disturbing trends suggest the ballistic missile threat—both to our forces deployed overseas and to our homeland—continue to increase, and it makes the recent successes all the more important. I congratulate the Army, the Ballistic Missile Defense Organization, and the contractor teams on their successes.

Saturday's success does not mean all the technical problems in our missile defense programs are solved, but the successful intercepts do confirm that the test programs are proving the technology of missile defense is maturing and that, with the appropriate resources, the talented men and women in our military and defense industries who are working on these programs are making very impressive progress on the development of workable theater and national missile defense systems. We should be very pleased with these successes and continue to support a robust missile defense program.

I yield the floor.

## MILLENNIUM DIGITAL COMMERCE ACT

Mr. ABRAHAM. Mr. President, I wonder if the Chairman of the Banking Committee, Senator GRAMM, would agree to a short colloquy with respect to the issues we are currently addressing in S. 761, the Millennium Digital Commerce Act.

Mr. GRAMM. I am pleased to discuss this legislation with my colleague from Michigan.

Mr. ABRAHAM. It is my understanding that the Banking Committee is currently reviewing this legislation and the impact it might have on banking regulations and law.

Mr. GRAMM. As I understand it, one proposed amendment to S. 761 contains language which would preclude the use of electronic records by business in instances where there is a state law or regulation affecting that record and that notification and disclosure requirements in particular would be precluded from being sent electronically.

Mr. ABRAHAM. That is correct.

Mr. GRAMM. That, Mr. President, is what causes some concern. I would say to the Senator from Michigan that I understand what your legislation intends to do and I support the goals of this bill, but notification and disclosure requirements are the responsibility of the Banking Committee. At this time, the Federal Reserve is formulating regulations for the use of electronic records by banks and mortgage providers, and notification and disclosure requirements will be a part of the proposed rules.

For that reason, I believe the Banking Committee should have the opportunity to consider this matter.

Mr. ABRAHAM. I thank my colleague for explaining his thoughts on

this bill. While I would note that the opportunities presented by electronic records go beyond banks, it is certainly not my intention to have this bill interfere in the jurisdiction of the Banking Committee. Therefore, I would ask the Chairman whether the portion of the language pertaining to records would best be removed from the bill and left for further work by the Banking Committee.

Mr. GRAMM. Yes it would. I would also say to the Senator from Michigan that, with this modification, I would have no further objection to the consideration of this bill. Also, I want to once again express my support for what the Senator is seeking to accomplish and pledge to assist him in this effort.

Mr. ABRAHAM. I thank the distinguished Chairman for his input.

Mr. GRAMM. I thank my colleague from Michigan.

## CLEMENCY OFFER TO FALN MEMBERS

Mr. COVERDELL. Mr. President, as you know I have been a strong critic of the President's recent decision to offer clemency to the 16 members of the Puerto Rican terrorist organization FALN. I have held hearings on this matter and have seen the outrage this action has prompted in many of my constituents and the public at large. I have received numerous communications regarding this situation which criticize the President's decision and question his motives. In particular, I would like to thank Larry Stewart of Lynchburg, Virginia, one of the first to bring this matter to my attention. His interest in this action and its effect on our overall terrorism policy have been appreciated and helpful to me as our work on this issue has progressed.

## THE MEDICARE BENEFICIARIES ACCESS TO CARE ACT

Mr. WELLSTONE. Mr. President, I speak today in support of Senator DASCHLE's bill titled the Medicare Beneficiary Access to Care Act, S.1678. I am proud to cosponsor this important bill because it will provide relief for health care providers suffering under drastic cuts resulting from the Balanced Budget Act (BBA) of 1997. That legislation has had a very negative impact on the Medicare program and the financial viability of our medical establishments providing care under that program. The Senate Minority Leader's legislation will scale back some of the BBA reductions and therefore provide the necessary reimbursement for providers who give needed medical services to patients. Let me be clear, patients will be the ultimate beneficiaries when this bill is enacted. A basic fact is that any person seeking medical attention will likely visit a medical establishment currently being affected by BBA payment reductions. If medical facilities close due to BBA cuts, it will adversely impact not only Medicare beneficiaries, but all of the citizens in that same community who need access to health care.

Back in 1997, I did not support the Balanced Budget Act. In fact, when this came up for consideration back then I said ''Mr. President, this is a huge mistake - a huge mistake.'' Realizing the vital role of Medicare in our country, I thought that we should be going in the opposite direction - providing the opportunity for all Americans to access decent healthcare. Although BBA passed, I did hope that it would not severely impact Medicare beneficiaries or the healthcare establishments that provide their care. Unfortunately, my worst fears have come true.

I have had an almost continuous stream of people from Minnesota come into my office and tell me about the dramatic, draconian effects that BBA has had on the ability of medical establishments to provide needed medical services to people in my state. We have heard from large academic teaching hospitals, small rural clinics, home healthcare agencies, skilled nursing facilities, hospices and physicians. It is hard to think of a medical establishment that has not been impacted by these cuts. According to the hospitals in my state, the total impact of BBA cuts for Minnesota over 5 years will be $908 million. The prognosis is really disturbing. We hear many service providers tell us they can not continue their operations because of these cuts. They are going to close their doors and shut down. Some of these establishments are located in rural settings where they are the only hospital or clinic or nursing facility within dozens and dozens of miles. What is going to happen when these facilities close? The answer is that peoples' health will suffer and the communities will suffer economically. The communities will suffer because they don't have a hospital. Businesses will be reluctant to locate in a community that does not have access to healthcare.

It doesn't have to be this way. In the United States Senate, we have the opportunity to fix some of the problems created by BBA. Senator DASCHLE's bill will lessen the impact of the BBA cuts on providers, thus benefitting patients. I think this package will make a substantial difference.

This bill will help our teaching hospitals by limiting further decreases in the Indirect Medical Education payments. Teaching hospitals are important not only because they train future physicians, but also because they treat a large number of Medicare beneficiaries. For skilled nursing facilities, this bill will repeal the $1500 therapy caps for three years until a new system can be implemented. For Home Healthcare Agencies, this bill postpones the 15% cut in payments for 2 years. For physicians, this bill would smooth out the fluctuations in physician payment rates. For Medicare Plus Choice, this bill provides enrollees with additional time to switch plans if their plan terminates. For clinics, this bill will create a new payment system that is linked to 1999 costs along with subsequent updates. For hospices, this bill will increase hospice payments by the full market basket updates.

This bill will allow many medical facilities in my state to continue operating. I'm sure the same holds true for most states. We need to pass this bill now. Health care is too important an issue. Even though not everybody has access to it, we do have a great health care system and it needs to be preserved. The BBA was a mistake, and now is the time to limit some of the resulting adverse consequences. I hope that my colleagues will join me in support of this bill.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 4, 1999, the Federal debt stood at $5,654,411,268,306.82 (Five trillion, six hundred fifty-four billion, four hundred eleven million, two hundred sixty-eight thousand, three hundred six dollars and eighty-two cents).

Five years ago, October 4, 1994, the Federal debt stood at $4,692,027,000,000 (Four trillion, six hundred ninety-two billion, twenty-seven million).

Ten years ago, October 4, 1989, the Federal debt stood at $2,878,049,000,000 (Two trillion, eight hundred seventy-eight billion, forty-nine million).

Fifteen years ago, October 4, 1984, the Federal debt stood at $1,572,268,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-eight million).

Twenty-five years ago, October 4, 1974, the Federal debt stood at $476,919,000,000 (Four hundred seventy-six billion, nine hundred nineteen million) which reflects a debt increase of more than $5 trillion—$5,177,492,268,306.82 (Five trillion, one hundred seventy-seven billion, four hundred ninety-two million, two hundred sixty-eight thousand, three hundred six dollars and eighty-two cents) during the past 25 years.

## MESSAGE FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1606. An act to reenact chapter 12 of title 11, United States Code, and for other purposes.

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

H.R. 2084. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 11:05 a.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 356. An act to provide for the conveyance of certain property from the United States to Stainislaus County, California.

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO).

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 2681. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

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

H. Con. Res. 171. Concurrent resolution congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation.

H. Con. Res. 191. Concurrent resolution expressing the sense of the Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibits featuring works of a sacrilegious nature.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2466) making appropriations for the Departments of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. REGULA, Mr. KOLBE, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. WAMP, Mr. KINGSTON, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. DICKS, Mr. MURTHA, Mr. MORAN of Virginia, Mr. CRAMER, Mr. HINCHEY, and Mr. OBEY as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing Development, and for sundry independent agencies, boards, commissions, corporations, and for offices for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WALSH, Mr. DELAY, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. WICKER, Mrs. NORTHUP, Mr. SUNUNU, Mr. YOUNG of Florida, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that pursuant to section 301 of Public Law 104–1, the Speaker and the Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate appoints jointly the following individuals to a 5-year term to the Board of Directors of the Office of Compliance: Mr. Alan V. Friedman of California, Ms. Susan S. Robfogel of New York, and Ms. Barbara Childs Wallace of Mississippi.

## MEASURES REFERRED

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

H.R. 1451. An act to establish the Abraham Lincoln Bicentennial Commission; to the Committee on the Judiciary.

H.R. 1794. An act concerning the participation of Taiwan in the World Health Organization (WHO); to the Committee on Foreign Relations.

H.R. 2401. An act to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2681. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 171. Concurrent resolution congratulating the American Public Transit Association for 25 years of commendable service to the transit industry and the Nation; to the Committee on the Judiciary.

H. Con. Res. 191. Concurrent resolution expressing the sense of the Congress that the Brooklyn Museum of Art should not receive Federal funds unless it closes its exhibits featuring works of a sacrilegious nature; to the Committee on Health, Education, Labor, and Pensions.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 5, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 1606. An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of a committee were submitted:

By Mr. LUGAR, for the Committee on Agriculture, Nutrition, and Forestry:

Paul W. Fiddick, of Texas, to be an Assistant Secretary of Agriculture.

Andrew C. Fish, of Vermont, to be an Assistant Secretary of Agriculture.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' 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. MURKOWSKI:

S. 1686. A bill to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1687. A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself and Mr. AKAKA):

S. 1688. A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. HELMS, and Mr. DEWINE):

S. 1689. A bill to require a report on the current United States policy and strategy regarding counter-narcotics assistance for Colombia, and for other purposes; to the Committee on Foreign Relations.

By Mr. MACK (for himself, Mr. SARBANES, Mr. DEWINE, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. KERREY, Mr. LUGAR, Mr. KERRY, Mr. DODD, and Ms. LANDRIEU):

S. 1690. A bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. GRAHAM, and Mr. VOINOVICH):

S. 1691. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. ENZI, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HUTCHINSON, Mr. KYL, Mr. MACK, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THURMOND, Mr. WARNER, Mr. BENNETT, Mr. LOTT, Mr. ALLARD, Mr. BOND, Mr. BUNNING, Mr. COCHRAN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMS, Mr. HAGEL, Mr. HELMS, Mr. INHOFE, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SHELBY, Mr. THOMAS, Mr. VOINOVICH, and Mr. COVERDELL): S. 1692. A bill to amend title 18, United States Code, to ban partial birth abortions; read the first time.

By Mr. GRAMS:

S. 1693. A bill to protect the Social Security surplus by requiring a sequester to eliminate any deficit; to the Committee on the Budget, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. DODD):

S. Res. 196. A resolution commending the submarine force of the United States Navy on the 100th anniversary of the force; to the Committee on Armed Services.

## STATEMENTS ON INTRODUCED BULLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1686. A bill to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

CHUGACH ALASKA NATIVES SETTLEMENT IMPLEMENTATION ACT OF 1999

• Mr. MURKOWSKI. Mr. President. This morning I rise to introduce legislation to implement a settlement agreement between the Chugach Alaska Corporation (CAC) and the United States Forest Service. This legislation will fulfill a long overdue commitment of the Federal government made to certain Alaska Natives.

I am terribly troubled and disappointed that Congress must once again step in to secure promises to Alaska Natives that at best have been unnecessarily delayed by this Administration and at worst have been trampled by them.

This legislation will accomplish three goals:

It will direct the Secretary of Agriculture to, not later than 90 days after enactment, grant CAC the access rights they were granted under the Alaska National Interest Lands Conservation Act.

It will return to CAC cemetery and historical sites they are entitled to under section 14(h)(1) of the Alaska Native Claims Settlement Act.

It will require the Secretary of Agriculture to coordinate the development, maintenance, and revision of land and resource management plans for units of the National Forest System in Alaska with the plans of Alaska Native Corporations for the utilization of their lands which are intermingled with, adjacent to, or dependent for access upon National Forest System lands.

BACKGROUND

Pursuant to section 1430 of the Alaska National Interest Lands Conservation Act (ANILCA), the Secretary of the Interior, the Secretary of Agriculture, the State of Alaska, and the CAC, were directed to study land ownership in and around the Chugach Region in Alaska. The purpose of this study was twofold. The first purpose was to provide for a fair and just settlement of the Chugach people and realizing the intent, purpose, and promise of the Alaska Native Claims Settlement Act by CAC. The second purpose was to identify lands that, to the maximum extent possible, are of like kind and character to those that were traditionally used and occupied by the Chugach people and, to the maximum extent possible, those that provide access to the coast and are economically viable.

On September 17, 1982, the parties entered into an agreement now known as the 1982 Chugach Natives, Inc. Settlement Agreement that set forth a fair and just settlement for the Chugach people pursuant to the study directed by Congress. Among the many provisions of this agreement the United States was required to convey to CAC not more than 73,308 acres of land in the vicinity of Carbon Mountain. The land eventually conveyed contained significant amounts of natural resources that were inaccessible by road. A second major provision of the Settlement Agreement granted CAC rights-of-way across Chugach National Forest to their land and required the United States to also grant an easement for the purpose of constructing and using roads and other facilities necessary for development of that tract of land on terms and conditions to be determined in accordance with the Settlement Agreement. It is obvious that without such an easement the land conveyed to CAC could not be utilized or developed in a manner consistent with the intent of Congress as expressed in ANILCA and ANCSA.

More than seventeen years after the Settlement Agreement was signed the much needed easement still has not been granted and CAC remains unable to make economic use of their lands. It seems absurd to me that Congress passed a Settlement Act for the Benefit of Alaska Natives; then the federal government entered into a Settlement Agreement to implement that Act where the CAC was concerned; and today, we find ourselves once again in a position of having to force the government to comply with these agreements.

I have spoken directly to the Chugach Forest Supervisor, the Regional Forester, and to the Chief of the Forest Service about this issue. Just last month I facilitated a meeting between the Forest Service and CAC to work out final details. While the parties thought they had an agreement in principle it fell apart once it reached Washington, D.C. Therefore, I find it necessary to once again have Congress rectify inaction on behalf of the Forest Service.

It is my intent to hold a hearing on this issue in the Energy and Natural Resources Committee as soon as possible.•

By Mr. MCCAIN:

S. 1687. A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 1999

Mr. MCCAIN. Mr. President, today, I am introducing the Federal Trade Commission Reauthorization Act. The bill will authorize funding for the Commission for fiscal years 2001 and 2002. The measure sets spending levels at $149 million in FY 2001 and increases that amount for inflation and mandatory pay benefits to $156 for FY 2002.

The Federal Trade Commission (FTC) has two primary missions: (1) the prevention of anticompetitive conduct in the marketplace; and (2) the protection of consumers from unfair or deceptive acts or practices. The Commission accomplishes its anticompetitive mission primarily through premerger reviews under that Hart-Scott-Rodino Act. Under that Act, merger and acquisitions of a specified size are reviewed for anticompetitive impact. During the 1990's, the number of mergers that met these size requirements tripled. This has placed an increased burden on the Commission.

Additionally, the Commission pursues claims of unfair or deceptive practices or acts—essentially fraud. As electronic commerce on the Internet increases, fraud will certainly increase with it and the FTC should and will play a role in protecting consumers on the Internet, as they do in the traditional market place. The Commission's performance of these dual missions is vital to the protection of consumers.

The Commission was last reauthorized in 1996. That legislation provided for funding levels of $107 million in FY 1997 and $111 million in FY 1998. The bill I introduce today increases the previous authorization by $37 million. In general, the increase is necessary to meet the rising number of merger reviews under the Hart-Scott-Rodino Act and to protect consumers in the expanding world of e-commerce. According to the Commission's justification, the new authorization would fund 25 additional employees to work on merger and Internet issues. It will also help the Commission upgrade its computing facilities and fund increased consumer education activities.

The authorization, however, does not provide for the full amount requested by the Commission. In a recent request, the Commission asked for $176 million in FY2002. While I agree the Commission plays an important role in protecting consumers, their request represents more than a 50% increase in their authorization over a four-year period. At this point, I am not convinced that such a dramatic increase is warranted.

As we move through the authorization process, I look forward to hearing further from the FTC as to why such

an increase is needed to meet its statutory functions. I also hope to explore other ways we can improve the Commission's ability to protect customers without increasing spending.

For example, I was very interested in the comments of the FTC nominee Thomas Leary during his confirmation hearing regarding the Commission's merger review process. I know over the past few years, the Commission has taken steps to simplify this process reducing its own costs and the costs to the business community. Mr. Leary indicated, however, that more work could be done to change the internal procedures of the FTC to further reduce the number of reviews without harming competition. I look forward to exploring this topic with Mr. Leary and the other commissioners.

I look forward to working with the members of the Commerce Committee, the full Senate, and the Commission as we move through the authorization process.

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By Mr. LEVIN (for himself and Mr. AKAKA):

S. 1688. A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES HEALTH BENEFITS CHILDREN'S EQUITY ACT OF 1999

Mr. LEVIN. Mr. President, I rise to introduce, along with my distinguished colleague Senator AKAKA, the Federal Employees Health Benefits Children's Equity Act of 1999.

This legislation concerns Federal employees who are under a court order to provide health insurance to their dependent children. If a Federal employee is under such a court order and his dependent children have no health insurance coverage, the Federal government would be authorized to enroll the employee in a ''family coverage'' health plan. If the employee is not enrolled in any health care plan, the Federal government would be authorized to enroll the employee and his or her family in the standard option of the service benefit plan. The bill would also prevent the employee from canceling health coverage for his dependent children for the term of the court order.

This bill would close a loophole created by the 1993 Omnibus Budget Reconciliation Act. The 1993 bill required each State to enact legislation requiring an employer to enroll a dependent child in an employee's group health plan when an employee is under a court order to provide health insurance for his or her child but neglects to do so. This legislation simply provides Federal agencies with the same authority granted to the states.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1688

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Employees Health Benefits Children's Equity Act of 1999''.

**SEC. 2. ENROLLMENT OF CERTAIN EMPLOYEES AND FAMILY.**

Section 8905 of title 5, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f)(1)(A) An unenrolled employee who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may enroll for self and family coverage in a health benefits plan under this chapter.

''(B) The employing agency of an employee described under subparagraph (A) shall enroll the employee in a self and family enrollment in the option which provides the lower level of coverage under the service benefit plan if the employee—

''(i) fails to enroll for self and family coverage in a health benefits plan that provides full benefits and services in the location in which the child resides; and

''(ii) does not provide documentation demonstrating that the required coverage has been provided through other health insurance.

''(2)(A) An employee who is enrolled as an individual in a health benefits plan under this chapter and who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may change to a self and family enrollment in—

''(i) the health benefits plan in which the employee is enrolled; or

''(ii) another health benefits plan under this chapter.

''(B) The employing agency of an employee described under subparagraph (A) shall change the enrollment of the employee to a self and family enrollment in the plan in which the employee is enrolled if—

''(i) such plan provides full benefits and services in the location where the child resides; and

''(ii) the employee—

''(I) fails to change to a self and family enrollment; and

''(II) does not provide documentation demonstrating that the required coverage has been provided through other health insurance.

''(C) The employing agency of an employee described under subparagraph (A) shall change the coverage of the employee to a self and family enrollment in the option which provides the lower level of coverage under the service benefit plan if—

''(i) the plan in which the employee is enrolled does not provide full benefits and services in the location in which the child resides; or

''(ii) the employee fails to change to a self and family enrollment in a plan that provides full benefits and services in the location where the child resides.

''(3)(A) Subject to subparagraph (B), an employee who is subject to a court or administrative order described under this section may not discontinue the self and family enrollment in a plan that provides full benefits and services in the location in which the child resides for the period that the court or administrative order remains in effect if the child meets the requirements of section 8901(5) during such period.

''(B) Enrollment described under subparagraph (A) may be discontinued if the employee provides documentation demonstrating that the required coverage has been provided through other health insurance.''.

**SEC. 3. FEDERAL EMPLOYEES' RETIREMENT SYSTEM ANNUITY SUPPLEMENT COMPUTATION.**

Section 8421a(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(5) Notwithstanding paragraphs (1) through (4), the reduction required by subsection (a) shall be effective during the 12-month period beginning on the first day of the seventh month after the end of the calendar year in which the excess earnings were earned.''.

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By Mr. GRASSLEY (for himself, Mr. HELMS, and Mr. DEWINE):

S. 1689. A bill to require a report on the current United States policy and strategy regarding counter-narcotics assistance for Colombia, and for other purposes; to the Committee on Foreign Relations.

COLOMBIAN COUNTER-NARCOTICS ASSISTANCE LEGISLATION

• Mr. GRASSLEY. Mr. President, I share many of my colleagues concerns about the need to do more to aid Colombia. But I also believe that our aid must be based on a clear and consistent plan, not on good intentions. We do Colombia no favors by throwing money at the problem. We do not help ourselves. Too often, throwing money at a problem is the same thing as throwing money away. For that reason, I, along with Senator HELMS and Senator DEWINE, am introducing legislation today calling on the U.S. Administration to present a plan.

Colombia is the third largest recipient of U.S. security aid behind Israel and Egypt. It is also the largest supplier of cocaine to the United States. But, we seem to find ourselves in the midst of a muddle. Our policy appears to be adrift, and our focus blurred.

This past Tuesday, the Caucus on International Narcotics Control held a hearing to ask the Administration for a specific plan and a detailed strategy outlining U.S. interests and priorities dealing with counter-narcotics efforts in Colombia. Before we in Congress get involved in a discussion about what and how much equipment we should be sending to Colombia, we need to discuss whether or not we should send any and why. Recent press reports indicate that the Administration is preparing a security assistance package to Colombia with funding from $500 million dollars to somewhere around $1.5 billion dollars.

And yet, Congress hasn't been able to evaluate any strategy. That's because there is none. From the hearing, it seems the Administration is incapable of thinking about the situation with

any clarity or articulating a strategy with any transparency. It seems confused as to what is actually happening in Colombia.

At Tuesday's hearing, representatives from the Department of State and the Department of Defense assured me they were currently working on a detailed strategy to be unveiled at some future point. So far there have been difficulties in creating a detailed and coherent strategy and presenting it to Congress. Today we are introducing a bill that requires the Secretary of State to submit to Congress within 60 days a detailed report on current U.S. policy and strategy for counter-narcotics assistance for Colombia.

This is an issue that will not just simply disappear. Before we begin appropriating additional funding for Colombia, we need strategies and goals, not just piecemeal assistance and operations. I strongly urge my colleagues to support this bill.

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By Mr. MACK (for himself, Mr. SARBANES, Mr. DEWINE, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. KERREY, Mr. LUGAR, Mr. KERRY, Mr. DODD, and Ms. LANDRIEU):

S. 1690. A bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor counties; to the Committee on Foreign Relations.

DEBT RELIEF FOR POOR COUNTRIES ACT OF 1999

● Mr. MACK. Mr. President, I rise today with my colleague from Maryland, Mr. SARBANES, to introduce the Debt Relief for Counties Act of 1999. This bill simply forgives much of the debt owed to us by the world's poorest countries in exchange for commitments from these countries to reform their economies and work toward a better quality of life for their people. Our effort today is premised on the fact that we must help these poverty-stricken nations break the vicious cycle of debt and give them the economic opportunity to liberate their futures. I ask my colleagues to join me in this worthwhile effort.

Today, the world's poorest countries owe an average of $400 for every man, woman, and child within their borders. This is much more than most people in these countries make in a year. Debt service payments in many cases consume a majority of a poor country's annual budget, leaving scarce domestic resources for economic restructuring or such vital human services as education, clean water and sanitary living conditions. In Tanzania, for example, debt payments would require nearly four-fifths of the government's budget. In a country where one child in six dies before the age of five, little money remains to finance public health programs. Among Sub-Saharan African countries, one in five adults can't read or write, and it is estimated that in several countries almost half the population does not have access to safe drinking water.

Mr. President, the problems that yield such grim statistics will never be solved without a monumental commitment of will from their leaders, their citizens, and the outside world. That is not what we propose to do here today. Our bill is only a small step in the right direction, but it is one we can do quickly and for relatively little cost.

The effort to forgive the debts of the world's poorest countries has been ongoing for more than a decade. During this time the international community and the G7 came to the realization that the world's poorest countries are simply unable to repay the debt they owe to foreign creditors. The external debt for many of the developing nations is more than twice their GDP, leaving many unable to even pay the interest on their debts. We must accept the fact that this debt is unpayable. the question is not whether we'll ever get paid back, but rather what we can encourage these heavily indebted countries to do for themselves in exchange for our forgiveness.

Our bill requires the President to forgive at least 90 percent of the entire bilateral debt owed by the world's heavily indebted poor countries in exchange for verifiable commitments to pursue economic reforms and implement poverty alleviation measures. While roughly $6 billion is owed to the United States by these poor countries, it is estimated the cost of forgiving this debt would be less than ten percent of that amount. The U.S. share of the bilateral debt is less than four percent of the total, but our action would provide leadership to the rest of the world's creditor nations and provide some savings benefits to these countries as well.

Our bill also requires a restructuring of the IMF and World Bank's Heavily Indebted Poor Countries Initiative (HIPC). This program was begun in 1996, but to date only three countries have received any relief. While the premise of HIPC is sound, its shortcomings have become evident during the implementation. It promises much, but in reality it benefits too few countries, offers too little relief, and requires too long a wait before debt is forgiven. A process of reforming the HIPC was begun this year during the G7's meeting in Cologne, and our bill meets or exceeds the standards set out in the Cologne communique.

Specifically, we shorten the waiting period for eligibility from six to three years. We extend the prospect of relief to more countries. And we ensure that savings realized from the relief will be used to enhance ongoing economic reforms in addition to initiatives designed to alleviate poverty. This is a sound and balanced approach to help these poor countries correct their underlying economic problems and improve the standard of living of their people.

Mr. President, this legislation is not a handout to the developing world. Rather, it is an investment in these countries' commitment to implementing sound economic reforms and helping their people live longer, healthier and more prosperous lives. In order to receive debt relief under our bill, countries must commit the savings to policies that promote growth and expand citizens' access to basic services like clean water and education.

We have included a strict prohibition in our bill on providing relief to countries that sponsor terrorism, spend excessively on their militaries, do not cooperate on narcotics matters, or engage in systematic violations of their citizens' human rights. We are not proposing to help any country that is not first willing to help itself.

Mr. President, the debt accumulated in the developing world throughout the Cold War and into the 1990s has become a significant impediment to the implementation of free-market economic reforms and the reduction of poverty. We in the developed world have an interest in removing this impediment and providing the world's poorest countries with the opportunity to address their underlying economic problems and set a course for sustainability.

I believe our bill is an important first step in this process and I look forward to the support of my colleagues in the Senate.●

● Mr. SARBANES. Mr. President, I am pleased to join today with my colleague from Florida, Mr. MACK, in introducing the ''Debt Relief for Poor Countries Act of 1999.'' This bill is the companion legislation to H.R. 1095, offered in the House by Representatives LEACH and LAFALCE and cosponsored by 116 other Members.

The purpose of the bill is to provide the world's poorest countries with relief from the crippling burden of debt and to encourage investment of the proceeds in health, education, nutrition, sanitation, and basic social services for their people.

All too often, payments on the foreign debt—which account for as much as 70 percent of government expenditures in some countries—mean there is little left to meet the basic human needs of the population. In effect, debt service payments are making it even harder for the recipient governments to enact the kinds of economic and political reforms that the loans were designed to encourage, and that are necessary to ensure broad-based growth and future prosperity.

To address this problem the World Bank and the IMF began a program in 1996 to reduce $27 billion in debt from the most Heavily Indebted Poor Countries, known as the ''HIPC Initiative.'' But the program created a number of stringent criteria and provided only partial relief, which meant that only a small number of countries actually qualified for participation and the ones who did received only marginal benefits after an extended period of time.

Following calls by non-government organizations, religious groups and member governments for faster and

more flexible relief, the G–7 Finance Ministers, meeting this past June in Cologne, Germany, proposed alternative criteria that would make expanded benefits available quicker and to more countries. Last week, at the annual World Bank-IMF meetings here in Washington, President Clinton pledged to cancel all $5.7 billion of debt owed to the U.S. government by 36 of the poorest countries, and he sent a supplemental request for $1 billion over 4 years to pay the U.S. portion of the multilateral initiative. Canceling the debt will not cost the full $5.7 billion because many of the loans would never have been repaid and are no longer worth their full face-value. I commend the President for exercising international leadership on this important issue and for making it a foreign policy priority.

The legislation we are offering today goes even further by requiring the President to forgive at least 90 percent of the U.S. non-concessional loans and 100 percent of concessional loans to countries that meet the eligibility guidelines. To qualify, the countries must have an annual per capita income of less than $925, have public debts totaling at least 150 percent of average annual exports, and agree to use the savings generated by debt relief to facilitate the implementation of economic reforms in a way that is transparent and participatory, to reduce the number of persons living in poverty, to promote sustainable growth and to prevent damage to the environment.

Countries that have an excessive level of military expenditures, support terrorism, fail to cooperate in international narcotics control matters, or engage in a consistent pattern of gross violations of internationally recognized human rights are not eligible for debt relief under this legislation.

In addition, the bill urges the President to undertake diplomatic efforts in the Paris Club to reduce or cancel debts owed bilaterally to other countries, and to work with international financial institutions to maximize the impact of the HIPC Initiative. The United States accounts for less than 5 percent of the total debt burden, so it is essential that relief is provided in a coordinated and comprehensive fashion.

Mr. President, countries should not be forced to make a tradeoff between servicing their debt and feeding their people. And once debt is relieved, we should ensure that the savings are being used to reduce poverty and improve living standards, so that the benefits are widely shared among the population. This bill achieves both objectives, and I look forward to working with my colleagues to ensure its prompt consideration.●

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By Mr. INHOFE (for himself, Mr. GRAHAM, and Mr. VOINOVICH):

S. 1691. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Environment and Public Works.

DISASTER MITIGATION ACT OF 1999

● Mr. INHOFE. Mr. President, I rise today to introduce the Disaster Mitigation Act of 1999. As the chairman of the Senate Subcommittee with jurisdiction over FEMA, I have been working on this legislation for the last couple of years. I am joined in the introduction today with my ranking member Senator BOB GRAHAM. I appreciate his commitment to this legislation and I look forward to working with him to shepherd this Bill through the process.

We have been witness to several major natural disasters already this year. And, we have three more months to go. We have seen devastating tornadoes ravage Oklahoma City and Salt Lake City. We have also seen the destruction brought on the East Coast by hurricanes Dennis and Floyd. Our hearts go out to the victims of these natural disasters. I was in Oklahoma City the morning of May 4, the day after the tornadoes moved through the Oklahoma City metro area. I have never seen destruction like that any place in the world. I was moved by the stories I heard and saw as we traveled through the remains of entire neighborhoods.

Now a few months later, I see and hear stories of the destruction brought by the flooding in North Carolina and I know the problems that lie ahead as they begin to recover. As the recovery effort begin, our hearts and our prayers go out to the people of North Carolina.

The Federal government, through FEMA, has been there to help people and their communities deal with the aftermath of disasters for over a generation. As chairman of the oversight Subcommittee I want to ensure that FEMA will continue to respond and help people in need for generations to come. Unfortunately, the costs of disaster recovery have spiraled out of control. For every major disaster Congress is forced to appropriate additional funds through Supplemental Emergency Spending Bills. This not only plays havoc with the budget and forces us to spend funds which would have gone to other pressing needs, but sets up unrealistic expectations of what the federal government can and should do after a disaster.

For instance, following the Oklahoma City tornadoes, there was an estimated $900 million in damage, with a large portion of that in federal disaster assistance. Now, in the aftermath of hurricane Floyd in North Carolina, estimates of $1 billion or more in damages are being discussed. This problem is not just isolated to Oklahoma City or North Carolina. In the period between fiscal years 1994 and 1998, FEMA disaster assistance and relief costs grew from $8.7 billion to $19 billion. That marks a $10.3 billion increase in disaster assistance in just five years. To finance these expenditures, we have been forced to find over $12 billion in rescissions.

The Bill I am introducing today will address this problem from two different directions. First, it authorizes a Predisaster Hazard Mitigation Program, which assists people in preparing for disasters before they happen. Second, it provides a number of cost-saving measures to help control the costs of disaster assistance.

In our bill, we are authorizing PROJECT IMPACT, FEMA's natural disaster mitigation program. PROJECT IMPACT authorizes the use of small grants to local communities to give them funds and technical assistance to mitigate against disasters before they occur. Too often, we think of disaster assistance only after a disaster has occurred. For the very first time, we are authorizing a program to think about preventing disaster-related damage prior to the disaster. We believe that by spending these small amounts in advance of a disaster, we will save the federal government money in the long-term. However, it is important to note that we are not authorizing this program in perpetuity. The program, as drafted, is set to expire in 2003. If PROJECT IMPACT is successful, we will have the appropriate opportunity to review its work and make a determination on whether to continue program.

We are also proposing to allow states to keep a larger percentage of their federal disaster funds to be used on state mitigation projects. In Oklahoma, the state is using its share of disaster funds to provide a tax rebate to the victims of the May 3 tornadoes who, when rebuilding their homes, build a ''safe room'' into their home. Because of limited funding, this assistance is only available to those who were unfortunate enough to lose everything they owned. We seek to give states more flexibility in determining their own mitigation priorities and giving them the financial assistance to follow through with their plans.

While we are attempting to re-define the way in which we respond to natural disasters, we must also look to curb the rising cost of post-disaster related assistance. The intent of the original Stafford Act was to provide federal assistance after States and local communities had exhausted all their existing resources. As I said earlier, we have lost sight of this intent.

To meet our cost saving goal, we are making significant changes to FEMA's Public Assistance program. One of the most significant changes in the PA program focuses on the use of insurance. FEMA is currently developing an insurance role to require States and local government to maintain private or self-insurance in order to qualify for the PA program. We applaud their efforts and are providing them with some parameters we expect them to follow in developing any insurance rule.

Second, we are providing FEMA with the ability to estimate the cost of repairing or rebuilding projects. Under current law, FEMA is required to stay in the field and monitor the rebuilding of public structures. By requiring FEMA to stay afield for years after the disaster, we run up the administrative cost of projects. Allowing them to estimate the cost of repairs and close out the project will bring immediate assistance to the State or local community and save the Federal government money.

We have spent months working closely with FEMA, the States, local communities, and other stakeholders to produce a bill that gives FEMA the increased ability to respond to disasters, while assuring States and local communities that the federal government will continue to meet its commitments.

In closing, I want to thank Senator GRAHAM for his help and the leadership he has taken on this important issue. Without his help, input, and insight, this legislation would be little more than an idea. As we continue to move this bill forward in the process, I look forward to continuing to work with him to make this legislation a reality.●

● Mr. GRAHAM. Mr. President, I rise to join my distinguished colleague from Oklahoma in introducing legislation that creates public and private incentives to reduce the cost of future disasters.

On June 1st, the start of the 1999 Hurricane Season, the National Weather Service predicted that the United States would face three or four intense hurricanes during the next six months.

We did not have a long wait to experience the accuracy of that forecast. From September 12–15, 1999, Hurricane Floyd dragged 140 mph winds and eight foot tidal surges along the eastern seaboard. Floyd caused flooding, tornadoes, and massive damage from Florida to New Jersey. Evacuations were conducted as far north as Delaware. This disaster claimed the lives of 68 people. Initial damage estimates suggest that Floyd could cost the federal government more than $6 billion. Just days later, Tropical Storm Harvey struck Florida's west coast. We are still assessing the combine effects of these storms.

Coming just seven years after Hurricane Andrew damaged 128,000 homes, left approximately 160,000 people homeless, and caused nearly $30 billion in damage, this year's developments remind us of the inevitability and destructive power of Mother Nature. We must prepare for natural disasters if we are going to minimize their devastating effects.

It is impossible to stop violent weather. But Congress can reduce the losses from severe weather by legislating a comprehensive, nationwide mitigation strategy. Senator INHOFE and I have worked closely with FEMA, the National Emergency Management Association, the National League of Cities, the American Red Cross, and numerous other groups to construct a comprehensive proposal that will make mitigation—not response and recovery—the primary focus of emergency management.

Our legislation amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It will: Authorize programs for pre-disaster emergency preparedness; streamline the administration of disaster relief; restrain the Federal costs of disaster assistance; and provide incentives for the development of community-sponsored mitigation projects.

Mr. President, history has demonstrated that no community in the United States is safe from disasters. From tropical weather along the Atlantic Coast to devastating floods in the Upper Midwest to earthquakes in the Pacific Rim, we have suffered as a result of Mother Nature's fury. She will strike again. But we can avoid some of the excessive human and financial costs of the past by applying what we have learned about preparedness technology.

Florida has been a leader in incorporating the principles and practice of hazard mitigation into the mainstream of community preparedness. We have developed and implemented mitigation projects using funding from the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program and other public-private partnerships.

Everyone has a role in reducing the risks associated with natural and technological related hazards. Engineers, hospital administrators, business leaders, regional planners and emergency managers and volunteers are all significant contributors to mitigation efforts.

An effective mitigation project may be as basic as the Miami Wind Shutter program. The installation of shutters is a cost-effective mitigation measure that has proven effective in protecting buildings from hurricane force winds, and in the process minimizing direct and indirect losses to vulnerable facilities. These shutters significantly increase strength and provide increased protection of life and property.

In 1992, Hurricane Andrew did $17 million worth of damage to Baptist, Miami South, and Mercy Hospitals in Miami. As a result, these hospitals were later retrofitted with wind shutters through the Hazard Mitigation Grant Program.

Six years after Hurricane Andrew, Hurricane Georges brushed against South Florida. The shutter project paid dividends. Georges' track motivated evacuees to leave more vulnerable areas of South Florida to seek shelter. The protective shutters allowed these three Miami hospitals to serve as a safe haven for 200 pregnant mothers, prevented the need to evacuate critical patients, and helped the staff's families to secure shelter during the response effort.

In July of 1994, Tropical Storm Alberto's landfall in the Florida Panhandle triggered more than $500 million in federal disaster assistance. State and local officials concluded that the direct solution to the problem of repetitive flooding was to remove or demolish the structures at risk. A Community Block Grant of $27.5 million was used to assist local governments in acquiring 388 extremely vulnerable properties.

The success of this effort was evident when the same area experienced flooding again in the spring of 1998. While both floods were of comparable severity, the damages from the second disaster were significantly lower in the communities that acquired the flood prone properties. This mitigation project reduced their vulnerability.

We have an opportunity today to continue the working partnership between the federal government, the states, local communities and the private sector. In mitigating the devastating effects of natural disasters, it is also imperative that we control the cost of disaster relief. Our legislation will help in this effort. I encourage my colleagues to support this initiative.●

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By Mr. GRAMS:

S. 1693. A bill to protect the Social Security surplus by requiring a sequester to eliminate any deficit; to the Committee on the Budget, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

SOCIAL SECURITY SURPLUS PROTECTION ACT OF 1999

Mr. GRAMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1693

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Social Security Surplus Protection Act of 1999''.

**SEC. 2. SEQUESTER TO PROTECT THE SOCIAL SECURITY SURPLUS.**

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended by adding at the end the following:

''(d) SOCIAL SECURITY SURPLUS PROTECTION SEQUESTER.—

''(1) IN GENERAL.—Within 15 calendar days after Congress adjourns to end a session and on the same day as a sequestration (if any) under subsection (a), section 252, and section 253, there shall be a sequestration to eliminate any on-budget deficit (excluding any surplus in the Social Security Trust Funds).

''(2) ELIMINATING DEFICIT.—The sequester required by this subsection shall be applied in accordance with the procedures set forth in subsection (a). The on-budget deficit shall not be subject to adjustment for any purpose.''.

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## ADDITIONAL COSPONSORS

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming

(Mr. THOMAS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 391

At the request of Mr. KERREY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 774

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses.

S. 874

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 874, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1003

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1003, a bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1091

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1091, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1227

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1453

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1453, a bill to facilitate relief efforts and a comprehensive solution to the war in Sudan.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1488

At the request of Mr. GORTON, the names of the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1500

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Wyoming (Mr. THOMAS), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1623

At the request of Mr. SPECTER, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1623, a bill to select a National Health Museum site.

S. 1653

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1653, a bill to reauthorize and amend the National Fish and Wildlife foundation Establishment Act.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Virginia (Mr. WARNER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

## SENATE RESOLUTION 196—COMMENDING THE SUBMARINE FORCE OF THE UNITED STATES NAVY ON THE 100TH ANNIVERSARY OF THE FORCE

By Mr. WARNER (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas the submarine force of the United States was founded with the purchase of the U.S.S. HOLLAND on April 11, 1900;

Whereas in overcoming destruction resulting from the attack of United States forces at Pearl Harbor, Hawaii, on December 7, 1941, and difficulties with defective torpedoes, the submarine force destroyed 1,314 enemy ships in World War II (weighing a cumulative 5,300,000 tons), which accounts for 55 percent of all enemy ships lost in World War II;

Whereas 16,000 United States submariners served with courage during World War II, and 7 United States submariners were awarded Congressional Medals of Honor for their distinguished gallantry in combat above and beyond the call of duty;

Whereas in achieving an impressive World War II record, the submarine force suffered the highest casualty rate of any combatant submarine service of the warring alliances, losing 375 officers and 3,131 enlisted men in 52 submarines;

Whereas from 1948 to 1955, the submarine force, with leadership provided by Admiral Hyman Rickover and others, developed an industrial base in a new technology, pioneered new materials, designed and built a prototype reactor, established a training program, and took to sea the world's first nuclear-powered submarine, the U.S.S. NAUTILUS, thus providing America undersea superiority;

Whereas subsequent to the design of the U.S.S. NAUTILUS, the submarine force continued to develop and put to sea the world's most advanced and capable submarines, which were vital to maintaining our national security during the Cold War;

Whereas the United States Navy, with leadership provided by Admiral Red Raborn, developed the world's first operational ballistic missile submarine, which provided an invaluable asset to our Nation's strategic nuclear deterrent capability, and contributed directly to the eventual conclusion of the Cold War; and

Whereas in 1999, the submarine force provides the United States Navy with the ability to operate around the world, independent of outside support, from the open ocean to the littorals, carrying out multimission taskings on tactical, operational, and strategic levels: Now, therefore, be it

*Resolved,*

(a) That the Senate—

(1) commends the past and present personnel of the submarine force of the United States Navy for their technical excellence, accomplishments, professionalism, and sacrifices; and

(B) congratulates those personnel for the 100 years of exemplary service that they have provided the United States.

(b) It is the sense of the Senate that, in the next millennium, the submarine force of the United States Navy should continue to comprise an integral part of the Navy, and to carry out missions that are key to maintaining our great Nation's freedom and security as the most superior submarine force in the world.

● Mr. WARNER. Mr. President, my colleague from the great state of Connecticut Senator DODD and I rise today to pay tribute to the Naval Submarine Force and to submit a resolution to commemorate the 100th anniversary of this outstanding institution.

In the year 2000 the United States Navy Submarine Force celebrates its one hundredth anniversary.

The Submarine Force began with the purchase of U.S.S. *Holland* on April 11, 1900. The past 100 years have witnessed the evolution of a force that mastered submersible warfare, introduced nuclear propulsion to create the true submarine, and for decades patrolled the deep ocean front line: the hottest part of an otherwise cold war.

Beginning in World War I the Submarine Force began to support national interests through offensive and defensive operations in the Atlantic. Using lessons learned from German U-boat design, the US Submarine Force developed advanced diesel submarine designs during the inter-war years. In spite of a hesitant beginning due to Pearl Harbor and difficulties with defective torpedoes, the World War II submarine force destroyed 1,314 enemy ships (5.3 million tons), which translated into 55 percent of all enemy ships lost. Out of 16,000 submariners, the force lost 375 officers and 3,131 enlisted men in fifty-two submarines, the highest casualty rate of any combatant submarine service on any side in the conflict. Seven Congressional Medals of Honor were awarded to submariners during World War II for distinguished gallantry in combat.

Mr. DODD. After World War II the Submarine Force began experimenting with high speed, sophisticated silencing techniques, sensitive sonic detection, and deeper diving designs. Admiral Hyman G. Rickover lead the effort which resulted in the world's first nuclear powered submarine, USS *Nautilus*, commissioned in 1955. The advent of nuclear propulsion resulted in the first true submarine, a vessel that was truly free to operate unrestricted below the surface of the ocean.

Continued development of advanced submarine designs lead to the most capable submarine fleet in the world. The United States Navy, led by Admiral Red Raborn, also fielded the world's first operational submarine launched ballistic missile platform in the world. This force provided invaluable support to our national security and strategic nuclear deterrence. The end of the cold war has been credited in part to the deterrent role that the strategic ballistic submarine played in our nuclear triad.

Through the 1980's and 1990's the submarine force has continued to contribute to all aspects of our country's national security strategy from Desert Storm to Yugoslavia. The sailors who have taken our submarines to sea over the years should be commended for their outstanding service and performance. Always on the cutting edge, the submarine force will help the Navy sustain the adaptability necessary to maintain our national security in and around the oceans of our world.

Mr. WARNER. Mr. President, Senator DODD and I would like to congratulate the Naval Submarine Force on its 100th anniversary and on all the accomplishments it has achieved during that time.

On a personal note, I wish to acknowledge the contributions of the Submarine Force Senior Leadership since its inception, many of whom I am proud to have known and worked closely with over the years. And for the next 100 years, may our Submarine Force run silent, run deep.

## AMENDMENTS SUBMITTED ON OCTOBER 4, 1999

### AIR TRANSPORTATION IMPROVEMENT ACT

### MCCAIN (AND OTHERS) AMENDMENT NO. 1891

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, and Mr. ROCKEFELLER)) proposed an amendment to the bill (S. 82) to authorize appropriations for the Federal Aviation Administration, and for other purposes; as follows:

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

**SECTION 1. SHORT TITLE; TABLE OF SECTIONS.**

(a) SHORT TITLE.—This Act may be cited as the ''Air Transportation Improvement Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

**SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

## TITLE I—AUTHORIZATIONS

**SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.**

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

''(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for operations of the Administration $5,632,000,000 for fiscal year 1999, $5,784,000,000 for fiscal year 2000, $6,073,000,000 for fiscal year 2001, and $6,377,000,000 for fiscal year 2002. Of the amounts authorized to be appropriated for fiscal year 2000, not more than $9,100,000 shall be used to support air safety efforts through payment of United States membership obligations, to be paid as soon as practicable.

''(2) AUTHORIZED EXPENDITURES.—Of the amounts appropriated under paragraph (1) $450,000 may be used for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

''(3) UNIVERSITY CONSORTIUM.—There are authorized to be appropriated not more than $9,100,000 for the 3 fiscal year period beginning with fiscal year 2000 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers. Funds authorized under this paragraph—

''(A) may not be used for the construction of a building or other facility; and

''(B) shall be awarded on the basis of open competition.''.

(b) COORDINATION.—The authority granted the Secretary under section 41720 of title 49, United States Code, does not affect the Secretary's authority under any other provision of law.

**SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

(a) IN GENERAL.—Section 48101(a) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) $2,131,000,000 for fiscal year 1999.

''(2) $2,689,000,000 for fiscal year 2000.

''(3) $2,799,000,000 for fiscal year 2001.

''(4) $2,914,000,000 for fiscal year 2002.''.

(b) CONTINUATION OF ILS INVENTORY PROGRAM.—Section 44502(a)(4)(B) is amended—

(1) by striking ''fiscal years 1995 and 1996'' and inserting ''fiscal years 1999 through 2002''; and

(2) by striking ''acquisition,'' and inserting ''acquisition under new or existing contracts,''.

(c) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.

**SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.**

(a) EXTENSION AND AUTHORIZATION.—Section 48103 is amended by striking ''$2,050,000,000 for the period beginning October 1, 1998, and ending August 6, 1999.'' and inserting ''$2,410,000,000 for fiscal years ending before October 1, 1999, $4,885,000,000 for fiscal years ending before October 1, 2000, $7,295,000,000 for fiscal years ending before October 1, 2001, and $9,705,000,000 for fiscal years ending before October 1, 2002.''.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) is amended by striking ''August 6, 1999,'' and inserting ''September 30, 2002,''.

**SEC. 104. REPROGRAMMING NOTIFICATION REQUIREMENT.**

Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103 of title 49, United States Code, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall submit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 105. AIRPORT SECURITY PROGRAM.**

(a) IN GENERAL.—Chapter 471 (as amended by section 202(a) of this Act) is amended by adding at the end thereof the following new section:

**''§ 47136. Airport security program**

''(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative aviation security systems and related technology.

''(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

''(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

''(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

''(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section is 100 percent.

''(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

''(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for such chapter (as amended by section 202(b) of this Act) is amended by inserting after the item relating to section 47135 the following:

''47136. Airport security program.''.

**SEC. 106. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.**

The Administrator of the Federal Aviation Administration shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Secretary of Transportation determines that the System provides consistent reporting of changing meteorological conditions and notifies the Congress in writing of that determination; and

(2) 60 days have passed since the report was submitted to the Congress.

## TITLE II—AIRPORT IMPROVEMENT PROGRAM AMENDMENTS

**SEC. 201. REMOVAL OF THE CAP ON DISCRETIONARY FUND.**

Section 47115(g) is amended by striking paragraph (4).

**SEC. 202. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

(a) CODIFICATION AND IMPROVEMENT OF 1996 PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

**''§ 47135. Innovative financing techniques**

''(a) IN GENERAL.—The Secretary of Transportation is authorized to carry out a demonstration program under which the Secretary may approve applications under this subchapter for not more than 20 projects for which grants received under the subchapter may be used to implement innovative financing techniques.

''(b) PURPOSE.—The purpose of the demonstration program shall be to provide information on the use of innovative financing techniques for airport development projects.

''(c) LIMITATION.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

''(d) INNOVATIVE FINANCING TECHNIQUE DEFINED.—In this section, the term 'innovative financing technique' includes methods of financing projects that the Secretary determines may be beneficial to airport development, including—

''(1) payment of interest;

''(2) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development; and

''(3) flexible non-Federal matching requirements.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47134 the following:

''47135. Innovative financing techniques.''.

**SEC. 203. MATCHING SHARE.**

Section 47109(a)(2) is amended by inserting ''not more than'' before ''90 percent''.

**SEC. 204. INCREASE IN APPORTIONMENT FOR NOISE COMPATIBILITY PLANNING AND PROGRAMS.**

Section 47117(e)(1)(A) is amended by striking ''31'' each time it appears and inserting ''35''.

**SEC. 205. TECHNICAL AMENDMENTS.**

(a) USE OF APPORTIONMENTS FOR ALASKA, PUERTO RICO, AND HAWAII.—Section 47114(d)(3) is amended to read as follows:

''(3) An amount apportioned under paragraph (2) of this subsection for airports in Alaska, Hawaii, or Puerto Rico may be made available by the Secretary for any public airport in those respective jurisdictions.''.

(b) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) by striking ''ALTERNATIVE'' in the subsection caption and inserting ''SUPPLEMENTAL'';

(2) in paragraph (1) by—

(A) striking ''Instead of apportioning amounts for airports in Alaska under'' and inserting ''Notwithstanding''; and

(B) striking ''those airports'' and inserting ''airports in Alaska''; and

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

''(3) An amount apportioned under this subsection may be used for any public airport in Alaska.''.

(c) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end thereof the following:

''(e) CHANGE IN AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 of this title at the funding level and under the terms provided by the agreement, subject to the availability of funds.''.

(e) GRANT ELIGIBILITY FOR PRIVATE RELIEVER AIRPORTS.—Section 47102(17)(B) is amended—

(1) by striking ''or'' at the end of clause (i) and redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) a privately-owned airport that, as a reliever airport, received Federal aid for airport development prior to October 9, 1996, but only if the Administrator issues revised administrative guidance after July 1, 1998, for the designation of reliever airports; or''.

(f) RELIEVER AIRPORTS NOT ELIGIBLE FOR LETTERS OF INTENT.—Section 47110(e)(1) is amended by striking ''or reliever''.

(g) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''payment.'' in subparagraph (C) and inserting ''payment;'' and

(3) by adding at the end thereof the following:

''(D) on flights, including flight segments, between 2 or more points in Hawaii.''.

(h) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117(i) is amended—

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

(2) by striking ''transportation.'' in paragraph (2)(D) and inserting ''transportation; and''; and

(3) by adding at the end thereof the following:

''(3) may permit a public agency to request that collection of a passenger facility fee be waived for—

''(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

''(B) passengers enplaned on a flight to an airport—

''(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

''(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.''.

(i) USE OF THE WORD ''GIFT'' AND PRIORITY FOR AIRPORTS IN SURPLUS PROPERTY DISPOSAL.—

(1) Section 47151 is amended—

(A) by striking ''give'' in subsection (a) and inserting ''convey to'';

(B) by striking ''gift'' in subsection (a)(2) and inserting ''conveyance'';

(C) by striking ''giving'' in subsection (b) and inserting ''conveying'';

(D) by striking ''gift'' in subsection (b) and inserting ''conveyance''; and

(E) by adding at the end thereof the following:

''(d) PRIORITY FOR PUBLIC AIRPORTS.—Except for requests from another Federal agency, a department, agency, or instrumentality of the Executive Branch of the United States Government shall give priority to a request by a public agency (as defined in section 47102 of this title) for surplus property described in subsection (a) of this section for use at a public airport.''.

(2) Section 47152 is amended—

(A) by striking ''**gifts**'' in the section caption and inserting ''**conveyances**''; and

(B) by striking ''gift'' in the first sentence and inserting ''conveyance''.

(3) The chapter analysis for chapter 471 is amended by striking the item relating to section 47152 and inserting the following:

''47152. Terms of conveyances.''.

(4) Section 47153(a) is amended—

(A) by striking ''gift'' in paragraph (1) and inserting ''conveyance'';

(B) by striking ''given'' in paragraph (1)(A) and inserting ''conveyed''; and

(C) by striking ''gift'' in paragraph (1)(B) and inserting ''conveyance''.

(j) MINIMUM APPORTIONMENT.—Section 47114(c)(1)(B) is amended by adding at the end thereof the following: ''For fiscal years beginning after fiscal year 1999, the preceding sentence shall be applied by substituting '$650,000' for '$500,000'.''.

(k) APPORTIONMENT FOR CARGO ONLY AIRPORTS.—

(1) Section 47114(c)(2)(A) is amended by striking ''2.5 percent'' and inserting ''3 percent''.

(2) Section 47114(c)(2) is further amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(l) TEMPORARY AIR SERVICE INTERRUPTIONS.—Section 47114(c)(1) is amended by adding at the end thereof the following:

''(C) The Secretary may, notwithstanding subparagraph (A), apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

''(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

''(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

''(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.''.

(m) FLEXIBILITY IN PAVEMENT DESIGN STANDARDS.—Section 47114(d) is amended by adding at the end thereof the following:

''(4) The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight, if the Secretary determines that—

''(A) safety will not be negatively affected; and

''(B) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed.''.

(n) ELIGIBILITY OF RUNWAY INCURSION PREVENTION DEVICES.—

(1) POLICY.—Section 47101(a)(11) is amended by inserting ''(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)'' after ''activities''.

(2) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(A) by striking ''and'' at the end of paragraph (9); and

(B) by striking ''area.'' in paragraph (10) and inserting ''area; and''; and

(C) by adding at the end the following:

''(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.''.

(3) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3)(B)(ii) is amended by inserting ''and including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before the semicolon at the end.

(o) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking ''In making'' and inserting the following:

''(1) CONSTRUCTION OF NEW RUNWAYS.—In making'';

(2) by adding at the end the following:

''(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft, if the non-Federal share of the project is at least 40 percent.''; and

(3) by aligning the remainder of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

**SEC. 206. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.**

Within 9 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, both technical and procedural, such as precision runway monitoring systems, and the time frame for implementation of such enhancements and improvements.

**SEC. 207. PRIORITIZATION OF DISCRETIONARY PROJECTS.**

Section 47120 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In''; and

(2) by adding at the end thereof the following:

''(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.''.

**SEC. 208. PUBLIC NOTICE BEFORE GRANT ASSURANCE REQUIREMENT WAIVED.**

(a) IN GENERAL.—Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may not waive any assurance required under section 47107 of title 49, United States Code, that requires property to be used for aeronautical purposes unless the Secretary provides notice to the public not less than 30 days before issuing any such waiver. Nothing in this section shall be construed to authorize the Secretary to issue a waiver of any assurance required under that section.

(b) EFFECTIVE DATE.—This section applies to any request filed on or after the date of enactment of this Act.

**SEC. 209. DEFINITION OF PUBLIC AIRCRAFT.**

Section 40102(a)(37)(B)(ii) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by striking the ''States.'' in subclause (II) and inserting ''States; or''; and

(3) by adding at the end thereof the following:

''(III) transporting persons aboard the aircraft if the aircraft is operated for the purpose of prisoner transport.''.

**SEC. 210. TERMINAL DEVELOPMENT COSTS.**

Section 40117 is amended by adding at the end thereof the following:

''(j) SHELL OF TERMINAL BUILDING.—In order to enable additional air service by an air carrier with less than 50 percent of the scheduled passenger traffic at an airport, the Secretary may consider the shell of a terminal building (including heating, ventilation, and air conditioning) and aircraft fueling facilities adjacent to an airport terminal building to be an eligible airport-related project under subsection (a)(3)(E).''.

**SEC. 211. AIRFIELD PAVEMENT CONDITIONS.**

(a) EVALUATION OF OPTIONS.—The Administrator of the Federal Aviation Administration shall evaluate options for improving the quality of information available to the Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the Airport Safety Data Program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) REPORT TO CONGRESS.—The Administrator shall transmit a report, containing an evaluation of such options, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 12 months after the date of enactment of this Act.

**SEC. 212. DISCRETIONARY GRANTS.**

Notwithstanding any limitation on the amount of funds that may be expended for grants for noise abatement, if any funds

made available under section 48103 of title 49, United States Code, remain available at the end of the fiscal year for which those funds were made available, and are not allocated under section 47115 of that title, or under any other provision relating to the awarding of discretionary grants from unobligated funds made available under section 48103 of that title, the Secretary of Transportation may use those funds to make discretionary grants for noise abatement activities.

**SEC. 213. CONTRACT TOWER COST-SHARING.**

Section 47124(b) is amended by adding at the end the following:

''(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Administrator of the Federal Aviation Administration, that do not qualify for the Contract Tower Program established under subsection (a) and continued under paragraph (1) (hereafter in this paragraph referred to as the 'Contract Tower Program').

''(B) PROGRAM COMPONENTS.—In carrying out the pilot program established under subparagraph (A), the Administrator shall—

''(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Administrator;

''(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a one-to-one benefit-to-cost ratio, as required for eligibility under the Contract Tower Program; and

''(iii) approve for participation no more than 2 facilities willing to fund up to 50 percent, but not less than 25 percent, of construction costs for an air traffic control tower built by the airport operator and for each of such facilities the Federal share of construction cost does not exceed $1,100,000.

''(C) PRIORITY.—In selecting facilities to participate in the program under this paragraph, the Administrator shall give priority to the following:

''(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Administrator has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

''(ii) Air traffic control towers that the Administrator determines have a benefit-to-cost ratio of at least .50.

''(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

''(iv) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

''(v) Air traffic control towers that are located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

''(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic control tower under the pilot program established under this paragraph exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefits.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriation $6,000,000 per fiscal year to carry out this paragraph.''.

## TITLE III—AMENDMENTS TO AVIATION LAW

**SEC. 301. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.**

(a) Chapter 401 is amended by adding at the end thereof the following:

**''§ 40125. Severable services contracts for periods crossing fiscal years**

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

''(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a) of this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by adding at the end thereof the following:

''40125. Severable services contracts for periods crossing fiscal years.''.

**SEC. 302. STAGE 3 NOISE LEVEL COMPLIANCE FOR CERTAIN AIRCRAFT.**

(a) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) by striking ''subsection (b)'' in subsection (a) and inserting ''subsection (b) or (f)'';

(2) by adding at the end of subsection (e) the following:

''(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order—

''(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

''(B) conduct operations within the limitations of paragraph (2)(B).''; and

(3) adding at the end thereof the following:

''(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

''(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a Stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

''(A) sell, lease, or use the aircraft outside the contiguous 48 States;

''(B) scrap the aircraft;

''(C) obtain modifications to the aircraft to meet Stage 3 noise levels;

''(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

''(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

''(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

''(2) PROCEDURE TO BE PUBLISHED.—The Secretary shall establish and publish, not later than 30 days after the date of enactment of the Air Transportation Improvement Act a procedure to implement paragraph (1) of this subsection through the use of categorical waivers, ferry permits, or other means.''.

(b) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) is amended by inserting ''(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)'' after ''civil subsonic turbojet''.

(2) FAR MODIFIED.—The Federal Aviation Regulations, contained in Part 14 of the Code of Federal Regulations, that implement section 47528 and related provisions shall be deemed to incorporate this change on the effective date of this Act.

**SEC. 303. GOVERNMENT AND INDUSTRY CONSORTIA.**

Section 44903 is amended by adding at the end thereof the following:

''(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).''.

**SEC. 304. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.**

Section 44701 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) Notwithstanding the provisions of this chapter, and pursuant to Article 83 Bis of the Convention on International Civil Aviation, the Administrator may, by a bilateral agreement with the aeronautical authorities of another country, exchange with that country all or part of their respective functions and duties with respect to aircraft described in subparagraphs (A) and (B), under the following articles of the Convention:

''(A) Article 12 (Rules of the Air).

''(B) Article 31 (Certificates of Airworthiness).

''(C) Article 32a (Licenses of Personnel).

''(2) The agreement under paragraph (1) may apply to—

''(A) aircraft registered in the United States operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in another country; or

''(B) aircraft registered in a foreign country operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business, or, if it has no such place of business, its permanent residence, in the United States.

''(3) The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) of this subsection for United States-registered aircraft transferred abroad as described in subparagraph (A) of that paragraph, and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad that are transferred to the United States as described in subparagraph (B) of that paragraph.

''(4) The Administrator may, in the agreement under paragraph (1), predicate the transfer of these functions and duties on any conditions the Administrator deems necessary and prudent.''.

**SEC. 305. FOREIGN AVIATION SERVICES AUTHORITY.**

Section 45301(a)(2) is amended to read as follows:

''(2) Services provided to a foreign government or to any entity obtaining services outside the United States other than—

''(A) air traffic control services; and

''(B) fees for production-certification-related service pertaining to aeronautical products manufactured outside the United States.''.

**SEC. 306. FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS; TECHNICAL AMENDMENTS TO PILOT RECORDS IMPROVEMENT ACT.**

Section 44936 is amended—

(1) by striking ''subparagraph (C))'' in subsection (a)(1)(B) and inserting ''subparagraph (C), or in the case of passenger, baggage, or property screening at airports, the Administrator decides it is necessary to ensure air transportation security)'';

(2) by striking ''individual'' in subsection (f)(1)(B)(ii) and inserting ''individual's performance as a pilot''; and

(3) by inserting ''or from a foreign government or entity that employed the individual,'' in subsection (f)(14)(B) after ''exists,''.

**SEC. 307. EXTENSION OF AVIATION INSURANCE PROGRAM.**

Section 44310 is amended by striking ''August 6, 1999.'' and inserting ''December 31, 2003.''.

**SEC. 308. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.**

Section 46301 is amended—

(1) by striking ''46302, 46303, or'' in subsection (a)(1)(A);

(2) by striking ''an individual'' the first time it appears in subsection (d)(7)(A) and inserting ''a person''; and

(3) by inserting ''or the Administrator'' in subsection (g) after ''Secretary''.

**SEC. 309. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.**

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

**''§ 46317. Criminal penalty for pilots operating in air transportation without an airman's certificate**

''(a) APPLICATION.—This section applies only to aircraft used to provide air transportation.

''(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 3 years, or both, if that individual—

''(1) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity; or

''(2) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

''(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

''(1) In this subsection, the term 'controlled substance' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

''(2) An individual violating subsection (b) shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

''(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

''(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

''(3) A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

''46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.''.

**SEC. 310. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.**

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

**''§ 41717. Interline agreements for domestic transportation**

''(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.

''(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41717. Interline agreements for domestic transportation.''.

**SEC. 311. REVIEW PROCESS FOR EMERGENCY ORDERS UNDER SECTION 44709.**

Section 44709(e) is amended to read as follows:

''(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

''(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d) of this section, the order of the Administrator is stayed.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

''(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may request a review by the Board, under procedures promulgated by the Board, on the issues of the appeal that are related to the existence of an emergency. Any such review shall be requested within 48 hours after the order becomes effective. If the Administrator is unable to demonstrate to the Board that an emergency exists that requires the immediate application of the order in the interest of safety in air commerce and air transportation, the order shall, notwithstanding paragraph (2), be stayed. The Board shall dispose of a review request under this paragraph within 5 days after it is filed.

''(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) within 60 days after the appeal is filed.''.

## TITLE IV—MISCELLANEOUS

**SEC. 401. OVERSIGHT OF FAA RESPONSE TO YEAR 2000 PROBLEM.**

The Administrator of the Federal Aviation Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure every 3 months through December 31, 2000, in oral or written form, on electronic data processing problems associated with the year 2000 within the Administration.

**SEC. 402. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINE.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require by regulation that, not later than December 31, 2002, collision avoidance equipment be installed on each cargo airplane with a maximum certificated takeoff weight in excess of 15,000 kilograms.

(b) EXTENSION.—The Administrator may extend the deadline imposed by subsection (a) for not more than 2 years if the Administrator finds that the extension is needed to promote—

(1) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

(2) other safety or public interest objectives.

(c) COLLISION AVOIDANCE EQUIPMENT.—For purposes of this section, the term ''collision avoidance equipment'' means TCAS II equipment (as defined by the Administrator), or any other similar system approved by the Administrator for collision avoidance purposes.

**SEC. 403. RUNWAY SAFETY AREAS; PRECISION APPROACH PATH INDICATORS.**

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall solicit comments on the need for—

(1) the improvement of runway safety areas; and

(2) the installation of precision approach path indicators.

**SEC. 404. AIRPLANE EMERGENCY LOCATORS.**

(a) REQUIREMENT.—Section 44712(b) is amended to read as follows:

''(b) NONAPPLICATION.—Subsection (a) does not apply to aircraft when used in—

''(1) scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(2) training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(3) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(4) showing compliance with regulations, exhibition, or air racing; or

''(5) the aerial application of a substance for an agricultural purpose.''.

(b) COMPLIANCE.—Section 44712 is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

''(c) COMPLIANCE.—An aircraft is deemed to meet the requirement of subsection (a) if it

is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency, or with other equipment approved by the Secretary for meeting the requirement of subsection (a).''.

(c) EFFECTIVE DATE; REGULATIONS.—

(1) REGULATIONS.—The Secretary of Transportation shall promulgate regulations under section 44712(b) of title 49, United States Code, as amended by this section not later than January 1, 2002.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

**SEC. 405. COUNTERFEIT AIRCRAFT PARTS.**

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end thereof the following:

**''§ 44725. Denial and revocation of certificate for counterfeit parts violations**

''(a) DENIAL OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2) of this section, the Administrator may not issue a certificate under this chapter to any person—

''(A) convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

''(b) REVOCATION OF CERTIFICATE.—

''(1) IN GENERAL.—Except as provided in subsections (f) and (g) of this section, the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate, or an individual who has a controlling or ownership interest in the holder—

''(A) was convicted of a violation of a law of the United States or of a State relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material; or

''(B) knowingly carried out or facilitated an activity punishable under such a law.

''(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1) of this subsection, the Administrator may not review whether a person violated such a law.

''(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

''(1) advise the holder of the certificate of the reason for the revocation; and

''(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

''(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to such an appeal, 'person' shall be substituted for 'individual' each place it appears.

''(e) AQUITTAL OR REVERSAL.—

''(1) IN GENERAL.—The Administrator may not revoke, and the Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) of this section if the holder of the certificate, or the individual, is acquitted of all charges related to the violation.

''(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

''(A) the former holder otherwise satisfies the requirements of this chapter for the certificate;

''(B) the former holder, or individual, is acquitted of all charges related to the violation on which the revocation was based; or

''(C) the conviction of the former holder, or individual, of the violation on which the revocation was based is reversed.

''(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) of this section if—

''(1) a law enforcement official of the United States Government, or of a State (with respect to violations of State law), requests a waiver; and

''(2) the waiver will facilitate law enforcement efforts.

''(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

''(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section, or knowingly carried out or facilitated an activity punishable under such a law; and

''(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 447 is amended by adding at the end thereof the following:

''44725. Denial and revocation of certificate for counterfeit parts violations''.

(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is amended by adding at the end thereof the following:

''(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART DEALERS.—No person subject to this chapter may employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted of a violation of any Federal or State law relating to the installation, production, repair, or sale of a counterfeit or falsely-represented aviation part or material.''.

**SEC. 406. FAA MAY FINE UNRULY PASSENGERS.**

(a) IN GENERAL.—Chapter 463 (as amended by section 309) is amended by adding at the end thereof the following:

**''§ 46318. Interference with cabin or flight crew**

''(a) IN GENERAL.—An individual who interferes with the duties or responsibilities of the flight crew or cabin crew of a civil aircraft, or who poses an imminent threat to the safety of the aircraft or other individuals on the aircraft, is liable to the United States Government for a civil penalty of not more than $10,000, which shall be paid to the Federal Aviation Administration and deposited in the account established by section 45303(c).

''(b) COMPROMISE AND SETOFF.—

''(1) The Secretary of Transportation or the Administrator may compromise the amount of a civil penalty imposed under subsection (a).

''(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual liable for the penalty.''.

(b) CONFORMING CHANGE.—The chapter analysis for chapter 463 is amended by adding at the end thereof the following:

''46318. Interference with cabin or flight crew.''.

**SEC. 407. HIGHER STANDARDS FOR HANDICAPPED ACCESS.**

(a) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—The Secretary of Transportation shall work with appropriate international organizations and the aviation authorities of other nations to bring about their establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with domestic air carriers.

(b) INVESTIGATION OF ALL COMPLAINTS REQUIRED.—Section 41705 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In providing'';

(2) by striking ''carrier'' and inserting ''carrier, including any foreign air carrier doing business in the United States,''; and

(3) by adding at the end thereof the following:

''(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—Each separate act of discrimination prohibited by subsection (a) constitutes a separate violation of that subsection.

''(c) INVESTIGATION OF COMPLAINTS.—

''(1) IN GENERAL.—The Secretary or a person designated by the Secretary shall investigate each complaint of a violation of subsection (a).

''(2) PUBLICATION OF DATA.—The Secretary or a person designated by the Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

''(3) EMPLOYMENT.—The Secretary is authorized to employ personnel necessary to enforce this section.

''(4) REVIEW AND REPORT.—The Secretary or a person designated by the Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability, and report annually to Congress on the results of such review.

''(5) TECHNICAL ASSISTANCE.—Not later than 180 days after enactment of the Air Transportation and Improvement Act, the Secretary shall—

''(A) implement a plan, in consultation with the Department of Justice, United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities of this section; and

''(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or duties under this section.''.

(c) INCREASED CIVIL PENALTIES.—Section 46301(a) is amended—

(1) by inserting ''41705,'' after ''41704,'' in paragraph (1)(A); and

(2) by adding at the end thereof the following:

''(7) VIOLATION OF SECTION 41705.—

''(A) CREDIT; VOUCHER; CIVIL PENALTY.—Unless an individual accepts a credit or voucher for the purchase of a ticket on an air carrier or any affiliated air carrier for a violation of subsection (a) in an amount (determined by the Secretary) of—

''(i) not less than $500 and not more than $2,500 for the first violation; or

''(ii) not less than $2,500 and not more than $5,000 for any subsequent violation,

then that air carrier is liable to the United States Government for a civil penalty, determined by the Secretary, of not more than 100 percent of the amount of the credit or voucher so determined.

''(B) REMEDY NOT EXCLUSIVE.—Nothing in subparagraph (A) precludes or affects the right of persons with disabilities to file private rights of action under section 41705 or

to limit claims for compensatory or punitive damages asserted in such cases.

''(C) ATTORNEY'S FEES.—In addition to the penalty provided by subparagraph (A), an individual who—

''(i) brings a civil action against an air carrier to enforce this section; and

''(ii) who is awarded damages by the court in which the action is brought,

may be awarded reasonable attorneys' fees and costs of litigation reasonably incurred in bringing the action if the court deems it appropriate.''.

**SEC. 408. CONVEYANCES OF UNITED STATES GOVERNMENT LAND.**

(a) IN GENERAL.—Section 47125(a) is amended to read as follows:

''(a) CONVEYANCES TO PUBLIC AGENCIES.—

''(1) REQUEST FOR CONVEYANCE.—Except as provided in subsection (b) of this section, the Secretary of Transportation—

''(A) shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems; and

''(B) may request the head of such a department, agency, or instrumentality to convey a property interest in the land or airspace to such a public agency for a use that will complement, facilitate, or augment airport development, including the development of additional revenue from both aviation and nonaviation sources.

''(2) RESPONSE TO REQUEST FOR CERTAIN CONVEYANCES.—Within 4 months after receiving a request from the Secretary under paragraph (1), the head of the department, agency, or instrumentality shall—

''(A) decide whether the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(B) notify the Secretary of the decision; and

''(C) make the requested conveyance if—

''(i) the requested conveyance is consistent with the needs of the department, agency, or instrumentality;

''(ii) the Attorney General approves the conveyance; and

''(iii) the conveyance can be made without cost to the United States Government.

''(3) REVERSION.—Except as provided in subsection (b), a conveyance under this subsection may only be made on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance.''.

(b) RELEASE OF CERTAIN CONDITIONS.—Section 47125 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting the following after subsection (a):

''(b) RELEASE OF CERTAIN CONDITIONS.—The Secretary may grant a release from any term, condition, reservation, or restriction contained in any conveyance executed under this section, section 16 of the Federal Airport Act, section 23 of the Airport and Airway Development Act of 1970, or section 516 of the Airport and Airway Improvement Act of 1982, to facilitate the development of additional revenue from aeronautical and nonaeronautical sources if the Secretary—

''(1) determines that the property is no longer needed for aeronautical purposes;

''(2) determines that the property will be used solely to generate revenue for the public airport;

''(3) provides preliminary notice to the head of the department, agency, or instrumentality that conveyed the property interest at least 30 days before executing the release;

''(4) provides notice to the public of the requested release;

''(5) includes in the release a written justification for the release of the property; and

''(6) determines that release of the property will advance civil aviation in the United States.''.

(c) EFFECTIVE DATE.—Section 47125(b) of title 49, United States Code, as added by subsection (b) of this section, applies to property interests conveyed before, on, or after the date of enactment of this Act.

(d) IDITAROD AREA SCHOOL DISTRICT.—Notwithstanding any other provision of law (including section 47125 of title 49, United States Code, as amended by this section), the Administrator of the Federal Aviation Administration, or the Administrator of the General Services Administration, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

**SEC. 409. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.**

Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from enforcement actions for violations of the Federal Aviation Regulations other than criminal or deliberate acts that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.

**SEC. 410. WIDE AREA AUGMENTATION SYSTEM.**

(a) PLAN.—The Administrator of the Federal Aviation Administration shall identify or develop a plan to implement WAAS to provide navigation and landing approach capabilities for civilian use and make a determination as to whether a backup system is necessary. Until the Administrator determines that WAAS is the sole means of navigation, the Administrator shall continue to develop and maintain a backup system.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Administrator shall—

(1) report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on the plan developed under subsection (a);

(2) submit a timetable for implementing WAAS; and

(3) make a determination as to whether WAAS will ultimately become a primary or sole means of navigation and landing approach capabilities.

(c) WAAS DEFINED.—For purposes of this section, the term ''WAAS'' means wide area augmentation system.

(d) FUNDING AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

**SEC. 411. REGULATION OF ALASKA GUIDE PILOTS.**

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described in subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term ''letter of authorization'' means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term ''Alaska guide pilot'' means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services, or uses air transport to enable guided clients to reach hunting or fishing locations.

**SEC. 412. ALASKA RURAL AVIATION IMPROVEMENT.**

(a) APPLICATION OF FAA REGULATIONS.—Section 40113 is amended by adding at the end thereof the following:

''(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.''.

(b) AVIATION CLOSED CIRCUIT TELEVISION.—The Administrator of the Federal Aviation Administration, in consultation with commercial and general aviation pilots, shall install closed circuit weather surveillance equipment at not fewer that 15 rural airports in Alaska and provide for the dissemination of information derived from such equipment to pilots for pre-flight planning purposes and en route purposes, including through the dissemination of such information to pilots by flight service stations. There are authorized to be appropriated $2,000,000 for the purposes of this subsection.

(c) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator of the Federal Aviation Administration and the Assistant Administrator of the National Weather Service, in

consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall develop and implement a ''mike-in-hand'' weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

(d) RURAL IFR COMPLIANCE.—There are authorized to be appropriated $4,000,000 to the Administrator for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

**SEC. 413. HUMAN FACTORS PROGRAM.**

(a) IN GENERAL.—Chapter 445 is amended by adding at the end thereof the following:

**''§ 44516. Human factors program**

''(a) REPORT.—The Administrator of the Federal Aviation Administration shall report within 1 year after the date of enactment of the Air Transportation Improvement Act to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of the Administration's efforts to encourage the adoption and implementation of Advanced Qualification Programs for air carriers under this section.

''(b) HUMAN FACTORS TRAINING.—

''(1) AIR TRAFFIC CONTROLLERS.—The Administrator shall—

''(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

''(B) respond to the recommendations made by the National Research Council.

''(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with the aviation industry to develop specific training curricula to address critical safety problems, including problems of pilots—

''(A) in recovering from loss of control of the aircraft, including handling unusual attitudes and mechanical malfunctions;

''(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

''(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

''(D) in landing and approaches, including nonprecision approaches and go-around procedures.

''(c) ACCIDENT INVESTIGATIONS.—The Administrator, working with the National Transportation Safety Board and representatives of the aviation industry, shall establish a process to assess human factors training as part of accident and incident investigations.

''(d) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with United States air carriers to use model Jeppesen approach plates or other similar tools to improve nonprecision landing approaches for aircraft.

''(e) ADVANCED QUALIFICATION PROGRAM DEFINED.—For purposes of this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of Parts 121 and 135 of title 14, Code of Federal Regulations.''.

(b) AUTOMATION AND ASSOCIATED TRAINING.—The Administrator of the Federal Aviation Administration shall complete the Administration's updating of training practices for flight deck automation and associated training requirements within 12 months after the date of enactment of this Act.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by adding at the end thereof the following:

''44516. Human factors program.''.

**SEC. 414. INDEPENDENT VALIDATION OF FAA COSTS AND ALLOCATIONS.**

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall initiate the analyses described in paragraph (2). In conducting the analyses, the Inspector General shall ensure that the analyses are carried out by 1 or more entities that are independent of the Federal Aviation Administration. The Inspector General may use the staff and resources of the Inspector General or may contract with independent entities to conduct the analyses.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—To ensure that the method for capturing and distributing the overall costs of the Federal Aviation Administration is appropriate and reasonable, the Inspector General shall conduct an assessment that includes the following:

(A)(i) Validation of Federal Aviation Administration cost input data, including an audit of the reliability of Federal Aviation Administration source documents and the integrity and reliability of the Federal Aviation Administration's data collection process.

(ii) An assessment of the reliability of the Federal Aviation Administration's system for tracking assets.

(iii) An assessment of the reasonableness of the Federal Aviation Administration's bases for establishing asset values and depreciation rates.

(iv) An assessment of the Federal Aviation Administration's system of internal controls for ensuring the consistency and reliability of reported data to begin immediately after full operational capability of the cost accounting system.

(B) A review and validation of the Federal Aviation Administration's definition of the services to which the Federal Aviation Administration ultimately attributes its costs, and the methods used to identify direct costs associated with the services.

(C) An assessment and validation of the general cost pools used by the Federal Aviation Administration, including the rationale for and reliability of the bases on which the Federal Aviation Administration proposes to allocate costs of services to users and the integrity of the cost pools as well as any other factors considered important by the Inspector General. Appropriate statistical tests shall be performed to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Federal Aviation Administration.

(b) DEADLINE.—The independent analyses described in this section shall be completed no later than 270 days after the contracts are awarded to the outside independent contractors. The Inspector General shall submit a final report combining the analyses done by its staff with those of the outside independent contractors to the Secretary of Transportation, the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The final report shall be submitted by the Inspector General not later than 300 days after the award of contracts.

(c) FUNDING.—There are authorized to be appropriated such sums as may be necessary for the cost of the contracted audit services authorized by this section.

**SEC. 415. APPLICATION OF FEDERAL PROCUREMENT POLICY ACT.**

Section 348 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (49 U.S.C. 40110 nt) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) CERTAIN PROVISIONS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Notwithstanding subsection (b)(2), section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall apply to the new acquisition management system developed and implemented under subsection (a) with the following modifications:

''(1) Subsections (f) and (g) shall not apply.

''(2) Within 90 days after the date of enactment of the Air Transportation Improvement Act, the Administrator of the Federal Aviation Administration shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

''(3) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act apply to the acquisition management system.

''(4) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act in accordance with the procedures contained in the Administration's personnel management system.''.

**SEC. 416. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.**

The Administrator of the Federal Aviation Administration shall report to the Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

**SEC. 417. REPORT ON AIR TRANSPORTATION OVERSIGHT SYSTEM.**

Beginning in calendar year 2000, the Administrator of the Federal Aviation Administration shall report biannually to the Congress on the air transportation oversight system program announced by the Administration on May 13, 1998, in detail on the training of inspectors, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

**SEC. 418. RECYCLING OF EIS.**

Notwithstanding any other provision of law to the contrary, the Secretary of Transportation may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for a new airport construction project on the air operations area, that is substantially similar in nature to one previously constructed pursuant to the completed environmental assessment or environmental impact study in order to avoid unnecessary duplication of expense and effort, and any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

**SEC. 419. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.**

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

**''§ 42121. Protection of employees providing air safety information**

''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

''(3) testified or will testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—

''(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

''(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

''(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

''(i) filing of the complaint;

''(ii) allegations contained in the complaint;

''(iii) substance of evidence supporting the complaint; and

''(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—

''(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

''(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

''(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

''(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—

''(i) IN GENERAL.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

''(I) provides relief in accordance with this paragraph; or

''(II) denies the complaint.

''(ii) SETTLEMENT AGREEMENT.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

''(i) take action to abate the violation;

''(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

''(iii) provide compensatory damages to the complainant.

''(C) COSTS OF COMPLAINT.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

''(4) FRIVOLOUS COMPLAINTS.—Rule 11 of the Federal Rules of Civil Procedure applies to any complaint brought under this section that the Secretary finds to be frivolous or to have been brought in bad faith.

''(5) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—

''(i) IN GENERAL.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

''(ii) REQUIREMENTS FOR JUDICIAL REVIEW.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

''(A) IN GENERAL.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

''(B) RELIEF.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

''(7) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

''(B) ATTORNEY FEES.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately

causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.''.

(b) INVESTIGATIONS AND ENFORCEMENT.—Section 347(b)(1) of Public Law 104–50 (49 U.S.C. 106, note) is amended by striking ''protection;'' and inserting ''protection, including the provisions for investigations and enforcement as provided in chapter 12 of title 5, United States Code;''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 421 is amended by adding at the end the following:

''SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

''42121. Protection of employees providing air safety information.''.

(d) CIVIL PENALTY.—Section 46301(a)(1)(A) is amended by striking ''subchapter II of chapter 421,'' and inserting ''subchapter II or III of chapter 421,''.

**SEC. 420. IMPROVEMENTS TO AIR NAVIGATION FACILITIES.**

Section 44502(a) is amended by adding at the end thereof the following:

''(5) The Administrator may improve real property leased for air navigation facilities without regard to the costs of the improvements in relation to the cost of the lease if—

''(A) the improvements primarily benefit the government;

''(B) are essential for mission accomplishment; and

''(C) the government's interest in the improvements is protected.''.

**SEC. 421. DENIAL OF AIRPORT ACCESS TO CERTAIN AIR CARRIERS.**

Section 47107 is amended by adding at the end thereof the following:

''(q) DENIAL OF ACCESS.—

''(1) EFFECT OF DENIAL.—If an owner or operator of an airport described in paragraph (2) denies access to an air carrier described in paragraph (3), that denial shall not be considered to be unreasonable or unjust discrimination or a violation of this section.

''(2) AIRPORTS TO WHICH SUBSECTION APPLIES.—An airport is described in this paragraph if it—

''(A) is designated as a reliever airport by the Administrator of the Federal Aviation Administration;

''(B) does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations); and

''(C) is located within a 35-mile radius of an airport that has—

''(i) at least 0.05 percent of the total annual boardings in the United States; and

''(ii) current gate capacity to handle the demands of a public charter operation.

''(3) AIR CARRIERS DESCRIBED.—An air carrier is described in this paragraph if it conducts operations as a public charter under part 380 of title 14, Code of Federal Regulations (or any subsequent similar regulations) with aircraft that is designed to carry more than 9 passengers per flight.

''(4) DEFINITIONS.—In this subsection:

''(A) AIR CARRIER; AIR TRANSPORTATION; AIRCRAFT; AIRPORT.—The terms 'air carrier', 'air transportation', 'aircraft', and 'airport' have the meanings given those terms in section 40102 of this title.

''(B) PUBLIC CHARTER.—The term 'public charter' means charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights.''.

**SEC. 422. TOURISM.**

(a) FINDINGS.—Congress finds that—

(1) through an effective public-private partnership, Federal, State, and local governments and the travel and tourism industry can successfully market the United States as the premiere international tourist destination in the world;

(2) in 1997, the travel and tourism industry made a substantial contribution to the health of the Nation's economy, as follows:

(A) The industry is one of the Nation's largest employers, directly employing 7,000,000 Americans, throughout every region of the country, heavily concentrated among small businesses, and indirectly employing an additional 9,200,000 Americans, for a total of 16,200,000 jobs.

(B) The industry ranks as the first, second, or third largest employer in 32 States and the District of Columbia, generating a total tourism-related annual payroll of $127,900,000,000.

(C) The industry has become the Nation's third-largest retail sales industry, generating a total of $489,000,000,000 in total expenditures.

(D) The industry generated $71,700,000,000 in tax revenues for Federal, State, and local governments;

(3) the more than $98,000,000,000 spent by foreign visitors in the United States in 1997 generated a trade services surplus of more than $26,000,000,000;

(4) the private sector, States, and cities currently spend more than $1,000,000,000 annually to promote particular destinations within the United States to international visitors;

(5) because other nations are spending hundreds of millions of dollars annually to promote the visits of international tourists to their countries, the United States will miss a major marketing opportunity if it fails to aggressively compete for an increased share of international tourism expenditures as they continue to increase over the next decade;

(6) a well-funded, well-coordinated international marketing effort—combined with additional public and private sector efforts—would help small and large businesses, as well as State and local governments, share in the anticipated phenomenal growth of the international travel and tourism market in the 21st century;

(7) by making permanent the successful visa waiver pilot program, Congress can facilitate the increased flow of international visitors to the United States;

(8) Congress can increase the opportunities for attracting international visitors and enhancing their stay in the United States by—

(A) improving international signage at airports, seaports, land border crossings, highways, and bus, train, and other public transit stations in the United States;

(B) increasing the availability of multilingual tourist information; and

(C) creating a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency;

(9) by establishing a satellite system of accounting for travel and tourism, the Secretary of Commerce could provide Congress and the President with objective, thorough data that would help policymakers more accurately gauge the size and scope of the domestic travel and tourism industry and its significant impact on the health of the Nation's economy; and

(10) having established the United States National Tourism Organization under the United States National Tourism Organization Act of 1996 (22 U.S.C. 2141 et seq.) to increase the United States share of the international tourism market by developing a national travel and tourism strategy, Congress should support a long-term marketing effort and other important regulatory reform initiatives to promote increased travel to the United States for the benefit of every sector of the economy.

(b) PURPOSES.—The purposes of this section are to provide international visitor initiatives and an international marketing program to enable the United States travel and tourism industry and every level of government to benefit from a successful effort to make the United States the premiere travel destination in the world.

(c) INTERNATIONAL VISITOR ASSISTANCE TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Commerce shall establish an Intergovernmental Task Force for International Visitor Assistance (hereafter in this subsection referred to as the ''Task Force'').

(2) DUTIES.—The Task Force shall examine—

(A) signage at facilities in the United States, including airports, seaports, land border crossings, highways, and bus, train, and other public transit stations, and shall identify existing inadequacies and suggest solutions for such inadequacies, such as the adoption of uniform standards on international signage for use throughout the United States in order to facilitate international visitors' travel in the United States;

(B) the availability of multilingual travel and tourism information and means of disseminating, at no or minimal cost to the Government, of such information; and

(C) facilitating the establishment of a toll-free, private-sector operated, telephone number, staffed by multilingual operators, to provide assistance to international tourists coping with an emergency.

(3) MEMBERSHIP.—The Task Force shall be composed of the following members:

(A) The Secretary of Commerce.

(B) The Secretary of State.

(C) The Secretary of Transportation.

(D) The Chair of the Board of Directors of the United States National Tourism Organization.

(E) Such other representatives of other Federal agencies and private-sector entities as may be determined to be appropriate to the mission of the Task Force by the Chairman.

(4) CHAIRMAN.—The Secretary of Commerce shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

(5) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Task Force shall submit to the President and to Congress a report on the results of the review, including proposed amendments to existing laws or regulations as may be appropriate to implement such recommendations.

(d) TRAVEL AND TOURISM INDUSTRY SATELLITE SYSTEM OF ACCOUNTING.—

(1) IN GENERAL.—The Secretary of Commerce shall complete, as soon as may be practicable, a satellite system of accounting for the travel and tourism industry.

(2) FUNDING.—To the extent any costs or expenditures are incurred under this subsection, they shall be covered to the extent funds are available to the Department of Commerce for such purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary for the purpose of funding international promotional activities by the United States National

Tourism Organization to help brand, position, and promote the United States as the premiere travel and tourism destination in the world.

(2) RESTRICTIONS ON USE OF FUNDS.—None of the funds appropriated under paragraph (1) may be used for purposes other than marketing, research, outreach, or any other activity designed to promote the United States as the premiere travel and tourism destination in the world, except that the general and administrative expenses of operating the United States National Tourism Organization shall be borne by the private sector through such means as the Board of Directors of the Organization shall determine.

(3) REPORT TO CONGRESS.—Not later than March 30 of each year in which funds are made available under subsection (a), the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a detailed report setting forth—

(A) the manner in which appropriated funds were expended;

(B) changes in the United States market share of international tourism in general and as measured against specific countries and regions;

(C) an analysis of the impact of international tourism on the United States economy, including, as specifically as practicable, an analysis of the impact of expenditures made pursuant to this section;

(D) an analysis of the impact of international tourism on the United States trade balance and, as specifically as practicable, an analysis of the impact on the trade balance of expenditures made pursuant to this section; and

(E) an analysis of other relevant economic impacts as a result of expenditures made pursuant to this section.

**SEC. 423. SENSE OF THE SENATE ON PROPERTY TAXES ON PUBLIC-USE AIRPORTS.**

It is the sense of the Senate that—

(1) property taxes on public-use airports should be assessed fairly and equitably, regardless of the location of the owner of the airport; and

(2) the property tax recently assessed on the City of The Dalles, Oregon, as the owner and operator of the Columbia Gorge Regional/The Dalles Municipal Airport, located in the State of Washington, should be repealed.

**SEC. 424. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.**

(a) APPLICABILITY OF MERIT SYSTEMS PROTECTION BOARD PROVISIONS.—Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following:

''(8) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.''.

(b) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Section 347(c) of the Department of Transportation and Related Agencies Appropriations Act, 1996 is amended to read as follows:

''(c) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under subsection (a), an employee of the Federal Aviation Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.''.

**SEC. 425. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.**

(a) AUTHORITY.—

(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning March 1, 1999, and ending on September 30, 2002, sell aircraft and aircraft parts referred to in paragraph (2) to a person or entity that provides oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(2) The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) shall have as their primary purpose usage for oil spill spotting, observation, and dispersant delivery and may not have any secondary purpose that would interfere with oil spill response efforts under an oil spill response plan;

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, for immediate response efforts for an oil spill outside United States waters that has the potential to threaten United States waters, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air, and that the overall system to be employed by that person or entity for the delivery and application of oil spill dispersants has been sufficiently tested to ensure that the person or entity is capable of being included in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(d) REGULATIONS.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Transportation and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end-users in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

(h) PROCEEDS FROM SALE.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

**SEC 426. AIRCRAFT AND AVIATION COMPONENT REPAIR AND MAINTENANCE ADVISORY PANEL.**

(a) ESTABLISHMENT OF PANEL.—The Administrator of the Federal Aviation Administration—

(1) shall establish an Aircraft Repair and Maintenance Advisory Panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to improve the safety of domestic or foreign contract aircraft and aviation component repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 8 members, appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft and aviation component repair stations;

(E) 1 representative of aircraft manufacturers; and

(F) 1 representative of the aviation industry not described in the preceding subparagraphs;

(2) 1 representative from the Department of Transportation, designated by the Secretary of Transportation;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine how much aircraft and aviation component repair work and what type of aircraft and aviation component repair

work is being performed by aircraft and aviation component repair stations located within, and outside of, the United States to better understand and analyze methods to improve the safety and oversight of such facilities; and

(2) provide advice and counsel to the Administrator with respect to aircraft and aviation component repair work performed by those stations, staffing needs, and any safety issues associated with that work.

(d) FAA TO REQUEST INFORMATION FROM FOREIGN AIRCRAFT REPAIR STATIONS.—

(1) COLLECTION OF INFORMATION.—The Administrator shall by regulation request aircraft and aviation component repair stations located outside the United States to submit such information as the Administrator may require in order to assess safety issues and enforcement actions with respect to the work performed at those stations on aircraft used by United States air carriers.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Administrator requests under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at such stations, if applicable.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Administrator requests under paragraph (1) shall be information on the amount and type of aircraft and aviation component repair work performed at those stations on aircraft registered in the United States.

(e) FAA TO REQUEST INFORMATION ABOUT DOMESTIC AIRCRAFT REPAIR STATIONS.—If the Administrator determines that information on the volume of the use of domestic aircraft and aviation component repair stations is needed in order to better utilize Federal Aviation Administration resources, the Administrator may—

(1) require United States air carriers to submit the information described in subsection (d) with respect to their use of contract and noncontract aircraft and aviation component repair facilities located in the United States; and

(2) obtain information from such stations about work performed for foreign air carriers.

(f) FAA TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Administrator shall make any information received under subsection (d) or (e) available to the public.

(g) TERMINATION.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2000.

(h) ANNUAL REPORT TO CONGRESS.—The Administrator shall report annually to the Congress on the number and location of air agency certificates that were revoked, suspended, or not renewed during the preceding year.

(i) DEFINITIONS.—Any term used in this section that is defined in subtitle VII of title 49, United States Code, has the meaning given that term in that subtitle.

**SEC. 427. AIRCRAFT SITUATIONAL DISPLAY DATA.**

(a) IN GENERAL.—A memorandum of agreement between the Administrator of the Federal Aviation Administration and any person that directly obtains aircraft situational display data from the Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that such person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—The Administrator shall conform any memoranda of agreement, in effect on the date of enactment of this Act, between the Administration and a person under which that person obtains such data to incorporate the requirements of subsection (a) within 30 days after that date.

**SEC. 428. ALLOCATION OF TRUST FUND FUNDING.**

(a) DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term ''Airport and Airway Trust Fund'' means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(3) STATE.—The term ''State'' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term ''State dollar contribution to the Airport and Airway Trust Fund'', with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(b) REPORTING.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the preceding fiscal year that were transferred to the Airport and Airway Trust Fund.

(2) REPORT BY SECRETARY.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to Congress a report that provides, for each State, for the preceding fiscal year—

(A) the State dollar contribution to the Airport and Airway Trust Fund; and

(B) the amount of funds (from funds made available under section 48103 of title 49, United States Code) that were made available to the State (including any political subdivision thereof) under chapter 471 of title 49, United States Code.

**SEC. 429. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.**

Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level.

**SEC. 430. AIRLINE MARKETING DISCLOSURE.**

(a) DEFINITIONS.—In this section:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102 of title 49, United States Code.

(b) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate final regulations to provide for improved oral and written disclosure to each consumer of air transportation concerning the corporate name of the air carrier that provides the air transportation purchased by that consumer. In issuing the regulations issued under this subsection, the Secretary shall take into account the proposed regulations issued by the Secretary on January 17, 1995, published at page 3359, volume 60, Federal Register.

**SEC. 431. COMPENSATION UNDER THE DEATH ON THE HIGH SEAS ACT.**

(a) IN GENERAL.—Section 2 of the Death on the High Seas Act (46 U.S.C. App. 762) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The recovery''; and

(2) by adding at the end thereof the following:

''(b) COMMERCIAL AVIATION.—

''(1) IN GENERAL.—If the death was caused during commercial aviation, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

''(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

''(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death caused during commercial aviation occurring after July 16, 1996.

**SEC. 432. FAA STUDY OF BREATHING HOODS.**

The Administrator shall study whether breathing hoods currently available for use by flight crews when smoke is detected are adequate and report the results of that study to the Congress within 120 days after the date of enactment of this Act.

**SEC. 433. FAA STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.**

The Administrator of the Federal Aviation Administration shall study the need for an alternative power source for on-board flight data recorders and cockpit voice recorders and shall report the results of that study to the Congress within 120 days after the date of enactment of this Act. If, within that time, the Administrator determines, after consultation with the National Transportation Safety Board that the Board is preparing recommendations with respect to this subject matter and will issue those recommendations within a reasonable period of time, the Administrator shall report to the Congress the Administrator's comments on the Board's recommendations rather than conducting a separate study.

**SEC. 434. PASSENGER FACILITY FEE LETTERS OF INTENT.**

The Secretary of Transportation may not require an eligible agency (as defined in section 40117(a)(2) of title 49, United States Code), to impose a passenger facility fee (as defined in section 40117(a)(4) of that title) in order to obtain a letter of intent under section 47110 of that title.

**SEC. 435. ELIMINATION OF HAZMAT ENFORCEMENT BACKLOG.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The transportation of hazardous materials continues to present a serious aviation safety problem which poses a potential threat to health and safety, and can result in evacuations, emergency landings, fires, injuries, and deaths.

(2) Although the Federal Aviation Administration budget for hazardous materials inspection increased $10,500,000 in fiscal year 1998, the General Accounting Office has reported that the backlog of hazardous materials enforcement cases has increased from 6 to 18 months.

(b) ELIMINATION OF HAZARDOUS MATERIALS ENFORCEMENT BACKLOG.—The Administrator of the Federal Aviation Administration shall—

(1) make the elimination of the backlog in hazardous materials enforcement cases a priority;

(2) seek to eliminate the backlog within 6 months after the date of enactment of this Act; and

(3) make every effort to ensure that inspection and enforcement of hazardous materials laws are carried out in a consistent manner among all geographic regions, and that appropriate fines and penalties are imposed in a timely manner for violations.

(c) INFORMATION REGARDING PROGRESS.—The Administrator shall provide information in oral or written form to the Committee on Commerce, Science, and Transportation, on a quarterly basis beginning 3 months after the date of enactment of this Act for a year, on plans to eliminate the backlog and enforcement activities undertaken to carry out subsection (b).

**SEC. 436. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.**

Nothwithstanding any other provision of law to the contrary, the Administrator of the Federal Aviation Administration may establish a pilot program for fiscal years 2001 through 2004 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities. The Administrator shall establish criteria for the program. The Administrator may enter into no more than 10 leasing contracts under this section, each of which shall be for a period greater than 5 years, under which the equipment or facility operates. The contracts to be evaluated may include requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

**SEC. 437. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEM OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Section 41310 is amended by adding at the end thereof the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN COMPUTER RESERVATION SYSTEM.—The Secretary of Transportation may take any action the Secretary considers to be in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system the principal offices of which are located outside the United States, when the Secretary, on the Secretary's own initiative or in response to a complaint, decides that the activity with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system the principal offices of which are located in the United States; or

''(2) imposes an unjustifiable or unreasonable restriction on access of a computer reservations system the principal offices of which are located in the United States to a foreign market.''.

(b) CONFORMING AMENDMENTS.—Section 41310 is amended—

(1) by striking ''carrier'' in the first sentence of subsection (d)(1) and inserting ''carrier, computer reservations system firm,'';

(2) by striking ''subsection (c)'' in subsection (d)(1) and inserting ''subsection (c) or (g)'';

(3) by inserting ''or computer reservations system firm'' after ''carrier'' in subsection (d)(1)(B); and

(4) by striking ''transportation.'' in subsection (e)(1) and insert ''transportation or to which a computer reservations system firm is subject when providing services with respect to airline service.''.

**SEC. 438. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.**

(a) IN GENERAL.—Section 41706 is amended to read as follows:

**''§ 41706. Prohibitions against smoking on scheduled flights**

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation (referred to in this subsection as the 'Secretary') shall require all air carriers and foreign air carriers to prohibit on and after October 1, 1999, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

''(c) LIMITATION ON APPLICABILITY.—

''(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

''(2) ALTERNATIVE PROHIBITION.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of enactment of this Act.

**SEC. 439. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.**

Section 47118 is amended—

(1) by striking ''12.'' in subsection (a) and inserting ''15.''; and

(2) by striking ''5-fiscal-year periods'' in subsection (d) and inserting ''periods, each not to exceed 5 fiscal years,''.

**SEC. 440. ROLLING STOCK EQUIPMENT.**

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

**''§ 1168. Rolling stock equipment**

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

''(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that

is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

**''§ 1110. Aircraft equipment and vessels**

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

''(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

''(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

**SEC. 441. MONROE REGIONAL AIRPORT LAND CONVEYANCE.**

The Secretary of Transportation may waive all terms contained in the 1949 deed of conveyance under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the City of Monroe, Louisiana, subject to the following conditions:

(1) The city agrees that in conveying any interest in such property the city will receive an amount for such interest that is equal to the fair market value for such interest.

(2) The amount received by the city for such conveyance shall be used by the city—

(A) for the development, improvement, operation, or maintenance of a public airport; or

(B) for the development or improvement of the city's airport industrial park co-located with the Monroe Regional Airport to the extent that such development or improvement will result in an increase, over time, in the amount the industrial park will pay to the airport to an amount that is greater than the amount the city received for such conveyance.

**SEC. 442. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.**

To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the City of Cincinnati's grant obligations, the Secretary of Transportation may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

**SEC. 443. REPORT ON SPECIALTY METALS CONSORTIUM.**

The Administrator of the Federal Aviation Administration may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements. The Administrator shall report to the Congress within 6 months after entering into an agreement with any such consortium of such producers and manufacturers on the goals and efforts of the consortium.

**SEC. 444. PAVEMENT CONDITION.**

The Administrator of the Federal Aviation Administration may conduct a study on the extent of alkali silica reactivity-induced pavement distress in concrete runways, taxiways, and aprons for airports comprising the national air transportation system. If the Administrator conducts such a study, it shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

**SEC. 445. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.**

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

**''§ 47137. Inherently low-emission airport vehicle pilot program**

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(d)).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

''(f) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of the Air Transportation Improvement Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

''(1) an evaluation of the effectiveness of the pilot program;

''(2) an identification of other public-use airports that expressed an interest in participating in the pilot program; and

''(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants to the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

''(g) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

''(1) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations, that—

''(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

''(B) are labeled in accordance with section 88.312–93(c) of such title; and

''(C) are located or primarily used at public-use airports;

''(2) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of non-road vehicles that—

''(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

''(B) meet or exceed the standards set forth in section 86.1708–99 of title 40 of the Code of Federal Regulations, or the standards set forth in section 89.112(a) of such title, and are in compliance with the requirements of section 89.112(b) of such title; and

''(C) are located or primarily used at public-use airports;

''(3) the payment of that portion of the cost of acquiring such vehicles that exceeds the cost of acquiring other vehicles or engines that would be used for the same purpose; or

''(4) the acquisition of technological capital equipment to enable the delivery of fuel and services necessary for the use of vehicles described in paragraph (1).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47137. Inherently low-emission airport vehicle pilot program.''.

**SEC. 446. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

**SEC. 447. AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.**

Section 48101 is further amended by adding at the end the following:

''(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.''.

**SEC. 448. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.**

The Administrator of the Federal Aviation Administration is authorized to develop a national policy and related procedures concerning the Terminal Automated Radar Display and Information System and sequencing for Visual Flight Rule air traffic control towers.

**SEC. 449. COST/BENEFIT ANALYSIS FOR RETROFIT OF 16G SEATS.**

Before the Administrator of the Federal Aviation Administration issues a final rule requiring the air carriers to retrofit existing aircraft with 16G seats, the Administrator shall conduct, in consultation with the Inspector General of the Department of Transportation, a comprehensive analysis of the costs and benefits that would be associated with the issuance of such a final rule.

**SEC. 450. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.**

The Secretary of Transportation may grant a release from any term or condition in a grant agreement for the development or improvement of the Raleigh County Memorial Airport, West Virginia, if the Secretary determines that the property to be released—

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

**SEC. 451. AIRPORT SAFETY NEEDS.**

(a) IN GENERAL.—The Administrator shall conduct a study reviewing current and future airport safety needs that—

(1) focuses specifically on the mission of rescue personnel, rescue operations response time, and extinguishing equipment; and

(2) gives particular consideration to the need for different requirements for airports that are related to the size of the airport and the size of the community immediately surrounding the airport.

(b) REPORT TRANSMITTED TO CONGRESS; DEADLINE.—The Administrator shall transmit a report containing the Administrator's findings and recommendations to the Aviation Subcommittee of the Senate Committee on Commerce, Science, and Transportation and the Aviation Subcommittee of the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act.

(c) COST/BENEFIT ANALYSIS OF PROPOSED CHANGES.—If the Administrator recommends, on the basis of a study conducted under subsection (a), that part 139 of title 14, Code of Federal Regulations, should be revised to meet current and future airport safety needs, the Administrator shall include a cost-benefit analysis of any recommended changes in the report.

**SEC. 452. FLIGHT TRAINING OF INTERNATIONAL STUDENTS.**

The Federal Aviation Administration shall implement a bilateral aviation safety agreement for conversion of flight crew licenses between the government of the United States and the Joint Aviation Authority member governments.

**SEC. 453. GRANT PARISH, LOUISIANA.**

IN GENERAL.—The United States may release, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in Grant Parish, Louisiana, identified as Tracts B, C, and D on the map entitled ''Plat of Restricted Properties/Former Pollock Army Airfield, Pollock, Louisiana'', dated August 1, 1996, to the extent such restrictions, conditions, and limitations are enforceable by the United States, but the United States shall retain the right of access to, and use of, that land for national defense purposes in time of war or national emergency.

(b) MINERAL RIGHTS.—Nothing in subsection (a) affects the ownership or disposition of oil, gas, or other mineral resources associated with land described in subsection (a).

## TITLE V—AVIATION COMPETITION PROMOTION

**SEC. 501. PURPOSE.**

The purpose of this title is to facilitate, through a 4-year pilot program, incentives and projects that will help up to 40 communities or consortia of communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

**SEC. 502. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM.**

Section 102 is amended by adding at the end thereof the following:

''(g) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a 4-year pilot aviation development program to be administered by a program director designated by the Secretary.

''(2) FUNCTIONS.—The program director shall—

''(A) function as a facilitator between small communities and air carriers;

''(B) carry out section 41743 of this title;

''(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

''(D) ensure that the Bureau of Transportation Statistics collects data on passenger

information to assess the service needs of small communities;

''(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

''(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

''(3) REPORTS.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

''(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities;

''(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

''(C) provides policy recommendations to address the policy, economic, geographic, and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.''.

**SEC. 503. COMMUNITY-CARRIER AIR SERVICE PROGRAM.**

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

**''§ 41743. Air service program for small communities**

''(a) COMMUNITIES PROGRAM.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

''(b) SELECTION OF PARTICIPANTS.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

''(1) will promote the development of a national air transportation system; and

''(2) will involve the participation of communities in all regions of the country.

''(c) CARRIERS PROGRAM.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

''(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

''(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

''(3) the costs and benefits of providing jet service by regional or other jet aircraft.

''(d) PROGRAM SUPPORT FUNCTION.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

''(1) may work with communities to develop innovative means and incentives for the initiation of service;

''(2) may obligate funds authorized under section 504 of the Air Transportation Improvement Act to carry out this section;

''(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

''(A) are acceptable to communities and carriers; and

''(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

''(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

''(5) take such other action under this chapter as may be appropriate.

''(e) LIMITATIONS.—

''(1) COMMUNITY SUPPORT.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

''(A) a public-private partnership exists at the community level to carry out the community's proposal;

''(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

''(C) the community has established an open process for soliciting air service proposals; and

''(D) the community will accord similar benefits to air carriers that are similarly situated.

''(2) AMOUNT.—The program director may not obligate more than $80,000,000 of the amounts authorized under 504 of the Air Transportation Improvement Act over the 4 years of the program.

''(3) NUMBER OF PARTICIPANTS.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

''(f) REPORT.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

**''§ 41744. Pilot program project authority**

''(a) IN GENERAL.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 4-year pilot program—

''(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

''(2) to facilitate better air service link-ups to support the improved access.

''(b) PROJECT AUTHORITY.—Under the pilot program established pursuant to subsection (a), the program director may—

''(1) out of amounts authorized under section 504 of the Air Transportation Improvement Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

''(2) take such other action as may be appropriate.

''(c) OTHER ACTION.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

''(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

''(2) collecting data on air carrier service to small communities; and

''(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

''(d) ADDITIONAL ACTION.—Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

**''§ 41745. Assistance to communities for service**

''(a) IN GENERAL.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implemented for not more than—

''(1) 4 communities within any State at any given time; and

''(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

''(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

''(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

''(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

''(3) the pilot project will not impede competition; and

''(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

''(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 4-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 4-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

''(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

''(1) permit the participation of the maximum feasible number of communities and States over a 4-year period by limiting the number of years of participation or otherwise; and

''(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

''(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 4-year period; and

''(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

''(i) viable without further support under this subchapter; or

''(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

''(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

''(f) PROGRAM TO TERMINATE IN 4 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 4 years after the date of enactment of the Air Transportation Improvement Act.

**''§ 41746. Additional authority**

''In carrying out this chapter, the Secretary—

''(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

''(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

''(3) may accord priority to service by jet aircraft;

''(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of title V of the Air Transportation Improvement Act; and

''(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

''41743. Air service program for small communities.
''41744. Pilot program project authority.
''41745. Assistance to communities for service.
''41746. Additional authority.''.

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

''Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.''.

**SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Transportation $80,000,000 to carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000.

**SEC. 505. MARKETING PRACTICES.**

Section 41712 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) by adding at the end thereof the following:

''(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Transportation Improvement Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small- and medium-sized communities, including—

''(1) marketing arrangements between airlines and travel agents;

''(2) code-sharing partnerships;

''(3) computer reservation system displays;

''(4) gate arrangements at airports;

''(5) exclusive dealing arrangements; and

''(6) any other marketing practice that may have the same effect.

''(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary may promulgate regulations that address the problem, or take other appropriate action. Nothing in this section expands the authority or jurisdiction of the Secretary to promulgate regulations under the Federal Aviation Act or under any other Act.''.

**SEC. 506. SLOT EXEMPTIONS FOR NONSTOP REGIONAL JET SERVICE.**

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 310, is amended by adding at the end thereof the following:

**''§ 41718. Slot exemptions for nonstop regional jet service**

''(a) IN GENERAL.—Within 90 days after receiving an application for an exemption to provide nonstop regional jet air service between—

''(1) an airport with fewer than 2,000,000 annual enplanements; and

''(2) a high density airport subject to the exemption authority under section 41714(a),

the Secretary of Transportation shall grant or deny the exemption in accordance with established principles of safety and the promotion of competition.

''(b) EXISTING SLOTS TAKEN INTO ACCOUNT.—In deciding to grant or deny an exemption under subsection (a), the Secretary may take into consideration the slots and slot exemptions already used by the applicant.

''(c) CONDITIONS.—The Secretary may grant an exemption to an air carrier under subsection (a)—

''(1) for a period of not less than 12 months;

''(2) for a minimum of 2 daily roundtrip flights; and

''(3) for a maximum of 3 daily roundtrip flights.

''(d) CHANGE OF NONHUB, SMALL HUB, OR MEDIUM HUB AIRPORT; JET AIRCRAFT.—The Secretary may, upon application made by an air carrier operating under an exemption granted under subsection (a)—

''(1) authorize the air carrier or an affiliated air carrier to upgrade service under the exemption to a larger jet aircraft; or

''(2) authorize an air carrier operating under such an exemption to change the nonhub airport or small hub airport for which the exemption was granted to provide the same service to a different airport that is smaller than a large hub airport (as defined in section 47134(d)(2)) if—

''(A) the air carrier has been operating under the exemption for a period of not less than 12 months; and

''(B) the air carrier can demonstrate unmitigatable losses.

''(e) FOREFEITURE FOR MISUSE.—Any exemption granted under subsection (a) shall be terminated immediately by the Secretary if the air carrier to which it was granted uses the slot for any purpose other than the purpose for which it was granted or in violation of the conditions under which it was granted.

''(f) PRIORITY TO NEW ENTRANTS AND LIMITED INCUMBENT CARRIERS.—

''(1) IN GENERAL.—In granting slot exemptions under this section the Secretary shall give priority consideration to an application from an air carrier that, as of July 1, 1998, operated or held fewer than 20 slots or slot exemptions at the high density airport for which it filed an exemption application.

''(2) LIMITATION.—No priority may be given under paragraph (1) to an air carrier that, at the time of application, operates or holds 20 or more slots and slot exemptions at the airport for which the exemption application is filed.

''(3) AFFILIATED CARRIERS.—The Secretary shall treat all commuter air carriers that have cooperative agreements, including code-share agreements, with other air carriers equally for determining eligibility for exemptions under this section regardless of the form of the corporate relationship between the commuter air carrier and the other air carrier.

''(g) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(h) REGIONAL JET DEFINED.—In this section, the term 'regional jet' means a passenger, turbofan-powered aircraft carrying not fewer than 30 and not more than 50 passengers.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 40102 is amended by inserting after paragraph (28) the following:

''(28A) LIMITED INCUMBENT AIR CARRIER.—The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations, except that '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h) as such sections were in effect on August 1, 1998.''.

(2) The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

''41718. Slot exemptions for nonstop regional jet service.''.

**SEC. 507. EXEMPTIONS TO PERIMETER RULE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 506, is amended by adding at the end thereof the following:

**''§ 41719. Special Rules for Ronald Reagan Washington National Airport**

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports of such carriers and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

''(1) provide air transportation service with domestic network benefits in areas beyond the perimeter described in that section;

''(2) increase competition by new entrant air carriers or in multiple markets;

''(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code; and

''(4) not result in meaningfully increased travel delays.

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall by order grant exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to commuter air carriers for service to airports with fewer than 2,000,000

annual enplanements within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner consistent with the promotion of air transportation.

''(c) LIMITATIONS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 3 operations.''.

''(3) ADDITIONAL EXEMPTIONS.—The Secretary shall grant exemptions under subsections (a) and (b) that—

''(A) will result in 24 additional daily air carrier slot exemptions at such airport for long-haul service beyond the perimeter;

''(B) will result in 12 additional daily commuter slot exemptions at such airport; and

''(C) will not result in additional daily commuter slot exemptions for service to any within-the-perimeter airport that has 2,000,000 or fewer annual enplanements.

''(4) ASSESSMENT OF SAFETY, NOISE AND ENVIRONMENTAL IMPACTS.—The Secretary shall assess the impact of granting exemptions, including the impacts of the additional slots and flights at Ronald Reagan Washington National Airport provided under subsections (a) and (b) on safety, noise levels and the environment within 90 days of the date of the enactment of this Act. The environmental assessment shall be carried out in accordance with parts 1500–1508 of title 40, Code of Federal Regulations. Such environmental assessment shall include a public meeting.

''(5) APPLICABILITY WITH EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

''(d) ADDITIONAL WITHIN-PERIMETER SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.—The Secretary shall by order grant 12 slot exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for flights to airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this subsection in a manner consistent with the promotion of air transportation.''.

(b) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

''(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41719.''.

(c) MWAA NOISE-RELATED GRANT ASSURANCES.—

(1) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary of Transportation under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made to the Authority for fiscal year 2000 or any subsequent fiscal year—

(A) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under chapter 471 of title 49, United States Code, in an amount not less than 10 percent of the aggregate annual amount of financial assistance provided to the Authority by the Secretary as grants under chapter 471 of title 49, United States Code; and

(B) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(2) WAIVER.—The Secretary of Transportation may waive the requirements of paragraph (1) for any fiscal year for which the Secretary determines that the Metropolitan Washington Airports Authority is in full compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(3) SUNSET.—This subsection shall cease to be in effect 5 years after the date of enactment of this Act, if on that date the Secretary of Transportation certifies that the Metropolitan Washington Airports Authority has achieved full compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(d) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

''(3) The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around airports where operations increase under title V of the Air Transportation Improvement Act and the amendments made by that title.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 49111 is amended by striking subsection (e).

(2) The chapter analysis for subchapter I of chapter 417, as amended by section 506(b) of this Act, is amended by adding at the end thereof the following:

''41719. Special Rules for Ronald Reagan Washington National Airport.''.

(f) REPORT.—Within 1 year after the date of enactment of this Act, and biannually thereafter, the Secretary shall certify to the United States Senate Committee on Commerce, Science, and Transportation, the United States House of Representatives Committee on Transportation and Infrastructure, the Governments of Maryland, Virginia, and West Virginia and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

**SEC. 508. ADDITIONAL SLOT EXEMPTIONS AT CHICAGO O'HARE INTERNATIONAL AIRPORT.**

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 507, is amended by adding at the end thereof the following:

**''§ 41720. Special Rules for Chicago O'Hare International Airport**

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(b) STUDIES.—

(1) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41720(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

(2) DOT STUDY IN 2000.—The Secretary of Transportation shall study community noise levels in the areas surrounding the 4 high-density airports after the 100 percent Stage 3 fleet requirements are in place, and compare those levels with the levels in such areas before 1991.

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 417, as amended by section 507(b) of this Act, is amended by adding at the end thereof the following:

''41720. Special Rules for Chicago O'Hare International Airport.''.

**SEC. 509. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.**

Section 41712, as amended by section 505 of this Act, is amended by adding at the end thereof the following:

''(d) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier utilizing electronically transmitted tickets to fail to notify the purchaser of such a ticket of its expiration date, if any.''.

**SEC. 510. REGIONAL AIR SERVICE INCENTIVE OPTIONS.**

(a) PURPOSE.—The purpose of this section is to provide the Congress with an analysis of means to improve service by jet aircraft to underserved markets by authorizing a review of different programs of Federal financial assistance, including loan guarantees like those that would have been provided for by section 2 of S. 1353, 105th Congress, as introduced, to commuter air carriers that would purchase regional jet aircraft for use in serving those markets.

(b) STUDY.—The Secretary of Transportation shall study the efficacy of a program of Federal loan guarantees for the purchase of regional jets by commuter air carriers. The Secretary shall include in the study a

review of options for funding, including alternatives to Federal funding. In the study, the Secretary shall analyze—

(1) the need for such a program;

(2) its potential benefit to small communities;

(3) the trade implications of such a program;

(4) market implications of such a program for the sale of regional jets;

(5) the types of markets that would benefit the most from such a program;

(6) the competitive implications of such a program; and

(7) the cost of such a program.

(c) REPORT.—The Secretary shall submit a report of the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than 24 months after the date of enactment of this Act.

## TITLE VI—NATIONAL PARKS OVERFLIGHTS

### SEC. 601. FINDINGS.

The Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on the public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on its consensus work product; and

(6) this title reflects the recommendations made by that Group.

### SEC. 602. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401, as amended by section 301 of this Act, is amended by adding at the end the following:

**"§ 40126. Overflights of national parks**

''(a) IN GENERAL.—

''(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

''(A) in accordance with this section;

''(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

''(C) in accordance with any effective air tour management plan for that park or those tribal lands.

''(2) APPLICATION FOR OPERATING AUTHORITY.—

''(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over that park or those tribal lands.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever a commercial air tour management plan limits the number of commercial air tour flights over a national park area during a specified time frame, the Administrator, in cooperation with the Director, shall authorize commercial air tour operators to provide such service. The authorization shall specify such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the national park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour services over the national park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

''(i) the safety record of the company or pilots;

''(ii) any quiet aircraft technology proposed for use;

''(iii) the experience in commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the company;

''(v) any training programs for pilots; and

''(vi) responsiveness to any criteria developed by the National Park Service or the affected national park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour service over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such companies, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator shall, in cooperation with the Director, develop an air tour management plan in accordance with subsection (b) and implement such plan.

''(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall act on any such application and issue a decision on the application not later than 24 months after it is received or amended.

''(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the Federal Aviation Regulations (14 CFR 91.1 et seq.) if—

''(A) such activity is permitted under part 119 (14 CFR 119.1(e)(2));

''(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the flight operations will be conducted; and

''(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

''(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall, not later than 90 days after the date of enactment of the Air Transportation Improvement Act, apply for operating authority under part 119, 121, or 135 of the Federal Aviation Regulations (14 CFR Pt. 119, 121, or 135). A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT OF ATMPS.—

''(A) IN GENERAL.—The Administrator shall, in cooperation with the Director, establish an air tour management plan for any national park or tribal land for which such a plan is not already in effect whenever a person applies for authority to operate a commercial air tour over the park. The development of the air tour management plan is to be a cooperative undertaking between the Federal Aviation Administration and the National Park Service. The air tour management plan shall be developed by means of a public process, and the agencies shall develop information and analysis that explains the conclusions that the agencies make in the application of the respective criteria. Such explanations shall be included in the Record of Decision and may be subject to judicial review.

''(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours upon the natural and cultural resources and visitor experiences and tribal lands.

''(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the Record of Decision for the air tour management plan.

''(3) CONTENTS.—An air tour management plan for a national park—

''(A) may prohibit commercial air tour operations in whole or in part;

''(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

''(C) shall apply to all commercial air tours within ½ mile outside the boundary of a national park;

''(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

''(E) shall provide for the initial allocation of opportunities to conduct commercial air tours if the plan includes a limitation on the number of commercial air tour flights for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E).

''(4) PROCEDURE.—In establishing a commercial air tour management plan for a national park, the Administrator and the Director shall—

''(A) initiate at least one public meeting with interested parties to develop a commercial air tour management plan for the park;

''(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

''(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with those regulations, the Federal Aviation Administration is the lead agency and the National Park Service is a cooperating agency); and

''(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in commercial air tour operations over a national park or tribal lands, as a cooperating agency under the regulations referred to in paragraph (4)(C).

''(5) AMENDMENTS.—Any amendment of an air tour management plan shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

''(c) INTERIM OPERATING AUTHORITY.—

''(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this paragraph to a commercial air tour operator for a national park or tribal lands for which the operator is an existing commercial air tour operator.

''(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

''(A) shall provide annual authorization only for the greater of—

''(i) the number of flights used by the operator to provide such tours within the 12-month period prior to the date of enactment of the Air Transportation Improvement Act; or

''(ii) the average number of flights per 12-month period used by the operator to provide such tours within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

''(B) may not provide for an increase in the number of operations conducted during any time period by the commercial air tour operator to which it is granted unless the increase is agreed to by the Administrator and the Director;

''(C) shall be published in the Federal Register to provide notice and opportunity for comment;

''(D) may be revoked by the Administrator for cause;

''(E) shall terminate 180 days after the date on which an air tour management plan is established for that park or those tribal lands; and

''(F) shall—

''(i) promote protection of national park resources, visitor experiences, and tribal lands;

''(ii) promote safe operations of the commercial air tour;

''(iii) promote the adoption of quiet technology, as appropriate; and

''(iv) allow for modifications of the operation based on experience if the modification improves protection of national park resources and values and of tribal lands.

''(3) NEW ENTRANT AIR TOUR OPERATORS.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tours over that national park or those tribal lands.

''(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at that park or on tribal lands, or the Director determines that it would create a noise problem at that park or on tribal lands.

''(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of the Air Transportation Improvement Act.

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR.—The term 'commercial air tour' means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour, include, but are not limited to—

''(A) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(B) whether a narrative was provided that referred to areas or points of interest on the surface;

''(C) the area of operation;

''(D) the frequency of flights;

''(E) the route of flight;

''(F) the inclusion of sightseeing flights as part of any travel arrangement package; or

''(G) whether the flight or flights in question would or would not have been canceled based on poor visibility of the surface.

''(2) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour.

''(3) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tours over a national park at any time during the 12-month period ending on the date of enactment of the Air Transportation Improvement Act.

''(4) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

''(A) applies for operating authority as a commercial air tour operator for a national park; and

''(B) has not engaged in the business of providing commercial air tours over that national park or those tribal lands in the 12-month period preceding the application.

''(5) COMMERCIAL AIR TOUR OPERATIONS.—The term 'commercial air tour operations' means commercial air tour flight operations conducted—

''(A) over a national park or within ½ mile outside the boundary of any national park;

''(B) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); and

''(C) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(6) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(7) TRIBAL LANDS.—The term 'tribal lands' means 'Indian country', as defined by section 1151 of title 18, United States Code, that is within or abutting a national park.

''(8) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(9) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) EXEMPTIONS AND SPECIAL RULES.—

(1) GRAND CANYON.—Section 40126 of title 49, United States Code, as added by subsection (a), does not apply to—

(A) the Grand Canyon National Park; or

(B) Indian country within or abutting the Grand Canyon National Park.

(2) LAKE MEAD.—A commercial air tour of the Grand Canyon that transits over or near the Lake Mead National Recreation Area en route to, or returning from, the Grand Canyon, without offering a deviation in flight path between its point of origin and the Grand Canyon, shall be considered, for purposes of paragraph (1), to be exclusively a commercial air tour of the Grand Canyon.

(3) ALASKA.—The provisions of this title and section 40126 of title 49, United States Code, as added by subsection (a), do not apply to any land or waters located in Alaska.

(4) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(A) regulations issued by the Secretary of Transportation and the Administrator of the Federal Aviation Administration under section 3 of Public Law 100–91 (16 U.S.C. 1a–1, note); and

(B) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by adding at the end thereof the following:

''40126. Overflights of national parks.''.

**SEC. 603. ADVISORY GROUP.**

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of —

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX-OFFICIO MEMBERS.—The Administrator and the Director shall serve as ex-officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title;

(2) on the designation of appropriate and feasible quiet aircraft technology standards for quiet aircraft technologies under development for commercial purposes, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) on such other national park or tribal lands-related safety, environmental, and air touring issues as the Administrator and the Director may request.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group

or otherwise engaged in its business, or while serving away from their homes or regular places of business, each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

(e) REPORT.—The Administrator and the Director shall jointly report to the Congress within 24 months after the date of enactment of this Act on the success of this title in providing incentives for quiet aircraft technology.

**SEC. 604. OVERFLIGHT FEE REPORT.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to Congress a report on the effects proposed overflight fees are likely to have on the commercial air tour industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of the proposed fee charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

**SEC. 605. PROHIBITION OF COMMERCIAL AIR TOURS OVER THE ROCKY MOUNTAIN NATIONAL PARK.**

Effective beginning on the date of enactment of this Act, no commercial air tour may be operated in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code, as added by this Act.

## TITLE VII—TITLE 49 TECHNICAL CORRECTIONS

**SEC. 701. RESTATEMENT OF 49 U.S.C. 106(g).**

(a) IN GENERAL.—Section 106(g) is amended by striking ''40113(a), (c), and (d), 40114(a), 40119, 44501(a) and (c), 44502(a)(1), (b) and (c), 44504, 44505, 44507, 44508, 44511–44513, 44701–44716, 44718(c), 44721(a), 44901, 44902, 44903(a)–(c) and (e), 44906, 44912, 44935–44937, and 44938(a) and (b), chapter 451, sections 45302–45304,'' and inserting ''40113(a), (c)–(e), 40114(a), and 40119, and chapter 445 (except sections 44501(b), 44502(a)(2)–(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a) and (b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections''.

(b) TECHNICAL CORRECTION.—The amendment made by this section may not be construed as making a substantive change in the language replaced.

**SEC. 702. RESTATEMENT OF 49 U.S.C. 44909.**

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

## TITLE VIII—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

**SEC. 801. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.**

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator of the Federal Aviation Administration the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.

**SEC. 802. TRANSFER OF OFFICE, PERSONNEL AND FUNDS.**

(a) Effective October 1, 2000 the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

(b) Effective October 1, 2000 the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this Act, including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this Act transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this Act.

**SEC. 803. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

(a) IN GENERAL.—Section 44721 is amended to read as follows:

**''§ 44721. Aeronautical charts and related products and services**

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration is invested with and shall exercise, effective October 1, 2000 the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

''(1) Sections 1 through 9 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, (33 U.S.C. 883a-883h).

''(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

''(3) Section 1307 of title 44, United States Code.

''(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 nt).

''(b) AUTHORITY TO CONDUCT SURVEYS.—To provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, and to provide basic data for engineering and scientific purposes and for other commercial and industrial needs, the Administrator is authorized to conduct the following activities:

''(1) Aerial and field surveys for aeronautical charts.

''(2) Other airborne and field surveys when in the best interest of the United States Government.

''(3) Acquiring, owning, operating, maintaining and staffing aircraft in support of surveys.

''(c) ADDITIONAL AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator is authorized to conduct the following activities:

''(1) Developing, processing, disseminating and publishing of digital and analog data, information, compilations, and reports.

''(2) Compiling, printing, and disseminating aeronautical charts and related products and services of the United States, its Territories, and possessions.

''(3) Compiling, printing and disseminating aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation.

''(4) Compiling, printing and disseminating non-aeronautical navigational, transportation or public-safety-related products and services when in the best interests of the United States Government.

''(d) CONTRACT, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

''(1) The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

''(2) The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

''(e) SPECIAL SERVICES AND PRODUCTS.—

''(1) The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

''(2) The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the United States Government by furthering public safety.

''(f) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

''(1) Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

''(A) Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

''(B) The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

''(C) A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

''(2) The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

''(3) The Administrator may distribute aeronautical products and provide aeronautical services—

''(A) without charge to each foreign government or international organization with which the Administrator or a Federal agency

has an agreement for exchange of these products or services without cost;

''(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

''(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

''(4) The fees provided for in this subsection are for the purpose of reimbursing the United States Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.''.

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 447 is amended by adding at the end thereof the following:

''44721. Aeronautical charts and related products and services.''.

**SEC. 804. SAVINGS PROVISION.**

(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the National Oceanic and Atmospheric Administration (NOAA) Administrator, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(2) are in effect on the date of transfer, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator, a court of competent jurisdiction, or by operation of law.

(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the NOAA Administrator, or any officer thereof with respect to functions transferred by this Act; but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Commerce, the NOAA Administrator, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this Act.

(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this Act, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function or office transferred by this Act, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer thereof in the official's capacity, is a party to an action, and under this Act any function relating to the action of such Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer.

(f) LIABILITIES AND OBLIGATIONS.—The Administrator shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this Act on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.

**SEC. 805. NATIONAL OCEAN SURVEY.**

(a) Section 1 of the Act entitled ''An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes'', approved August 6, 1947, (33 U.S.C. 883a) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) Hydrographic, topographic and other types of field surveys;''; and

(2) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) Section 2 of that Act (33 U.S.C. 883b) is amended—

(1) by striking paragraphs (3) and (5), and redesignating paragraph (4) and (6) as paragraphs (3) and (4), respectively;

(2) by striking ''charts of the United States, its Territories, and possessions;'' in paragraph (3), as redesignated, and inserting ''charts;''; and

(3) by striking ''publications for the United States, its Territories, and possessions'' in paragraph (4), as redesignated, and inserting ''publications.''.

(c) Section 5(1) of that Act (33 U.S.C. 883e(1)) is amended by striking ''cooperative agreements'' and inserting ''cooperative agreements, or any other agreements,''.

**SEC. 806. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.**

(a) Section 1307 of title 44, United States Code, is amended by striking ''and aeronautical'' and ''or aeronautical'' each place they appear.

(b) Section 1307(a)(2)(B) of title 44, United States Code, is amended by striking ''aviation and''.

(c) Section 1307(d) of title 44, United States Code, is amended by striking ''aeronautical and''.

## AMENDMENTS SUBMITTED ON OCTOBER 5, 1999

## AIR TRANSPORTATION IMPROVEMENT ACT

### REED AMENDMENT NO. 1905

(Ordered to lie on the table)

Mr. REED submitted an amendment intended to be proposed by him to the bill (S. 82) to authorize appropriations for Federal Aviation Administration, and for other purposes; as follows:

At the end of title III of the Manager's substitute amendment, add the following:

**SEC. 312. PROHIBITION ON OPERATING CERTAIN AIRCRAFT NOT COMPLYING WITH STAGE 4 NOISE LEVELS.**

(a) IN GENERAL.—Subchapter II of chapter 475 of title 49, United States Code, is amended—

(1) by redesignating section 47529 as section 47529A; and

(2) by inserting after section 47528 the following:

**''§ 47529. Limitation on operating certain aircraft not complying with stage 4 noise levels**

''(a) REGULATIONS.—Not later than December 31, 2003, the Secretary of Transportation, in consultation with the International Civil Aviation Organization, shall issue regulations to establish minimum standards for civil turbojets to comply with stage 4 noise levels.

''(b) GENERAL RULE.—The Secretary shall issue regulations to ensure that, except as provided in section 47530—

''(1) 50 percent of the civil turbojets with a maximum weight of more than 75,000 pounds operating after December 31, 2008, to or from airports in the United States comply with the stage 4 noise levels established under subsection (a); and

''(2) 100 percent of such turbojets operating after December 31, 2013, to or from airports in the United States comply with the stage 4 noise levels.

''(c) PRIORITY FOR HIGH DENSITY AIRPORTS.—The Secretary shall issue regulations to ensure that air carriers, in purchasing and using civil turbojets that comply with stage 4 noise levels, give priority to using such turbojets to provide air transportation to or from high density airports (as such term is defined under section 41714 on January 1, 1999).

''(d) ANNUAL REPORT.—Beginning with calendar year 2004—

''(1) each air carrier shall submit to the Secretary an annual report on the progress the carrier is making toward complying with the requirements of this section and regulations issued to carry out this section; and

''(2) the Secretary shall submit to Congress an annual report on the progress being made toward that compliance.

''(e) CIVIL TURBOJET DEFINED.—In the section, the term 'civil turbojet' means a civil aircraft that is a turbojet.''.

(b) CHAPTER ANALYSIS AMENDMENT.—The analysis for such chapter is amended by striking the item relating to section 47529 and inserting the following:

''47529. Limitation on operating certain aircraft not complying with stage 4 noise levels.
''47529A. Nonaddition rule.''.

(c) NONADDITION RULE.—Section 47529A of such title (as redesignated by subsection (a)(1)) is amended—

(1) in subsection (a)—

(A) by striking ''subsonic'';

(B) by striking ''November 4, 1990'' and inserting ''December 31, 2004'';

(C) by striking ''stage 3'' and inserting ''stage 4''; and

(D) by striking ''November 5, 1990'' and inserting ''January 1, 2005'';

(2) in subsection (b), by striking ''stage 3'' and inserting ''stage 4''; and

(3) in subsection (c)(1), by striking ''November 5, 1990'' and inserting ''January 1, 2005''

(d) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in the chapter analysis by striking ''and 47529'' in the item relating to section 47530 and inserting '', 47529, and 47529A'';

(2) in section 47530—

(A) by striking ''and 47529'' and inserting '', 47529, and 47529A'';

(B) by striking ''subsonic''; and

(C) by striking ''November 4, 1990'' and inserting ''December 31, 2004''; and

(3) in section 47531, by inserting ''47529A,'' after ''47529,''.

(e) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (c), (d)(2)(B), and (d)(2)(C) shall take effect on December 31, 2004.

● Mr. REED. Mr. President, I rise today to propose an amendment to the Federal Aviation Administration (FAA) Reauthorization bill because our nation has experienced an explosion in air travel this past decade. Air transportation is now as much a means of mass transit as automobiles and trains. Indeed, our economic good fortune and increased competition from air carriers has led to a buyer's market for passengers looking for affordable fares to countless destinations. While we are all amazed by the dramatic growth in the airline industry, we must also consider the ramifications that increased flights and aircraft noise have on the communities surrounding airport facilities.

In my home state of Rhode Island, T.F. Green State Airport, our state's only major airport, has experienced tremendous expansion over the past several years. With more than 4 million passengers flying into and out of Rhode Island each year, representing a 100 percent increase over three years ago, the number of take offs and landings has likewise climbed. This has led to intolerable noise pollution for the airport's neighbors. Of course, this problem is not isolated to Rhode Island. In fact, cities and towns across the country are dealing with similar growing pains. While T.F. Green and numerous airport authorities in our nation are taking steps to insulate homes and other structures from the effects of aircraft noise, the problem cannot be eliminated entirely. And, we must not forget that there is only so much we can do on the ground to reduce noise. We must also deal with noise at its point of origin by researching and developing quieter jet engine technology.

On December 31 of this year, the FAA will require that all civil aircraft comply with Stage 3 noise regulations. This requires that jet engines emit less noise through hushkit adaptations on older, noisier engines, or that air carriers invest in new and quieter Stage 3 compliant engines. While this is a big step in the right direction, the deadline for compliance with Stage 3 must not end progress toward quieter jet engines, but mark the beginning of Stage 4 research.

Currently, the FAA is working in cooperation and consultation with the International Civil Aviation Organization (ICAO) to define Stage 4 noise levels and reach an agreement with ICAO member states on a plan for implementation of Stage 4 regulations. While this research is in its preliminary stages, our nation's aviation infrastructure must be ready to adopt Stage 4 rules to ensure quieter communities in which residents can enjoy their open spaces and where learning at schools is not interrupted every several minutes to defer to the roar of passing planes.

Mr. President, my amendment would direct the Secretary of Transportation to report to Congress no later than December 31, 2002 the findings of a study on aircraft noise problems in the United States, the status of negotiations between the FAA and ICAO on Stage 4 noise levels, and the feasibility of proceeding with development and implementation of a timetable for air carrier compliance with Stage 4 noise requirements.

This amendment will ensure that both airport authorities and air carriers are aware of developments regarding Stage 4 activities, and that we move in an expeditious and deliberate manner to maintain the momentum we have gained toward making quieter both jet engines and the communities over which they fly.●

## VOINOVICH AMENDMENT 1906

Mr. MCCAIN (for Mr. VOINOVICH) proposed an amendment to the bill, S. 82, supra; as follows:

Strike section 437.

## COLLINS (AND OTHERS) AMENDMENT NO. 1907

Ms. COLLINS (for herself, Mr. BURNS, Mr. BAUCUS, Mr. ROBB, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. HARKIN, Mr. ENZI, Mr. GRASSLEY, Mr. JOHNSON, and Mr. THOMAS) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place insert the following new section:

**SEC. ___01. AIRLINE DEREGULATION STUDY COMMISSION.**

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the Airline Deregulation Study Commission (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the Commission shall be composed of 15 members of whom—

(i) 5 shall be appointed by the President;

(ii) 5 shall be appointed by the President pro tempore of the Senate, 3 upon the recommendation of the Majority Leader, and 2 upon the recommendation of the Minority Leader of the Senate; and

(iii) 5 shall be appointed by the Speaker of the House of Representatives, 3 upon the Speaker's own initiative, and 2 upon the recommendation of the Minority Leader of the House of Representatives.

(B) MEMBERS FROM RURAL AREAS.—

(i) REQUIREMENT.—Of the individuals appointed to the Commission under subparagraph (A)—

(I) one of the individuals appointed under clause (i) of that subparagraph shall be an individual who resides in a rural area; and

(II) two of the individuals appointed under each of clauses (ii) and (iii) of that subparagraph shall be individuals who reside in a rural area.

(ii) GEOGRAPHIC DISTRIBUTION.—The appointment of individuals under subparagraph (A) pursuant to the requirement in clause (i) of this subparagraph shall, to the maximum extent practicable, be made so as to ensure that a variety of geographic areas of the country are represented in the membership of the Commission.

(C) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The Commission shall select a Chairman and Vice Chairperson from among its members.

(b) DUTIES OF THE COMMISSION.—

(1) STUDY.—

(A) DEFINITIONS.—In this subsection, the terms 'air carrier' and 'air transportation' have the meanings given those terms in section 40102(a).

(B) CONTENTS.—The Commission shall conduct a thorough study of the impacts of deregulation of the airline industry of the United States on—

(i) the affordability, accessibility, availability, and quality of air transportation, particularly in small-sized and medium-sized communities;

(ii) economic development and job creation, particularly in areas that are underserved by air carriers;

(iii) the economic viability of small-sized airports; and

(iv) the long-term configuration of the United States passenger air transportation system.

(C) MEASUREMENT FACTORS.—In carrying out the study under this subsection, the Commission shall develop measurement factors to analyze the quality of passenger air transportation service provided by air carriers by identifying the factors that are generally associated with quality passenger air transportation service.

(D) BUSINESS AND LEISURE TRAVEL.—In conducting measurements for an analysis of the affordability of air travel, to the extent practicable, the Commission shall provide for appropriate control groups and comparisons with respect to business and leisure travel.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit an interim report to the President and Congress, and not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and Congress. Each such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the duties of the Commission under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission shall consult with the Comptroller General of the United States and may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the duties of the Commission under this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $950,000 for fiscal year 2000 to the Commission to carry out this section.

(2) AVAILABILITY.—Any sums appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

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## MCCAIN AMENDMENT NO. 1908

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 1892 proposed by Mr. GORTON to the bill, S. 82, supra; as follows:

On page 4, strike lines 1 through 8, and insert the following:

''(k) AFFILIATED CARRIERS.—An air carrier that is affiliated with a commuter air carrier, regardless of the form of the corporate relationship between them, shall not be treated as a new entrant or a limited incumbent for purposes of this section, section 41717, 41718, or 41719.''.

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## MCCAIN AMENDMENT NO. 1909

Mr. MCCAIN proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following:

### TITLE —FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

**SEC. 01. AUTHORIZATION OF APPROPRIATIONS.**

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

''(6) $240,000,000 for fiscal year 2000;

''(7) $250,000,000 for fiscal year 2001; and

''(8) $260,000,000 for fiscal year 2002;''.

**SEC. 02. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.**

(a) IN GENERAL.—Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and'' at the end of clause (iii);

(B) by striking the period at the end of clause (iv) and inserting in lieu thereof ''; and''; and

(C) by adding at the end the following new clause:

''(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.''; and

(2) in paragraph (3), by inserting ''The report shall be prepared in accordance with requirements of section 1116 of title 31, United States Code.'' after ''effect for the prior fiscal year.''.

(b) REQUIREMENT.—Not later than March 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan.

(c) CONTENTS.—The plan required by subsection (b) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

**SEC. 03. INTERNET AVAILABILITY OF INFORMATION.**

The Administrator of the Federal Aviation Administration shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

**SEC. 04. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.**

Section 44504(b)(1) of title 49, United States Code, is amended by inserting '', including nonstructural aircraft systems,'' after ''life of aircraft''.

**SEC. 05. POST FREE FLIGHT PHASE I ACTIVITIES.**

No later than May 1, 2000, the Administrator of the Federal Aviation Administration shall tranmsit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

**SEC. 06. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.**

The Administrator of the Federal Aviation Administration shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield payment research program above safety, security, Flight 21, environment, or energy research programs.

**SEC. 07. SENSE OF SENATE REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.**

It is the sense of the Senate that with the World Radio Communication Conference scheduled to begin in May, 2000, and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

**SEC. 08. STUDY.**

The Secretary shall conduct a study to evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transmit Research Program to the research needs of airports.

## ROBB (AND OTHERS) AMENDMENT NO. 1910

Mr. ROBB (for himself, Mr. SARBANES, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill, S. 82, supra; as follows:

Beginning on page 153, strike line 1 and all that follows through line 21 on page 159.

## FEINSTEIN AMENDMENT 1911

Mr. MCCAIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. ___. STUDY OF OUTDOOR AIR, VENTILATION, AND RECIRCULATION AIR REQUIREMENTS FOR PASSENGER CABINS IN COMMERCIAL AIRCRAFT.**

(a) DEFINITIONS.—In this section, the terms ''air carrier'' and ''aircraft'' have the meanings given those terms in section 40102 of title 49, United States Code.

(b) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary of Transportation (referred to in this section as the ''Secretary'') shall conduct a study of sources of air supply contaminants of aircraft and air carriers to develop alternatives to replace engine and auxiliary power unit bleed air as a source of air supply. To carry out this paragraph, the Secretary may enter into an agreement with the Director of the National Academy of Sciences for the National Research Council to conduct the study.

(c) AVAILABILITY OF INFORMATION.—Upon completion of the study under this section in one year's time, the Administrator of the Federal Aviation Administration shall make available the results of the study to air carriers through the Aviation Consumer Protection Division of the Office of the General Counsel for the Department of Transportation.

## TORRICELLI AMENDMENTS NOS. 1912–1913

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to the bill, S. 82, supra; as follows:

AMENDMENT NO. 1912

At the appropriate place, insert the following new title:

**TITLE ___—AIRSPACE REDESIGN**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Airspace Redesign Enhancement Act of 1999''.

**SEC. ___02. EXPEDITED REDESIGN OF CERTAIN AIRSPACE.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, but not later than 2 years after that date, the Administrator of the Federal Aviation Administration shall, as part of the national airspace redesign activities of the Federal Aviation Administration, redesign the airspace over the New Jersey and New York metropolitan area.

(b) COMPUTER MODELS.—At the same time as the Administrator of the Federal Aviation Administration carries out the activities under subsection (a), the Administrator shall develop and implement computer models that provide for a variety of departure and arrival profiles for aircraft in the New Jersey and New York metropolitan area, including profiles for—

(1) higher altitudes;

(2) unrestricted climbs; and

(3) ocean routing.

**SEC. ___03. AUTHORIZATION OF APPROPRIATIONS.**

To carry out section ___02, there shall be available to the Administrator of the Federal Aviation Administration out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986, $6,000,000 for each of fiscal years 2000 and 2001.

AMENDMENT NO. 1913

At the end of title IV of the Manager's substitute amendment, add the following:

**SEC. 454. SENSE OF CONGRESS REGARDING CONSIDERATION OF OCEAN ROUTING PROCEDURES IN THE REDESIGN THE EASTERN REGION AIRSPACE.**

It is the sense of Congress that the Administrator of the Federal Aviation Administration should ensure that—

(1) ocean routing procedures are considered in the efforts to redesign the Eastern Region Airspace that ongoing as of the date of the enactment of this Act; and

(2) community groups are involved in the redesign process to the maximum extent practicable.

## TORRICELLI (AND OTHERS) AMENDMENT NO. 1914

Mr. McCAIN (for Mr. TORRICELLI (for himself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROBB, and Mr. REED)) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place in title IV, insert the following:

**SEC. 4___. STUDY.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(b) AREAS OF STUDY.—The study shall examine—

(1) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(2) the threshold of noise at which health impacts are felt;

(3) the effectiveness of noise abatement programs at airports around the United States; and

(4) the impacts of aircraft noise on students and educators in schools.

(c) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

## TORRICELLI AMENDMENTS NOS. 1915–1919

(Ordered to lie on the table.)

Mr. TORRICELLI submitted five amendments intended to be proposed by him to the bill, S. 82, supra; as follows:

Amendment No. 1915

On page 8, between lines 12 and 13, insert the following:

(c) DEMONSTRATION PROJECT.—

(1) COVERED LOCAL GOVERNMENT.—In this subsection, the term ''covered local government'' means a local government that—

(A) is not an airport operator (as that term is defined in section 150.7 of title 14, Code of Federal Regulations); and

(B) has jurisdiction in the vicinity of Newark International Airport.

(2) DEMONSTRATION PROJECT.—The Secretary of Transportation (referred to in this subsection as the ''Secretary'') shall carry out a demonstration project to provide grants to covered local governments to carry out noise abatement activities (including soundproofing buildings) to mitigate noise attributable to an airport.

(3) GRANTS.—

(A) IN GENERAL.—Under the demonstration project under this subsection, the Secretary shall, subject to the availability of funds, award a grant to each local government that submits an application that is satisfactory to the Secretary to carry out a noise abatement activity referred to in paragraph (2).

(B) APPLICATION REQUIREMENTS.—Each application submitted to the Secretary under this paragraph shall contain documentation (in a manner and form that is satisfactory to the Secretary) that demonstrates—

(i) adverse effects caused by noise resulting from a large number of single-event flights (particularly single-event flights that occur between 10:00 P.M. and 7:00 A.M.); and

(ii) complaints by residents of the geographic area with respect to which the local government has jurisdiction concerning the noise described in clause (i).

(4) FUNDING.—Notwithstanding any other provision of law, to fund the demonstration project under this subsection, the Secretary shall use a portion of the amounts made available to the Secretary for noise compatibility planning and noise compatibility programs under section 48103 of title 49, United States Code, that would otherwise be used to carry out section 47504(c) or 47505(a)(2) of that title.

AMENDMENT NO. 1916

At the appropriate place in title IV, insert the following:

**SEC. 4___. REPORTING OF TOXIC CHEMICAL RELEASES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate regulations requiring each airport that regularly serves commercial or military jet aircraft to report, under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (42 U.S.C. 13106), releases and other waste management activities associated with the manufacturing, processing, or other use of toxic chemicals listed under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023), including toxic chemicals manufactured, processed, or otherwise used—

(1) during operation and maintenance of aircraft and other motor vehicles at the airport; and

(2) in the course of other airport and airline activities.

(b) TREATMENT AS A FACILITY.—For the purpose of subsection (a), an airport shall be considered to be a facility as defined in section 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049).

(c) FUNDING.—The Administrator of the Environmental Protection Agency shall carry out this section using existing funds available to the Administrator.

AMENDMENT NO. 1917

At the appropriate place in title IV, insert the following:

**SEC. 4___. RIGHT TO KNOW ABOUT AIRPORT POLLUTION.**

(a) FINDINGS.—Congress finds that—

(1) the serious ground level ozone, noise, water pollution, and solid waste disposal problems attendant to airport operations require a thorough evaluation of all significant sources of pollution;

(2) the Clean Air Act (42 U.S.C. 7401 et seq.)—

(A) requires each State to reduce emissions contributing to ground level ozone problems and maintain those reductions; and

(B) requires the Administrator of the Environmental Protection Agency to study, in addition to other sources, the effects of sporadic, extreme noise (such as jet noise near airports) on public health and welfare;

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) establishes a regulatory and enforcement program for discharges of wastes into waters;

(4) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) establishes primary drinking water standards and a ground water control program;

(5) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) regulates management and disposal of solid and hazardous waste;

(6) a study of air pollution problems in California—

(A) has determined that airports are significant sources of air pollution; and

(B) has led to the creation of an airport bubble concept; and

(7) the airport bubble concept is an approach that—

(A) treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a range of pollutants, including air, noise, water, and solid waste; and

(B) seeks, by implementation of specific programs or regulations, to reduce the pollution from each source within the bubble and thereby reduce the overall pollution in that area.

(b) PURPOSE.—The purpose of this section is to require the Administrator to conduct—

(1) a feasibility study for applying airport bubbles to airports as a method of assessing and reducing, where appropriate, air, noise, water, and solid waste pollution in and around the airports and improving overall environmental quality; and

(2) a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AIRPORT BUBBLE.—The term ''airport bubble'' means an area—

(A) in and around an airport (or other facility using aircraft) within which sources of pollution and levels of pollution from those sources are to be identified and reduced; and

(B) containing a variety of types of air, noise, water, and solid waste sources of pollution in which the aggregate of each type of pollutant from the respective sources is regulated as if the various sources were a single source.

(d) STUDY OF USING AIRPORT BUBBLES.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine the feasibility of regulating air, noise, water, and solid waste pollution from all sources in and around airports using airport bubbles.

(2) WORKING GROUP.—In conducting the study, the Administrator shall establish and consult with a working group comprised of—

(A) the Administrator of the Federal Aviation Administration (or a designee);

(B) the Secretary of Defense (or a designee);

(C) the Secretary of Transportation (or a designee);

(D) a representative of air quality districts;

(E) a representative of environmental research groups;

(F) a representative of State Audubon Societies;

(G) a representative of the Sierra Club;

(H) a representative of the Nature Conservancy;

(I) a representative of port authorities of States;

(J) an airport manager;

(K) a representative of commanding officers of military air bases and stations;

(L) a representative of the bus lines that serve airports who is familiar with the emissions testing and repair records of those buses, the schedules of those lines, and any problems with delays in service caused by traffic congestion;

(M) a representative of the taxis and limousines that serve airports who is familiar with the emissions testing and repair records of the taxis and limousines and the volume of business generated by the taxis and limousines;

(N) a representative of local law enforcement agencies or other entities responsible for traffic conditions in and around airports;

(O) a representative of the Air Transport Association;

(P) a representative of the Airports Council International–North America;

(Q) a representative of environmental specialists from airport authorities; and

(R) a representative from an aviation union representing ground crews.

(3) REQUIRED ELEMENTS.—In conducting the study, the Administrator shall—

(A) collect, analyze, and consider information on the variety of stationary and mobile sources of air, noise, water, and solid waste pollution within airport bubbles around airports in the United States, including—

(i) aircraft, vehicles, and equipment that service aircraft (including main and auxiliary engines); and

(ii) buses, taxis, and limousines that serve airports;

(B) study a statistically significant number of airports serving commercial aviation in a manner designed to obtain a representative sampling of such airports;

(C) consider all relevant information that is available, including State implementation plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and airport master plans;

(D) consider the air quality implications of airport and ground and in-flight aircraft operations, such as routing and delays;

(E) assess the role of airports in interstate and international travel and commerce and the environmental and economic impact of regulating airports as significant sources of air, noise, water, and solid waste pollution;

(F) propose boundaries of the areas to be included within airport bubbles;

(G) propose a definition of air pollutant emissions for airport bubbles that includes hydrocarbons, volatile organic compounds, and other ozone precursors targeted for reduction under Federal air pollution law;

(H) develop an inventory of each source of air, noise, water, and solid waste pollution to be regulated within airport bubbles and the level of reduction for each source;

(I) list and evaluate programs that might be implemented to reduce air, noise, water, and solid waste pollution within airport bubbles and the environmental and economic impact of each of the programs, including any changes to Federal or State law (including regulations) that would be required for implementation of each of the programs;

(J) evaluate the feasibility of regulating air, noise, water, and solid waste pollutants in and around airports using airport bubbles and make recommendations regarding which programs should be included in an effective implementation of airport bubble methodology; and

(K) address the issues of air and noise pollution source identification and regulation that are unique to military air bases and stations.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(e) STUDY OF EMISSION STANDARDS FOR AIRPLANE ENGINES.—

(1) IN GENERAL.—The Administrator shall conduct a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(f) PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the reports under subsections (d) and (e) are submitted, the Administrator shall submit to Congress a report that details the progress being made by the Administrator in carrying out subsections (d) and (e).

(g) FUNDING.—The Administrator shall carry out this section using existing funds available to the Administrator.

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AMENDMENT NO. 1918

At the appropriate place in title IV, insert the following:

**SEC. 4___. RIGHT TO KNOW ABOUT AIRPORT POLLUTION.**

(a) FINDINGS.—Congress finds that—

(1) the serious ground level ozone, noise, water pollution, and solid waste disposal problems attendant to airport operations require a thorough evaluation of all significant sources of pollution;

(2) the Clean Air Act (42 U.S.C. 7401 et seq.)—

(A) requires each State to reduce emissions contributing to ground level ozone problems and maintain those reductions; and

(B) requires the Administrator of the Environmental Protection Agency to study, in addition to other sources, the effects of sporadic, extreme noise (such as jet noise near airports) on public health and welfare;

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) establishes a regulatory and enforcement program for discharges of wastes into waters;

(4) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) establishes primary drinking water standards and a ground water control program;

(5) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) regulates management and disposal of solid and hazardous waste;

(6) a study of air pollution problems in California—

(A) has determined that airports are significant sources of air pollution; and

(B) has led to the creation of an airport bubble concept; and

(7) the airport bubble concept is an approach that—

(A) treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a range of pollutants, including air, noise, water, and solid waste; and

(B) seeks, by implementation of specific programs or regulations, to reduce the pollution from each source within the bubble and

thereby reduce the overall pollution in that area.

(b) PURPOSE.—The purpose of this section is to require the Administrator to conduct—

(1) a feasibility study for applying airport bubbles to airports as a method of assessing and reducing, where appropriate, air, noise, water, and solid waste pollution in and around the airports and improving overall environmental quality; and

(2) a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AIRPORT BUBBLE.—The term ''airport bubble'' means an area—

(A) in and around an airport (or other facility using aircraft) within which sources of pollution and levels of pollution from those sources are to be identified and reduced; and

(B) containing a variety of types of air, noise, water, and solid waste sources of pollution in which the aggregate of each type of pollutant from the respective sources is regulated as if the various sources were a single source.

(d) STUDY OF USING AIRPORT BUBBLES.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine the feasibility of regulating air, noise, water, and solid waste pollution from all sources in and around airports using airport bubbles.

(2) WORKING GROUP.—In conducting the study, the Administrator shall establish and consult with a working group comprised of—

(A) the Administrator of the Federal Aviation Administration (or a designee);

(B) the Secretary of Defense (or a designee);

(C) the Secretary of Transportation (or a designee);

(D) a representative of air quality districts;

(E) a representative of environmental research groups;

(F) a representative of State Audubon Societies;

(G) a representative of the Sierra Club;

(H) a representative of the Nature Conservancy;

(I) a representative of port authorities of States;

(J) an airport manager;

(K) a representative of commanding officers of military air bases and stations;

(L) a representative of the bus lines that serve airports who is familiar with the emissions testing and repair records of those buses, the schedules of those lines, and any problems with delays in service caused by traffic congestion;

(M) a representative of the taxis and limousines that serve airports who is familiar with the emissions testing and repair records of the taxis and limousines and the volume of business generated by the taxis and limousines;

(N) a representative of local law enforcement agencies or other entities responsible for traffic conditions in and around airports;

(O) a representative of the Air Transport Association;

(P) a representative of the Airports Council International–North America;

(Q) a representative of environmental specialists from airport authorities; and

(R) a representative from an aviation union representing ground crews.

(3) REQUIRED ELEMENTS.—In conducting the study, the Administrator shall—

(A) collect, analyze, and consider information on the variety of stationary and mobile sources of air, noise, water, and solid waste pollution within airport bubbles around airports in the United States, including—

(i) aircraft, vehicles, and equipment that service aircraft (including main and auxiliary engines); and

(ii) buses, taxis, and limousines that serve airports;

(B) study a statistically significant number of airports serving commercial aviation in a manner designed to obtain a representative sampling of such airports;

(C) consider all relevant information that is available, including State implementation plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and airport master plans;

(D) consider the air quality implications of airport and ground and in-flight aircraft operations, such as routing and delays;

(E) assess the role of airports in interstate and international travel and commerce and the environmental and economic impact of regulating airports as significant sources of air, noise, water, and solid waste pollution;

(F) propose boundaries of the areas to be included within airport bubbles;

(G) propose a definition of air pollutant emissions for airport bubbles that includes hydrocarbons, volatile organic compounds, and other ozone precursors targeted for reduction under Federal air pollution law;

(H) develop an inventory of each source of air, noise, water, and solid waste pollution to be regulated within airport bubbles and the level of reduction for each source;

(I) list and evaluate programs that might be implemented to reduce air, noise, water, and solid waste pollution within airport bubbles and the environmental and economic impact of each of the programs, including any changes to Federal or State law (including regulations) that would be required for implementation of each of the programs;

(J) evaluate the feasibility of regulating air, noise, water, and solid waste pollutants in and around airports using airport bubbles and make recommendations regarding which programs should be included in an effective implementation of airport bubble methodology; and

(K) address the issues of air and noise pollution source identification and regulation that are unique to military air bases and stations.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(e) STUDY OF EMISSION STANDARDS FOR AIRPLANE ENGINES.—

(1) IN GENERAL.—The Administrator shall conduct a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(f) PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the reports under subsections (d) and (e) are submitted, the Administrator shall submit to Congress a report that details the progress being made by the Administrator in carrying out subsections (d) and (e).

(g) STUDY ON AIRPORT NOISE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(2) AREAS OF STUDY.—The study shall examine—

(A) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(B) the threshold of noise at which health impacts are felt; and

(C) the effectiveness of noise abatement programs at airports around the United States.

(3) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

(h) FUNDING.—The Administrator shall carry out this section using existing funds available to the Administrator.

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AMENDMENT NO. 1919

At the appropriate place in title IV, insert the following:

**SEC. 4___. QUIET COMMUNITIES.**

(a) FINDINGS.—Congress finds that—

(1)(A) for too many citizens of the United States, noise from aircraft, vehicular traffic, and a variety of other sources is a constant source of torment; and

(B) nearly 20,000,000 citizens of the United States are exposed to noise levels that can lead to psychological and physiological damage, and another 40,000,000 people are exposed to noise levels that cause sleep or work disruption;

(2)(A) chronic exposure to noise has been linked to increased risk of cardiovascular problems, strokes, and nervous disorders; and

(B) excessive noise causes sleep deprivation and task interruptions, which pose untold costs on society in diminished worker productivity;

(3)(A) to carry out the Clean Air Act (42 U.S.C. 7401 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), and section 8 of the Quiet Communities Act of 1978 (92 Stat. 3084), the Administrator of the Environmental Protection Agency established an Office of Noise Abatement and Control;

(B) the responsibilities of the Office of Noise Abatement and Control included promulgating noise emission standards, requiring product labeling, facilitating the development of low emission products, coordinating Federal noise reduction programs, assisting State and local abatement efforts, and promoting noise education and research; and

(C) funding for the Office of Noise Abatement and Control was terminated in 1982, and no funds have been provided since;

(4) because of the lack of funding for the Office of Noise Abatement and Control, and because the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.) prohibits State and local governments from regulating noise sources in many situations, noise abatement programs across the United States lie dormant;

(5) as the population grows and air and vehicle traffic continues to increase, noise pollution is likely to become an even greater problem in the future; and

(6) the health and welfare of the citizens of the United States demands that the Environmental Protection Agency once again assume a role in combating noise pollution.

(b) TRANSFER OF NOISE ABATEMENT DUTIES.—Section 402 of the Noise Pollution and Abatement Act of 1970 (42 U.S.C. 7641) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (G) as clauses (i) through (vii) and indenting appropriately; and

(B) by striking ''(a) The Administrator'' and all that follows through ''(2) determine—'' and inserting the following:

''(a) DUTIES RELATING TO NOISE ABATEMENT AND CONTROL.—The Administrator shall assign to the Office of Air and Radiation the duties—

''(1) to coordinate Federal noise abatement activities;

''(2) to update or develop noise standards;

''(3) to provide technical assistance to local communities;

''(4) to promote research and education on the impacts of noise pollution; and

''(5) to carry out a complete investigation and study of noise and its effect on the public health and welfare in order to—

''(A) identify and classify causes and sources of noise; and

''(B) determine—''; and

(2) by adding at the end the following:

''(d) EMPHASIZED APPROACHES.—In carrying out paragraphs (1) through (4) of subsection (a), the Administrator shall emphasize noise abatement approaches that rely on State and local activity, market incentives, and coordination with other public and private agencies.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 403 of the Noise Pollution and Abatement Act of 1970 (42 U.S.C. 7642) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There is''; and

(2) by adding at the end the following:

''(b) ADDITIONAL AMOUNTS.—In addition to amounts made available under subsection (a), there are authorized to be appropriated to carry out this title—

''(1) $5,000,000 for each of fiscal years 2000, 2001, and 2002; and

''(2) $8,000,000 for each of fiscal years 2003 and 2004.''.

(d) CONFORMING AMENDMENTS.—Section 7(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4364(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) the Office of Air and Radiation, for air quality and noise abatement activities;'';

(2) in paragraph (5), by inserting ''and'' at the end;

(3) in paragraph (6), by striking ''; and'' and inserting a period; and

(4) by striking paragraph (7).

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## BOXER AMENDMENT NO. 1920

Mr. MCCAIN (for Mrs. BOXER) proposed an amendment to the bill, S. 82, supra; as follows:

Insert on page 126, line 16, a new subsection (f) and renumber accordingly,

''(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Participants carrying out inherently low-emission vehicle activities under this pilot program may use no less than 10 percent of the amounts made available for expenditure at the airport under the pilot program to receive technical assistance in carrying out such activities.

(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use in an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

(3) PLANNING ASSISTANCE.—The Administrator may provide $500,000 from funds made available under section 48103 to a multi-state western regional technology consortium for the purposes of developing for dissemination prior to the commencement of the pilot program a comprehensive best practices planning guide that addresses appropriate technologies, environmental and economic impacts, an the role of planning and mitigation strategies.

## LAUTENBERG AMENDMENT NO. 1921

Mr. LAUTENBERG proposed an amendment to the bill S. 82, supra; as follows:

At the end of the bill, add the following:

### TITLE ____—TRANSPORTATION OF ANIMALS

**SEC. __01. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the ''Safe Air Travel for Animals Act''.

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



**SEC. __02. FINDINGS.**

Congress finds that—

(1) animals are live, sentient creatures, with the ability to feel pain and suffer;

(2) it is inappropriate for animals transported by air to be treated as baggage;

(3) according to the Air Transport Association, over 500,000 animals are transported by air each year and as many as 5,000 of those animals are lost, injured, or killed;

(4) most injuries to animals traveling by airplane are due to mishandling by baggage personnel, severe temperature fluctuations, insufficient oxygen in cargo holds, or damage to kennels;

(5) there are no Federal requirements that airlines report incidents of animal loss, injury, or death;

(6) members of the public have no information to use in choosing an airline based on its record of safety with regard to transporting animals;

(7) the last congressional action on animals transported by air was conducted over 22 years ago; and

(8) the conditions of cargo holds of airplanes must be improved to protect the health, and ensure the safety, of transported animals.

### Subtitle A—Animal Welfare

**SEC. __11. DEFINITION OF TRANSPORT.**

Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following:

''(p) TRANSPORT.—The term 'transport', when used with respect to the air transport of an animal by a carrier, means the transport of the animal during the period the animal is in the custody of the carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.''.

**SEC. __12. INFORMATION ON INCIDENCE OF ANIMALS IN AIR TRANSPORT.**

Section 6 of the Animal Welfare Act (7 U.S.C. 2136) is amended—

(1) by striking ''SEC. 6. Every'' and inserting the following:

**''SEC. 6. REGISTRATION.**

''(a) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(b) INFORMATION ON INCIDENCE OF ANIMALS IN AIR TRANSPORT.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall require each airline carrier to—

''(1) submit to the Secretary real-time information (as the information becomes available, but at least 24 hours in advance of a departing flight) on each flight that will be carrying a live animal, including—

''(A) the flight number;

''(B) the arrival and departure points of the flight;

''(C) the date and times of the flight; and

''(D) a description of the number and types of animals aboard the flight; and

''(2) ensure that the flight crew of an aircraft is notified of the number and types of animals, if any, on each flight of the crew.''.

**SEC. __13. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.**

Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended by adding at the end the following:

''(e) REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.—

''(1) IN GENERAL.—An airline carrier that causes, or is otherwise involved in or associated with, an incident involving the loss, injury, death or mishandling of an animal during air transport shall submit a report to the Secretary of Agriculture and the Secretary of Transportation that provides a complete description of the incident.

''(2) ADMINISTRATION.—Not later than 90 days after the date of enactment of this subsection, the Secretary of Agriculture, in consultation with the Secretary of Transportation, shall issue regulations that specify—

''(A) the type of information that shall be included in a report required under paragraph (1), including—

''(i) the date and time of an incident;

''(ii) the location and environmental conditions of the incident site;

''(iii) the probable cause of the incident; and

''(iv) the remedial action of the carrier; and

''(B) a mechanism for notifying the public concerning the incident.

''(3) CONSUMER INFORMATION.—The Secretary of Transportation shall include information received under paragraph (1) in the Air Travel Consumer Reports and other consumer publications of the Department of Transportation in a separate category of information.

''(4) CONSUMER COMPLAINTS.—Not later than 15 days after receiving a consumer complaint concerning the loss, injury, death or mishandling of an animal during air transport, the Secretary of Transportation shall provide a description of the complaint to the Secretary of Agriculture.''.

**SEC. __14. ANNUAL REPORTS.**

Section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended in the first sentence—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) a summary of—

''(A) incidents involving the loss, injury, or death of animals transported by airline carriers; and

''(B) consumer complaints regarding the incidents.''.

### Subtitle B—Transportation

**SEC. __21. POLICIES AND PROCEDURES FOR TRANSPORTING ANIMALS.**

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

**''§ 41716. Policies and procedures for transporting animals**

''An air carrier shall establish and include in each contract of carriage under part 253 of title 14, Code of Federal Regulations (or any successor regulation) policies and procedures of the carrier for transporting animals safely, including—

''(1) training requirements for airline personnel in the proper treatment of animals being transported;

''(2) information on the risks associated with air travel for animals;

''(3) a description of the conditions under which animals are transported;

''(4) the safety record of the carrier with respect to transporting animals; and

''(5) plans for handling animals prior to and after flight, and when there are flight delays or other circumstances that may affect the health or safety of an animal during transport.''.

(b) TABLE OF CONTENTS.—The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

''41716. Policies and procedures for transporting animals.''.

**SEC. __22. CIVIL PENALTIES AND COMPENSATION FOR LOSS, INJURY, OR DEATH OF ANIMALS DURING AIR TRANSPORT.**

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

**''§ 46317. Civil penalties and compensation for loss, injury, or death of animals during air transport**

''(a) DEFINITIONS.—In this section:

''(1) CARRIER.—The term 'carrier' means a person (including any employee, contractor, or agent of the person) operating an aircraft for the transportation of passengers or property for compensation.

''(2) TRANSPORT.—The term 'transport', when used with respect to the air transport of an animal by a carrier, means the transport of the animal during the period the animal is in the custody of a carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty of not more than $5,000 for each violation on, or issue a cease and desist order against, any carrier that causes, or is otherwise involved in or associated with, the loss, injury, or death of an animal during air transport.

''(2) CEASE AND DESIST ORDERS.—A carrier who knowingly fails to obey a cease and desist order issued by the Secretary under this subsection shall be subject to a civil penalty of $1,500 for each offense.

''(3) SEPARATE OFFENSES.—For purposes of determining the amount of a penalty imposed under this subsection, each violation and each day during which a violation continues shall be a separate offense.

''(4) FACTORS.—In determining whether to assess a civil penalty under this subsection and the amount of the civil penalty, the Secretary shall consider—

''(A) the size and financial resources of the business of the carrier;

''(B) the gravity of the violation;

''(C) the good faith of the carrier; and

''(D) any history of previous violations by the carrier.

''(5) COLLECTION OF PENALTIES.—

''(A) IN GENERAL.—On the failure of a carrier to pay a civil penalty assessed by a final order under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which the carrier is found or resides or transacts business, to collect the penalty.

''(B) PENALTIES.—The court shall have jurisdiction to hear and decide an action brought under subparagraph (A).

''(c) COMPENSATION.—If an animal is lost, injured, or dies in transport by a carrier, unless the carrier proves that the carrier did not cause, and was not otherwise involved in or associated with, the loss, injury, or death of the animal, the owner of the animal shall be entitled to compensation from the carrier in an amount that—

''(1) is not less than 2 times any limitation established by the carrier for loss or damage to baggage under part 254 of title 14, Code of Federal Regulations (or any successor regulation); and

''(2) includes all veterinary and other related costs that are documented and initiated not later than 1 year after the incident that caused the loss, injury, or death of the animal.''.

(b) TABLE OF CONTENTS.—The analysis for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

''46317. Civil penalties and compensation for loss, injury, or death of animals during air transport.''.

**SEC. __23. CARGO HOLD IMPROVEMENTS TO PROTECT ANIMAL HEALTH AND SAFETY.**

(a) IN GENERAL.—To protect the health and safety of animals in transport, the Secretary of Transportation shall—

(1) in conjunction with requiring certain transport category airplanes used in passenger service to replace class D cargo or baggage compartments with class C cargo or baggage compartments under parts 25, 121, and 135 of title 14, Code of Federal Regulations, to install, to the maximum extent practicable, systems that permit positive airflow and heating and cooling for animals that are present in cargo or baggage compartments; and

(2) effective beginning January 1, 2001, prohibit the transport of an animal by any carrier in a cargo or baggage compartment that fails to include a system described in paragraph (1).

(b) REPORT.—Not later than March 31, 2002, the Secretary shall submit a report to Congress that describes actions that have been taken to carry out subsection (a).

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## LAUTENBERG AMENDMENT NO. 1922

Mr. LAUTENBERG proposed an amendment to the bill S. 82, supra; as follows:

At the end of title IV, insert the following new section:

**SEC. 454. REQUIREMENTS APPLICABLE TO AIR CARRIERS THAT BUMP PASSENGERS INVOLUNTARILY.**

(a) IN GENERAL.—If an air carrier denies a passenger, without the consent of the passenger, transportation on a scheduled flight for which the passenger has made a reservation and paid—

(1) the air carrier shall provide the passenger with a one-page summary of the passenger's rights to transportation, services, compensation, and other benefits resulting from the denial of transportation;

(2) the passenger may select comparable transportation (as defined by the air carrier), with accommodations if needed, or a cash refund; and

(3) the air carrier shall provide the passenger with cash or a voucher in the amount that is equal to the value of the ticket.

(b) DELAYS IN ARRIVALS.—If, by reason of a denial of transportation covered by subsection (a), a passenger's arrival at the passenger's destination is delayed—

(1) by more than 2 hours after the regularly schedule arrival time for the original flight, but less than 4 hours after that time, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to twice the value of the ticket; or

(2) for more than 4 hours after the regularly schedule arrival time for the original flight, then the air carrier shall provide the passenger with cash or an airline voucher in the amount equal to 3 times the value of the ticket.

(c) DELAYS IN DEPARTURES.—If the earliest transportation offered by an air carrier to a passenger denied transportation as described in subsection (a) is on a day after the day of the scheduled flight on which the passenger has reserved and paid for seating, then the air carrier shall pay the passenger the amount equal to the greater of—

(1) $1,000; or

(2) 3 times the value of the ticket.

(d) RELATIONSHIP OF BENEFITS.—

(1) GENERAL AND DELAY BENEFITS.—Benefits due a passenger under subsection (b) or (c) are in addition to benefits due a passenger under subsection (a) with respect to the same denial of transportation.

(2) DELAY BENEFITS.—A passenger may not receive benefits under both subsection (b) and subsection (c) with respect to the same denial of transportation. A passenger eligible for benefits under both subsections shall receive the greater benefit payable under those subsections.

(e) CIVIL PENALTY.—An air carrier that fails to provide a summary of passenger's rights to one or more passengers on a flight when required to do so under subsection (a)(1) shall pay the Federal Aviation Administration a civil penalty in the amount of $1,000.

(f) DEFINITIONS.—In this section:

(1) AIRLINE TICKET.—The term ''airline ticket'' includes any electronic verification of a reservation that is issued by the airline in place of a ticket.

(2) VALUE.—The term ''value'', with respect to an airline ticket, means the value of the remaining unused portion of the airline ticket on the scheduled flight.

(3) WITHOUT CONSENT OF THE PASSENGER.—The term ''without consent of the passenger'', with respect to a denial of transportation to a passenger means a passenger, is denied transportation under subsection (a) for reasons other than weather or safety.

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## HATCH (AND OTHERS) AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND) submitted an amendment intended to be proposed by them to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

**SEC. ___. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.**

(a) SHORT TITLE.—This section may be cited as the ''Aircraft Safety Act of 1999''.

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

''(a) IN GENERAL.—

''(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having

been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including a regulation) or contract.

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

''(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

''(5) IN SERVICE.—The term 'in service' means—

''(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

''(B) in any event includes the entire period during which the aircraft is in flight.

''(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

''(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

''(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.''.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

**''§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce**

''(a) OFFENSES.—A person that, in or affecting interstate or foreign commerce, knowingly—

''(1)(A) falsifies or conceals a material fact;

''(B) makes any materially fraudulent representation; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication;

concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than $500,000, imprisonment for not more than 25 years, or both.

''(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(3) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than $25,000,000.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense not described in paragraph (1), (2), or (3), a fine under this title, imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

''(A) ordering a person CONVICTED OF AN OFFENSE UNDER THIS SECTION to divest any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

''(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

''(C) ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

''(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

''(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense.

''(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

''(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring inside or outside the United States.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—

''(A) SUBPOENAS.—In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any record (including any book, paper, document, electronic medium, or other object or tangible thing) that may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care or custody of or control over; and

''(ii) requiring a custodian of a record to give testimony concerning the production and authentication of the record.

''(B) CONTENTS.—A subpoena under subparagraph (A) shall—

''(i) describe the object required to be produced; and

''(ii) prescribe a return date within a reasonable period of time within which the object can be assembled and produced.

''(C) LIMITATION.—The production of a record shall not be required under this section at any place more than 500 miles from the place at which the subpoena for the production of the record is served.

''(D) WITNESS FEES.—A witness summoned under this section shall be paid the same fees and mileage as are paid witnesses in courts of the United States.

''(b) SERVICE.—

''(1) IN GENERAL.—A subpoena issued under subsection (a) may be served by any person who is at least 18 years of age and is designated in the subpoena to serve the subpoena.

''(2) NATURAL PERSONS.—Service of a subpoena issued under subsection (a) on a natural person may be made by personal delivery of the subpoena to the person.

''(3) CORPORATIONS AND OTHER ORGANIZATIONS.—Service of a subpoena issued under subsection (a) on a domestic or foreign corporation or on a partnership or other unincorporated association that is subject to suit under a common name may be made by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process for the corporation, partnership, or association.

''(4) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered or a true copy of such an affidavit shall be proof of service.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of a failure to comply with a subpoena issued under subsection (a), the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena.

''(2) ORDERS.—The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce a record or to give testimony concerning the production and authentication of a record.

''(3) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(4) PROCESS.—All process in a case under this subsection may be served in any judicial district in which the subpoenaed person may be found.

''(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person (including any officer, agent, or employee of a person) that receives a subpoena under this section, who complies in good faith with the subpoena and produces a record or material sought by a subpoena under this section, shall not be liable in any court of any State or the United States to any customer or other person for the production or for nondisclosure of the production to the customer.''.

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.''.

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

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## COVERDELL AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place in the Manager's substitute amendment, insert the following:

**SEC. ___. AVAILABILITY OF FUNDS FOR GEORGIA'S REGIONAL AIRPORT ENHANCEMENT PROGRAM.**

Of the amounts made available to the Secretary of Transportation for the fiscal year 2000 out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $11,000,000 may be available for Georgia's regional airport enhancement program for the acquisition of land.

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## ROTH AMENDMENT NO. 1925

Mr. MCCAIN (for Mr. ROTH) proposed an amendment to the bill S. 82, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. ___. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.**

(a) DEFINITION.—The term ''Brandywine Intercept'' means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) FINDINGS.—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Transportation should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14 of the Code of Federal Regulations required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

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## ROTH AMENDMENT NO. 1926

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be propoed by him to the bill S. 82, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. ___. AIR TRAFFIC OVER NORTHERN DELAWARE.**

Any airspace redesign efforts relating to Philadelphia International Airport, the Administrator of the Federal Aviation Administration shall—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14 of the Code of Federal Regulations that are required under the National Environmental Policy Act of 1969;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River; and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept in northern Delaware from 3,000 feet to 3,500 or 4,000 feet.

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## HATCH (AND OTHERS) AMENDMENT NO. 1927

Mr. MCCAIN (for Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND)) proposed an amendment to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

**SEC. ___. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.**

(a) SHORT TITLE.—This section may be cited as the ''Aircraft Safety Act of 1999''.

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

''(a) IN GENERAL.—

''(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including a regulation) or contract.

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

''(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

''(5) IN SERVICE.—The term 'in service' means—

''(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

''(B) in any event includes the entire period during which the aircraft is in flight.

''(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

''(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

''(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.''.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

**''§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce**

''(a) OFFENSES.—A person that, in or affecting interstate or foreign commerce, knowingly—

''(1)(A) falsifies or conceals a material fact;

''(B) makes any materially fraudulent representation; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication;

concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than $500,000, imprisonment for not more than 25 years, or both.

''(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(3) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than $25,000,000.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense not described in paragraph (1), (2), or (3), a fine under this title, imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

''(A) ordering a person CONVICTED OF AN OFFENSE UNDER THIS SECTION to divest any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

''(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

''(C) ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

''(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

''(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense.

''(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

''(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring inside or outside the United States.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—

''(A) SUBPOENAS.—In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any record (including any book, paper, document, electronic medium, or other object or tangible thing) that may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care or custody of or control over; and

''(ii) requiring a custodian of a record to give testimony concerning the production and authentication of the record.

''(B) CONTENTS.—A subpoena under subparagraph (A) shall—

''(i) describe the object required to be produced; and

''(ii) prescribe a return date within a reasonable period of time within which the object can be assembled and produced.

''(C) LIMITATION.—The production of a record shall not be required under this section at any place more than 500 miles from the place at which the subpoena for the production of the record is served.

''(D) WITNESS FEES.—A witness summoned under this section shall be paid the same fees and mileage as are paid witnesses in courts of the United States.

''(b) SERVICE.—

''(1) IN GENERAL.—A subpoena issued under subsection (a) may be served by any person who is at least 18 years of age and is designated in the subpoena to serve the subpoena.

''(2) NATURAL PERSONS.—Service of a subpoena issued under subsection (a) on a natural person may be made by personal delivery of the subpoena to the person.

''(3) CORPORATIONS AND OTHER ORGANIZATIONS.—Service of a subpoena issued under subsection (a) on a domestic or foreign corporation or on a partnership or other unincorporated association that is subject to suit under a common name may be made by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process for the corporation, partnership, or association.

''(4) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered or a true copy of such an affidavit shall be proof of service.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of a failure to comply with a subpoena issued under subsection (a), the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena.

''(2) ORDERS.—The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce a record or to give testimony concerning the production and authentication of a record.

''(3) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(4) PROCESS.—All process in a case under this subsection may be served in any judicial district in which the subpoenaed person may be found.

''(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person (including any officer, agent, or employee of a person) that receives a subpoena under this section, who complies in good faith with the subpoena and produces a record or material sought by a subpoena under this section, shall not be liable in any court of any State or the United States to any customer or other person for the production or for nondisclosure of the production to the customer.''.

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.''.

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

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## GRASSLEY AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place in title IV, insert the following:

**SEC. 4___. NOTIFICATION REQUIREMENTS.**

Section 44903 is amended by adding at the end the following:

''(f) NOTIFICATION TO PASSENGERS OF FOREIGN AIR TRANSPORTATION CONCERNING CERTAIN CRIMINAL LAWS RELATING TO THE TRANSPORTATION OF MINORS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Air Transportation Improvement Act, the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall promulgate regulations that require each air carrier that provides foreign air transportation to passengers at an airport in the United States and each owner or operator of such an airport to provide reasonable notice to those passengers of the applicability and requirements of—

''(A) section 2323 of title 18, United States Code; and

''(B) any other similar provision of Federal law relating to the transportation of individuals under the age of 18 years.

''(2) CONSULTATION.—In promulgating regulations under paragraph (1), the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall consult with representatives of—

''(A) air carriers; and

''(B) other interested parties.''.

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## FITZGERALD AMENDMENTS NOS. 1929–1947

(Ordered to lie on the table.)

Mr. FITZGERALD submitted 19 amendments intended to be proposed by him to the bill, S. 82, supra: as follows:

AMENDMENT NO. 1929

At the end of the matter proposed to be inserted, insert the following new section:

**SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.**

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall report the determination to Congress within 60 days of the date of making the determination.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, near misses, and such other measures as the Administrator may deem appropriate.

AMENDMENT NO. 1930

Strike page 3, line 21, through page 4, line 8.

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AMENDMENT NO. 1931

At the appropriate place, insert the following new section:

**SEC. . REPORT TO CONGRESS BY THE SECRETARY OF TRANSPORTATION ON THE EFFECT OF THE LIFTING OF THE HIGH DENSITY RULE ON COMPETITION IN THE AIRLINE INDUSTRY IN THE UNITED STATES.**

The Secretary of Transportation shall issue a report, within one year of the date of enactment of this Act, on the effect of the phase-out of the rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations on competition in the airline industry in the United States.

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AMENDMENT NO. 1932

At the end of the matter proposed to be inserted, insert the following new section:

**SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.**

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall report the determination to Congress within 60 days of the date of making the determination.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, and near misses.

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AMENDMENT NO. 1933

At the appropriate place, insert the following new section:

**SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.**

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall reimpose the high density ruels as ineffect on the day before the date of enactment of this Act.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, and near misses, and such other measures as the Administrator shall deem appropriate.

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AMENDMENT NO. 1934

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 4 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1935

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 5 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1936

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 6 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1937

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 7 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1938

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 8 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1939

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 9 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1940

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 10 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1941

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 11 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1942

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 12 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1943

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 13 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1944

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 14 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1945

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 15 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1946

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 16 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1947

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 17 years after the date of enactment of the Air Transportation Improvement Act.

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## ABRAHAM (AND LEVIN) AMENDMENT NO. 1948

Mr. MCCAIN (for Mr. ABRAHAM (for himself and Mr. LEVIN)) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

**SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.**

(a) PROHIBITING DISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.—Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

**"§ 40123. Nondiscrimination in the Use of Private Airports**

''(a) IN GENERAL.—Notwithstanding any other provision of law, no state, county, city

or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.

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## WARNER (AND ROBB) AMENDMENT NO. 1949

Mr. MCCAIN (for Mr. WARNER (for himself and Mr. ROBB)) proposed an amendment to the bill, S. 82, supra; as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Metropolitan Airports Authority Improvement Act''.

**SEC. 2. REMOVAL OF LIMITATION.**

Section 49106(c)(6) of title 49, United States Code, is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

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## GORTON AMENDMENT NO. 1950

Mr. MCCAIN (for Mr. GORTON) proposed an amendment to the bill, S. 82, supra; as follows:

**SEC. 437. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.**

(a) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—Section 41310 is amended by adding at the end the following:

''(g) ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

''(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm;

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to market.''.

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking ''air carrier'' in the first sentence and inserting ''air carrier, computer reservations system firm,'';

(B) by striking ''subsection (c)'' and inserting ''subsection (c) or (g)''; and

(C) striking ''air carrier'' in subparagraph (B) and inserting ''air carrier or computer reservations system firm''; and

(2) in subsection (e)(1) by inserting ''or a computer reservations system firm is subject when providing services with respect to airline service'' before the period at the end of the first sentence.

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## FITZGERALD AMENDMENTS NOS. 1951–2069

(Ordered to lie on the table.)

Mr. FITZGERALD submitted 119 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 1951

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 18 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1952

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 19 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1953

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 20 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1954

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 21 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1955

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 22 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1956

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 23 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1957

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 24 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1958

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 25 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1959

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 26 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1960

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 27 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1961

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 28 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1962

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 29 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1963

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 30 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1964

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 31 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1965

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 32 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 1966

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 33 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1967

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 34 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1968

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 35 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1969

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 36 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1970

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 37 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1971

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 38 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1972

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 39 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1973

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 40 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1974

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 41 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1975

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 42 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1976

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 43 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1977

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 44 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1978

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 45 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1979

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 46 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1980

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 47 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1981

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 48 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1982

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 49 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1983

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 50 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1984

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 51 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1985

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 52 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1986

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 53 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1987

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport

shall not take effect until 54 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1988

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 55 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1989

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 56 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1990

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 57 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1991

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 58 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1992

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 59 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1993

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 60 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1994

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 61 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1995

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 62 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1996

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 63 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 1997

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 64 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1998

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 65 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 1999

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 66 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 2000

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 67 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2001

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 68 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2002

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 69 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2003

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 70 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 2004

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 71 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 2005

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 72 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2006

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 73 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2007

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 74 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2008

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 75 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2009

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 76 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2010

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 77 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2011

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 78 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2012

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 79 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2013

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 80 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2014

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 81 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2015

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 82 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2016

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 83 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2017

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 84 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2018

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 85 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2019

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 86 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2020

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 87 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2021

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 88 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2022

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 89 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2023

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 90 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2024

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 91 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2025

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 92 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2026

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 93 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2027

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 94 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2028

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 95 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2029

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 96 years after the date of enactment of the Air Transportation Improvement Act.

___

AMENDMENT NO. 2030

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 97 years after the

date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2031

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 98 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 2032

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 99 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2033

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 100 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2034

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 101 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2035

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 102 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2036

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 103 years after the date of enactment of the Air Transportation Improvement Act.

---

AMENDMENT NO. 2037

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 104 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2038

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 105 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2039

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 106 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2040

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 107 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2041

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 108 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2042

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 109 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2043

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 110 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2044

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 111 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2045

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 112 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2046

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 113 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2047

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 114 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2048

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 115 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2049

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 116 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2050

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 117 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2051

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 118 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2052

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted

at Chicago O'Hare International Airport shall not take effect until 119 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2053

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 120 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2054

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 121 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2055

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 122 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2056

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 123 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2057

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 124 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2058

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 125 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2059

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 126 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2060

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 127 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2061

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 128 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2062

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 129 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2063

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 130 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2064

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 131 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2065

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 132 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2066

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 133 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2067

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 134 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2068

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 135 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2069

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 136 years after the date of enactment of the Air Transportation Improvement Act.

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## HELMS (AND SANTORUM) AMENDMENT NO. 2070

Mr. MCCAIN (for Mr. HELMS (for himself and Mr. SANTORUM)) proposed an amendment to amendment No. 1892 proposed by Mr. GORTON to the bill, S. 82, supra; as follows:

In the pending amendment on page 13, line 9 strike the words ''of such carriers''.

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## INHOFE AMENDMENT NO. 2071

Mr. MCCAIN (for Mr. INHOFE) proposed an amendment to the bill, S. 82, supra; as follows:

On page 132, line 4, strike ''is authorized to'' and insert ''shall''.

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## FITZGERALD AMENDMENTS NOS. 2072–2235

(Ordered to lie on the table.)

Mr. FITZGERALD submitted 164 amendments intended to be proposed by him to the bill, S. 82, supra; as follows:

AMENDMENT NO. 2072

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 137 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2073

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted

at Chicago O'Hare International Airport shall not take effect until 138 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2074

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 139 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2075

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 140 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2076

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 141 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2077

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 142 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2078

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 143 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2079

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 144 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2080

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 145 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2081

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 146 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2082

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 147 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2083

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 148 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2084

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 149 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2085

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 150 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2086

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any additional slot exemptions granted at Chicago O'Hare International Airport shall not take effect until 151 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2087

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 4 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2088

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 5 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2089

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 6 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2090

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 7 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2091

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 8 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2092

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 9 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2093

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 10 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2094

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 11 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2095

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 12 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2096

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 13 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2097

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 14 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2098

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 15 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2099

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 16 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2100

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 17 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2101

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 18 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2102

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 19 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2103

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 20 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2104

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 21 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2105

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 22 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2106

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 23 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2107

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 24 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2108

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 25 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2109

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 26 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2110

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 27 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2111

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 28 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2112

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 29 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2113

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 30 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2114

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 31 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2115

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 32 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2116

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until

33 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2117

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 34 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2118

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 35 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2119

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 36 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2120

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 37 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2121

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 38 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2122

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 39 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2123

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 40 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2124

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 41 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2125

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 42 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2126

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 43 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2127

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 44 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2128

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 45 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2129

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 46 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2130

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 47 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2131

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 48 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2132

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 49 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2133

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 50 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2134

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 51 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2135

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 52 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2136

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 53 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2137

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 54 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2138

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High

Density Rule at Chicago O'Hare International Airport shall not take effect until 55 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2139

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 56 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2140

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 57 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2141

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 58 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2142

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 59 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2143

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 60 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2144

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 61 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2145

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 62 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2146

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 63 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2147

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 64 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2148

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 65 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2149

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 66 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2150

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 67 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2151

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 68 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2152

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 69 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2153

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 70 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2154

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 71 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2155

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 72 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2156

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 73 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2157

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 74 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2158

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 75 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2159

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 76 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2160

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 77 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2161

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 78 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2162

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 79 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2163

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 80 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2164

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 81 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2165

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 82 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2166

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 83 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2167

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 84 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2168

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 85 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2169

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 86 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2170

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 87 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2171

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 88 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2172

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 89 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2173

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 90 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2174

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 91 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2175

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 92 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2176

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 93 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2177

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 94 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2178

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 95 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2179

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 96 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2180

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 97 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2181

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until

98 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2182

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 99 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2183

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 100 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2184

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 101 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2185

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 102 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2186

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 103 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2187

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 104 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2188

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 105 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2189

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 106 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2190

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 107 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2191

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 108 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2192

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 109 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2193

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 110 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2194

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 111 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2195

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 112 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2196

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 113 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2197

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 114 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2198

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 115 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2199

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 116 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2200

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 117 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2201

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 118 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2202

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 119 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2203

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High

Density Rule at Chicago O'Hare International Airport shall not take effect until 120 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2204

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 121 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2205

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 122 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2206

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 123 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2207

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 124 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2208

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 125 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2209

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 126 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2210

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 127 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2211

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 128 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2212

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 129 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2213

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 130 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2214

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 131 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2215

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 132 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2216

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 133 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2217

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 134 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2218

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 135 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2219

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 136 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2220

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 137 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2221

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 138 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2222

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 139 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2223

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 140 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2224

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 141 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2225

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 141 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2226

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 142 years after the date of enactment of the Air Transportation Improvement Act.

AMENDMENT NO. 2227

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 143 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2228

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 144 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2229

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 145 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2230

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 146 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2231

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 147 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2232

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 148 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2233

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 149 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2234

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 150 years after the date of enactment of the Air Transportation Improvement Act.

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AMENDMENT NO. 2235

At the appropriate place, insert the following new section:

**SEC. ___. EFFECTIVE DATE FOR CERTAIN ADDITIONAL SLOT EXEMPTIONS.**

Notwithstanding any other provision of law, any provision to eliminate the High Density Rule at Chicago O'Hare International Airport shall not take effect until 151 years after the date of enactment of the Air Transportation Improvement Act.

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## HATCH (AND OTHERS) AMENDMENT NO. 2236

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. LEAHY, and Mr. THURMOND) submitted an amendment intended to be proposed by them to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

**SEC. ___. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.**

(a) SHORT TITLE.—This section may be cited as the ''Aircraft Safety Act of 1999''.

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

''(a) IN GENERAL.—

''(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

''(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including a regulation) or contract.

''(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

''(4) IN FLIGHT.—The term 'in flight' means—

''(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

''(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

''(5) IN SERVICE.—The term 'in service' means—

''(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

''(B) in any event includes the entire period during which the aircraft is in flight.

''(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

''(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

''(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

''(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

''(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.''.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

**''§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce**

''(a) OFFENSES.—A person that, in or affecting interstate or foreign commerce, knowingly—

''(1)(A) falsifies or conceals a material fact;

''(B) makes any materially fraudulent representation; or

''(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication;

concerning any aircraft or space vehicle part;

''(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

''(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

''(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

''(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space

vehicle, a fine of not more than $500,000, imprisonment for not more than 25 years, or both.

''(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the probable cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365) to or the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(3) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than $25,000,000.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense not described in paragraph (1), (2), or (3), a fine under this title, imprisonment for not more than 15 years, or both.

''(c) CIVIL REMEDIES.—

''(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

''(A) ordering a person CONVICTED OF AN OFFENSE UNDER THIS SECTION to divest any interest, direct or indirect, in any enterprise, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

''(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

''(C) ordering dissolution or reorganization of any enterprise, making due provisions for the rights and interests of innocent persons.

''(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

''(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

''(d) CRIMINAL FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

''(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

''(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense.

''(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

''(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

''(f) TERRITORIAL SCOPE.—This section applies to conduct occurring inside or outside the United States.

''(g) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—

''(1) AUTHORIZATION.—

''(A) SUBPOENAS.—In any investigation relating to any act or activity involving an offense under this section, the Attorney General may issue in writing and cause to be served a subpoena—

''(i) requiring the production of any record (including any book, paper, document, electronic medium, or other object or tangible thing) that may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care or custody of or control over; and

''(ii) requiring a custodian of a record to give testimony concerning the production and authentication of the record.

''(B) CONTENTS.—A subpoena under subparagraph (A) shall—

''(i) describe the object required to be produced; and

''(ii) prescribe a return date within a reasonable period of time within which the object can be assembled and produced.

''(C) LIMITATION.—The production of a record shall not be required under this section at any place more than 500 miles from the place at which the subpoena for the production of the record is served.

''(D) WITNESS FEES.—A witness summoned under this section shall be paid the same fees and mileage as are paid witnesses in courts of the United States.

''(b) SERVICE.—

''(1) IN GENERAL.—A subpoena issued under subsection (a) may be served by any person who is at least 18 years of age and is designated in the subpoena to serve the subpoena.

''(2) NATURAL PERSONS.—Service of a subpoena issued under subsection (a) on a natural person may be made by personal delivery of the subpoena to the person.

''(3) CORPORATIONS AND OTHER ORGANIZATIONS.—Service of a subpoena issued under subsection (a) on a domestic or foreign corporation or on a partnership or other unincorporated association that is subject to suit under a common name may be made by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process for the corporation, partnership, or association.

''(4) PROOF OF SERVICE.—The affidavit of the person serving the subpoena entered or a true copy of such an affidavit shall be proof of service.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—In the case of a failure to comply with a subpoena issued under subsection (a), the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which the subpoenaed person carries on business or may be found, to compel compliance with the subpoena.

''(2) ORDERS.—The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce a record or to give testimony concerning the production and authentication of a record.

''(3) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(4) PROCESS.—All process in a case under this subsection may be served in any judicial district in which the subpoenaed person may be found.

''(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person (including any officer, agent, or employee of a person) that receives a subpoena under this section, who complies in good faith with the subpoena and produces a record or material sought by a subpoena under this section, shall not be liable in any court of any State or the United States to any customer or other person for the production or for nondisclosure of the production to the customer.''.

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.''.

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''section 38 (relating to aircraft parts fraud),'' after ''section 32 (relating to destruction of aircraft or aircraft facilities),''.

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## HUTCHISON AMENDMENT NO. 2237

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 82, supra; as follows:

At the appropriate place in Section 506, add the following:

''(C) or, upgraded air service replacing turbo prop aircraft with regional jet aircraft between Chicago O'Hare International Airport and any airport to which the air carrier provided air service with turbo prop aircraft during the week of June 15, 1999.''.

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## CONRAD AMENDMENT NO. 2238

Mr. MCCAIN (for Mr. CONRAD) proposed an amendment to the bill S. 82, supra; as follows:

**SECTION 1. SENSE OF THE SENATE.**

It is the Sense of the Senate that—

(A) Essential air service (EAS) to smaller communities remains vital, and that the difficulties encountered by many communities in retaining EAS warrant increased federal attention.

(B) The FAA should give full consideration to ending the local match required by Dickinson, North Dakota.

**SEC. 2. REPORT.**

Not later than 60 days after enactment of this legislation, the Secretary of Transportation shall report to the Congress with an analysis of the difficulties faced by many smaller communities in retaining EAS and a plan to facilitate easier EAS retention. This report shall give particular attention to communities in North Dakota.

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## HOLLINGS AMENDMENT NO. 2239

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

TITLE—RESTORATION OF AIR TRANSPORTATION COMPETITION

**SEC. 01. SHORT TITLE.**

This title may be cited as the ''Restoration of air Transportation Competition Act''.

**SEC. 02. FINDINGS.**

The Congress makes the following findings:

(1) Essential airport facilities at major airports must be available on a reasonable basis to all air carriers wishing to serve those airports.

(2) 15 large hub airports today are each dominated by one air carrier, with each such carrier controlling more than 50 percent of the traffic at the hub.

(3) The General Accounting Office has found that such levels of concentration lead to higher air fares.

(4) The United States Government must take every step necessary to reduce those levels of concentration.

(5) Spending at these essential facilities must be directed at providing opportunities for carriers wishing to serve such facilities on a commercially viable basis.

(6) The Department of Transportation and the Department of Justice must vigilantly enforce existing laws on competition.

**SEC. 03. POLICY GOAL.**

It is the purpose of this title to use the power of the Federal government, working with the Nation's major airports, to reduce levels of concentration and end the domination by 1 air carrier of the transportation services provided to people in a particular region, and to further the policy goals of ensuring lower fares and better service.

**SEC. 04. INCREASING COMPETITION AT MAJOR HUB AIRPORTS.**

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by inserting after section 40117 the following:

**"§ 40117A. Increased competition and reduced concentration**

''(a) ESSENTIAL AIRPORT FACILITIES MUST SUBMIT COMPETITION PLAN.—Within 6 months after the date of enactment of the Restoration of Air Transportation Competition Act, each essential airport facility shall submit a competition plan that meets the requirements of this section to the Secretary of Transportation. If any essential airport facility fails to submit such a plan before the end of that 6-month period, the secretary may not approve an application under section 40117(c) from that essential airport facility to impose or increase a passenger facility fee at that facility.

''(b) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under subsection (a) to ensure that it meets the requirements of this section, and shall review its implementation from time to time to ensure that each essential airport facility successfully implements its plan.

''(c) FUTURE PFC IMPOSITION OR INCREASE.—Beginning 3 years after the date of enactment of the Restoration of Air Transportation Competition Act, the Secretary may not approve an application under section 40117(c) for the imposition of, or an increase in, a passenger facility fee at an essential airport facility unless the Secretary determines that—

''(1) the essential airport facility has fully implemented a competition plan that meets the requirements of this section;

''(2) the essential airport facility has adequate facilities available, or has offered to make such facilities available to carriers other than the dominant carrier;

''(3) concentration levels at the essential airport facility have been reduced substantially or below 50 percent; or

''(4) the essential airport facility has made substantial progress toward reducing concentration at that airport.

''(d) COMPETITION PLAN REQUIREMENTS.—A competition plan submitted under this section shall include—

''(1) a proposal on methods of reducing air traffic concentration levels at that airport;

''(2) a timeframe for taking action under the plan, including—

''(A) attracting new service or expanding opportunities for existing air carriers that reduce the levels of concentration;

''(B) making airport grates and related facilities available for air carriers other than the dominant air carrier at that airport;

''(C) leasing and subleasing arrangements;

''(D) gate-use requirements;

''(E) patterns of air service;

''(F) gate-assignment policies;

''(G) financial constraints;

''(H) information on contract relationships that may impede expansion or more effective use of facilities; and

''(I) means to build or acquire gates that could be used as common facilities; and

''(3) any other information required by the Secretary.

''(e) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731 of this title) in the contiguous 48 states at which 1 carrier has more than 50 percent of total annual enplanements.''

(b) GUIDELINES.—The Secretary of Transportation shall issue guidelines for competition plans required under section 40117A of title 49, United States Code, within 30 days after the date of enactment of this title.

(c) ANNUAL REPORT ON AIR FARES.—The Secretary shall issue an annual report on airfares at essential airport facilities (as defined in section 40117A(e) of title 49, United States Code) that includes information about airfares, competition, and concentration at such facilities.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 of such title is amended by inserting after the item relating to section 40117 the following:

''40117A. Increased competition and reduced concentration''.

**SEC. 05. INCREASE IN PASSENGER FACILITY FEE GENERALLY.**

Section 40117(b) of title 49, United States Code, is amended by striking ''$3'' in paragraph (1) and inserting ''$4''.

**SEC. 06. INCREASE IN PFC AT ESSENTIAL AIRPORT FACILITIES.**

(a) IN GENERAL.—Section 40117 of title 49, United States Code, is amended by adding at the end thereof the following:

''(j) SPECIAL RULES FOR ESSENTIAL AIRPORT FACILITIES.—

''(1) IN GENERAL.—The Secretary may authorize an essential airport facility (as defined in section 40117A(e)) to impose a passenger facility fee under subsection (b)(1) of $4 on each paying passenger only if that facility meets the requirements of section 40117A and this subsection.

''(2) REQUEST.—Before increasing its passenger facility fee to $4 under this subsection, an essential airport facility shall submit a request in writing to the Secretary for permission to increase the fee. The request shall set forth a plan for the use of the revenue from the increased fee that meets the requirements of this subsection. The Secretary may approve or disapprove the request. If the Secretary disapproves the request, the facility may not increase its passenger facility fee to $4. The Secretary may not approve a request unless the facility agrees to meet the requirements of this subsection at all times during which the increased fee is in effect.

''(4) LIMITATION ON USE OF INCREASED PFC REVENUE.—

''(A) PRIORITY USES.—If an essential airport facility (as defined in section 40117A(e)) increases its passenger facility fee to $4, then any increase in passenger facility fee revenue attributable to that increase shall be used first—

''(i) to provide opportunities for non-dominant air carriers to expand operations at that airport;

''(ii) to build gates and other facilities for non-dominant air carriers at that airport; or

''(iii) to take other measures to enhance competition.

''(B) EXCLUSIVE USE PROHIBITED.—Any gate built in whole or in part with passenger facility fee revenue attributable to such an increase may not be made available for exclusive long-term lease or use agreement by an air carrier.

''(C) IG TO AUDIT USE OF FUNDS.—The Inspector General of the Department of Transportation shall audit the use of passenger facility fees at essential airport facilities to ensure that passenger facility fee revenue attributable to an passenger facility fee increase from $3 to $4 is used in accordance with this paragraph.''.

(b) DOT INSPECTOR GENERAL TO INVESTIGATE COMPETITIVE IMPACTS.—The Inspector General of the Department of Transportation shall investigate the competitive impact of majority-in-interest provisions in airport-airline contracts at essential airport facilities (as defined in section 40117A(e) of title 49, United States Code).

**SEC. 07. DESIGNATION OF COMPETITION ADVOCATE; DUTIES.**

(a) DESIGNATION.—The Secretary of Transportation shall designate an officer or employee of the Department of Transportation to serve as the Federal Aviation Competition Advocate.

(b) DUTIES.—The Federal Aviation Competition Advocate shall—

(1) have final responsibility for approving or disapproving applications for passenger facility charges from essential airport facilities (as defined in section 40117A(e) of title 49, United States Code);

(2) oversee the administration of Federal Aviation Administration grant assurances for those facilities; and

(3) review plans submitted under section 40117A of such title.

**SEC. 08. AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.**

The Secretary of Transportation shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at essential airport facilities (as defined in section 40117A(e) of title 49, United States Code) where a ''majority-in-interest clause'' of a contract, or other agreement or arrangement, inhibits the ability of the local airport authority to provide or build new gates or other facilities.

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## DORGAN AMENDMENT NO. 2240

Mr. MCCAIN (for Mr. DORGAN) proposed an amendment to the bill S. 82, supra; as follows:

At the appropriate place, insert the following:

**SEC. . PRESERVATION OF ESSENTIAL AIR SERVICE AT DOMINATED HUB AIRPORTS.**

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

**"§ 41743. Preservation of basic essential air service at dominated hub airports**

''(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable and competitive performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, then the Secretary may require the air carrier that has more than 50 percent of the total annual enplanements at the essential airport facility to take action to enable air carrier to provide reliable and competitive essential air service to that community. Action required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service or facility necessary for the performance of satisfactory essential air service to that community.

''(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731) in the contiguous 48 states at which 1 air carrier has more than 50 percent of the total annual enplanements at that airport.''.

## DODD (AND OTHERS) AMENDMENT NO. 2241

Mr. DODD (for himself, Mr. BENNETT, Mr. MCCAIN, Mr. ROCKEFELLER, and Mr. HOLLINGS) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place, insert the following:

**SEC. ___. FEDERAL AVIATION ADMINISTRATION YEAR 2000 TECHNOLOGY SAFETY ENFORCEMENT ACT OF 1999.**

(a) SHORT TITLE.—This section be cited as the ''Federal Aviation Administration Year 2000 Technology Safety Enforcement Act of 1999''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER OPERATING CERTIFICATE.—The term ''air carrier operating certificate'' has the same meaning as in section 44705 of title 49, United States Code.

(3) YEAR 2000 TECHNOLOGY PROBLEM.—The term ''year 2000 technology problem'' means a failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) to accurately account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(c) RESPONSE TO REQUEST FOR INFORMATION.—Any person who has an air carrier operating certificate shall respond on or before November 1, 1999, to any request for information from the Administrator regarding readiness of that person with regard to the year 2000 technology problem as it relates to the compliance of that person with applicable safety regulations.

(d) FAILURE TO RESPOND.—

(1) SURRENDER OF CERTIFICATE.—After November 1, 1999, the Administrator shall make a decision on the record whether to compel any air carrier that has not responded on or before November 1, 1999, to a request for information regarding the readiness of that air carrier with regard to the year 2000 technology problem as it relates to the air carrier's compliance with applicable safety regulations to surrender its operating certificate to the Administrator.

(2) REINSTATEMENT OF CERTIFICATE.—The Administrator may return an air carrier operating certificate that has been surrendered under this subsection upon—

(A) a finding by the Administrator that a person whose certificate has been surrendered has provided sufficient information to demonstrate compliance with applicable safety regulations as it relates to the year 2000 technology problem; or

(B) upon receipt of a certification, signed under penalty or perjury, by the chief operating officer of the air carrier, that such air carrier has addressed the year 2000 technology problem so that the air carrier will be in full compliance with applicable safety regulations on and after January 1, 2000.

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## FITZGERALD AMENDMENT NO. 2242

(Ordered to lie on the table.)

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. ___. STUDY OF CHICAGO O'HARE INTERNATIONAL AIRPORT.**

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines, on the basis of the Administrator's own or a credible third party's analysis, that the enactment of any provision of this Act will result in—

(1) additional delays in flight departures from or flight arrivals to Chicago O'Hare International Airport, or

(2) increased risk to public safety,

the Administrator shall report the determination to Congress within 60 days of the date of making the determination.

(b) CRITERIA FOR ASSESSING PUBLIC SAFETY.—In assessing the impact on public safety the Administrator shall take into account air traffic control incidents, runway incursions, near misses, and such other measures as the Administrator shall deem appropriate.

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## HELMS AMENDMENTS NOS. 2243–2244

(Ordered to lie on the table.)

Mr. HELMS submitted 2 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2243

In the pending amendment on page 13, line 9 strike the words ''of such carriers''.

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AMENDMENT NO. 2244

In the bill on page 153, line 14 strike the words ''of such carriers''.

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## SHELBY (AND DOMENICI) AMENDMENTS NOS. 2245–2246

(Ordered to lie on the table.)

Mr. SHELBY (for himself and Mr. DOMENICI) submitted 2 amendments intended to be proposed by them to the bill S. 82, supra; as follows:

AMENDMENT NO. 2245

At the appropriate place insert the following:

**SEC. ___. SENSE OF THE SENATE SUPPORTING CURRENT FUNDING FOR AVIATION.**

(a) FINDING.—The Senate finds that funding for Federal aviation programs is a high priority for this Congress and sufficient funding is available to adequately address the aviation needs of our country.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is both unnecessary and unwise to create any mechanisms, procedures, or any new points of order designed to dictate the level of aviation funding in the future.

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AMENDMENT NO. 2246

At the appropriate place insert the following:

**SEC. ___. BUDGET TREATMENT OF AVIATION PROGRAMS.**

(a) FINDINGS.—The Senate finds the following:

(1) In order to enforce Congressional Budget Resolutions and help control Federal spending, there are currently at least 22 different points of order in the Congressional Budget Act of 1974. Many of these points of order require a supermajority vote in the Senate.

(2) With the exceptions of Social Security and the Postal Service, all Federal Government spending is on-budget. On-budget treatment is the most appropriate way to account for spending the taxpayers' money.

(3) Since 1990, the existence of the discretionary spending limits has been an extremely useful tool in Congress battle against explosive Federal Government spending and the deficit. Their existence has appropriately forced Congress and the President to revisit the effectiveness of programs and prioritize the use of taxpayers' money.

(4) Funding for Federal aviation programs is a high priority for this Congress and sufficient funding is available within the existing discretionary spending limits to adequately address the aviation needs of our country.

(5) Creating additional budgetary constraints or points of order—designed to dictate the outcome of future spending debates—is unnecessary and unwise. To do so would require the affirmative vote of a supermajority for final passage in the Senate and would prevent future Congresses from making the best spending decisions appropriate to our rapidly changing world.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the current budgetary treatment of aviation programs represents sound fiscal policy and encourages the best decisionmaking; and

(2) this Act or any other legislation which provides for the reauthorization of funding for programs of the Federal Aviation Administration shall not contain special budgetary treatment including off-budget status, separate categories of spending within the existing discretionary spending limits—also known as firewalls—or any new points of order.

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## ABRAHAM AMENDMENTS NOS. 2247–2251

(Ordered to lie on the table.)

Mr. ABRAHAM submitted 5 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2247

At the appropriate place insert the following:

**SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.**

Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

**''§ 40123. Nondiscrimination in the use of private airports.**

Notwithstanding any other provision of law, no state, county, city or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.''

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AMENDMENT NO. 2248

At the appropriate place insert the following:

**SEC. . NONDISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.**

(a) PROHIBITING DISCRIMINATION IN THE USE OF PRIVATE AIRPORTS.—Chapter 401 of Subtitle VII of title 49, United States Code, is amended by inserting the following new section after section 40122:

**''§ 40123. Nondiscrimination in the use of private airports.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, no state, county, city or municipal government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, creed, color, national origin, sex, or ancestry.

''(b) ENFORCEMENT.—A person who has been discriminated against under paragraph (a)

may bring a civil action, for injunctive or declaratory relief only, in the United States District Court for the judicial district in which the private landing area is located; provided, however, that neither the United States Government nor any of its agencies, instrumentalities, or employees, in their official capacity, shall be party to such action.

''(c) METHOD OF REDRESS.—Section (b) shall provide the sole and exclusive method for the redress of claims arising out of Section (a).

''(d) LIMITATIONS.—Nothing in this provision shall be construed as a limitation, amendment, or change or to any authorities, rights, or obligations of the United States Government, nor any of its agencies, instrumentalities, or employees, in the course of their official capacity.''

(b) JUDICIARY AND JUDICIAL PROCEDURES.—Title 28, United States Code, Judiciary and Judicial Procedure is hereby amended to provide exclusive jurisdiction over a claim arising out of 49 U.S.C. §40101, et. seq., as amended by P.L. 103–305 (August 23, 1994), in the United States District Court for the judicial district in which the private landing area is located, provided, however, that neither the United States Government nor any of its agencies, instrumentalities, or employees, in their official capacity, shall be party to such an action.

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AMENDMENT NO. 2249

At the appropriate place insert the following:

**SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.**

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrument landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.

(b) APPORTIONMENT.—Title 49, United States Code, section 47114(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 percent of the amount subject to apportionment for each fiscal year to each eligible General Aviation Metropolitan Access and Reliever Airports in proportion to the percentage of the number of operations at that General Aviation Metropolitan Access and Reliever Airport compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports.''

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AMENDMENT NO. 2250

At the appropriate place insert the following:

**SEC. . GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT GRANT FUND.**

(a) DEFINITION.—Title 49, United States Code, is amended by adding the following new section at the end of section 47144(d)(1):

''(C) GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER AIRPORT.—'General Aviation Metropolitan Access and Reliever Airport' means a Reliever Airport which has annual operations in excess of 75,000 operations, a runway with a minimum usable landing distance of 5,000 feet, a precision instrument landing procedure, a minimum of 150 based aircraft, and where the adjacent Air Carrier Airport exceeds 20,000 hours of annual delays as determined by the Federal Aviation Administration.

(b) APPORTIONMENT.—Title 49, United States Code, section 47114(d), is amended by adding at the end:

''(4) The Secretary shall apportion an additional 5 percent of the amount subject to apportionment for each fiscal year to States that include a General Aviation Metropolitan Access and Reliever Airport equal to the percentage of the apportionment equal to the percentage of the number of operations of the State's eligible General Aviation Metropolitan Access and Reliever Airport compared to the total operations of all General Aviation Metropolitan Access and Reliever Airports. Such funds may only be used by the States for eligible projects at eligible General Aviation Metropolitan Access and Reliever Airports.''

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## ABRAHAM AMENDMENT NO. 2251

Mr. MCCAIN (for Mr. ABRAHAM) proposed an amendment to the bill, S. 82, supra; as follows:

On page 14, strike lines 9 through 11.

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## SHELBY AMENDMENTS NOS. 2252–2253

(Ordered to lie on the table.)

Mr. SHELBY submitted 2 amendments intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2252

At the appropriate place insert the following:

**SEC. ___. AVIATION DISCRETIONARY SPENDING GUARANTEE.**

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' after the semicolon; and

(C) by adding at the end the following:

''(D) for the aviation category, an outlay amount equal to the limitation on obligations for the airport improvement program and the amounts authorized for operations, research, and facilities, and equipment in the Air Transportation Improvement Act for fiscal year 2001;''; and

(2) in paragraph (6)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by adding at the end the following:

''(D) for the aviation category, an outlay amount equal to the limitation on obligations for the airport improvement program and the amounts authorized for operations, research, and facilities, and equipment in the Air Transportation Improvement Act for fiscal year 2002; and''.

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At the appropriate place, insert:

**SEC. 1. BUDGETARY TREATMENT OF AIRPORT AND AIRWAY TRUST FUND.**

Notwithstanding any other provision of law, the receipts and disbursements of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

**SEC. 2. SAFEGUARDS AGAINST DEFICIT SPENDING OUT OF AIRPORT AND AIRWAY TRUST FUND.**

(a) IN GENERAL.—Subhcapter I of chapter 471 is further amended by adding at the end the following:

**''§47138. Safeguards against deficit spending**

''(a) ESTIMATES OF UNFUNDED AVIATION AUTHORIZATIONS AND NET AVIATION RECEIPTS.—Not later than March 31 of each year, the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall estimate—

''(1) the amount which would (but for this section) be the unfunded aviation authorizations at the close of the first fiscal year that begins after that March 31; and

''(2) the net aviation receipts to be credited to the Airport and Airway Trust Fund during the fiscal year.

''(b) PROCEDURES IF EXCESS UNFUNDED AVIATION AUTHORIZATIONS.—If the Secretary of Transportation determines for any fiscal year that the amount described on subsection (a)(1) exceeds the amount described in subsection (a)(2), the Secretary shall determine the amount of such excess.

''(c) ADJUSTMENT OF AUTHORIZATIONS IF UNFUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

''(1) DETERMINATION OF PERCENTAGE.—If the Secretary determines that there is an excess referred to in subsection (b) for a fiscal year, the Secretary shall determine the percentage which—

''(A) such excess, is of

''(B) the total of the amounts authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year.

''(2) ADJUSTMENT OF AUTHORIZATIONS.—If the Secretary determines a percentage under paragraph (1), each amount authorized to be appropriated from the Airport and Airway Trust Fund for the next fiscal year shall be reduced by such percentage.

''(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITHHELD.—

''(1) ADJUSTMENT OF AUTHORIZATIONS.—If, after a reduction has been made under subsection (c)(2), the Secretary determines that the amount described in subsection (a)(1) does not exceed the amount described in subsection (a)(2) or that the excess referred to in subsection (b) is less than the amount previously determined, each amount authorized to be appropriated that was reduced under subsection ((c)(2) shall be increased, by an equal percentage, to the extent the Secretary determines that it may be so increased without causing the amount described in subsection (a)(1) to exceed the amount described in subsection (a)(2) (but not by more than the amount of the reduction).

''(2) APPORTIONMENT.—The Secretary shall apportion amounts made available for apportionment by paragraph (1).

''(3) PERIOD OF AVAILABILITY.—Any funds apportioned under paragraph (2) shall remain available for the period for which they would be available if such apportionment took effect with the fiscal year in which they are apportioned under paragraph (2).

''(e) REPORTS.—Any estimate under subsection (a) and any determination under subsection (b), (c), or (d) shall be reported by the Secretary to Congress.

''(f) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) NET AVIATION RECEIPTS.—The term 'net aviation receipts' means, with respect to any period, the excess of—

''(A) the receipts (including interest) of the Airport and Airway Trust fund during such period, over

''(B) the amounts to be transferred during such period from the Airport and Airway Trust Fund under section 9502(d) of the Internal Revenue Code of 1986 (other than paragraph (1) thereof).

''(2) UNFUNDED AVIATION AUTHORIZATIONS.—The term 'unfunded aviation authorization' means, at any time, the excess (if any) of—

''(A) the total amount authorized to be appropriated from the Airport and Airway Trust Fund which has not been appropriated, over

''(B) the amount available in the Airport and Airway Trust Fund at such time to make such appropriation (after all other unliquidated obligations at such time which are payable from the Airport and Airway Trust Fund have been liquidated).''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47138. Safeguards against deficit spending.''

**SEC. 3. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS**

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 2001, the Director of the Office of Management and Budget shall, pursuant to section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, calculate and the budget shall include appropriate reductions to the discretionary spending limits for each of fiscal years 2001 and 2002 set forth in section 251(c)(5)(A) and section 251(c)(6)(A) of that Act (as adjusted under section 251 of that Act) to reflect the discretionary baseline trust fund spending (without any adjustment for inflation) for the Federal Aviation Administration that is subject to section 902 of this Act for each of those two fiscal years.

**SEC. 4. APPLICABILITY.**

This title (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2000.

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## HATCH AMENDMENT NO. 2254

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

Insert in the appropriate place:

[The parts of the bill intended to be stricken are shown in boldface brackets and the parts to be inserted are shown in italic.]

TITLE—

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the ''Bankruptcy Reform Act of 1999''.

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

## TITLE I—NEEDS-BASED BANKRUPTCY

**SEC. 101. CONVERSION.**

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

**SEC. 102. DISMISSAL OR CONVERSION.**

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**''§ 707. Dismissal of a case or conversion to a case under chapter 13''**;

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not at the request or suggestion'' and inserting '', panel trustee or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 13 of this title,'' after ''consumer debts''; and

(III) by striking ''substantial abuse'' and inserting ''abuse''; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

''(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims in the case; or

''(II) $15,000.

''(ii) The debtor's monthly expenses shall be the applicable monthly (excluding payments for debts) expenses under standards issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent.

''(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

''(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; divided by

''(II) 60.

''(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

''(I) the total amount of debts entitled to priority; divided by

''(II) 60.

''(B)(i) In any proceeding brought under this subsection, the presumption of abuse may be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly total income. In order to establish special circumstances, the debtor shall be required to—

''(I) itemize each additional expense or adjustment of income; and

''(II) provide—

''(aa) documentation for such expenses; and

''(bb) a detailed explanation of the special circumstances that make such expenses necessary and reasonable.

''(ii) The debtor, and the attorney for the debtor if the debtor has an attorney, shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

''(iii) The presumption of abuse may be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) multiplied by 60 to be less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims; or

''(II) $15,000.

''(C)(i) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

''(ii) The Supreme Court shall promulgate rules under section 2075 of title 28, that prescribe a form for a statement under clause (i) and may provide general rules on the content of the statement.

''(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

''(A) whether the debtor filed the petition in bad faith; or

''(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.''.

(b) DEFINITION.—Title 11, United States Code, is amended—

(1) in section 101, by inserting after paragraph (10) the following:

''(10A) 'current monthly income'—

''(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 180-day period preceding the date of determination; and

''(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent);''; and

(2) in section 704—

(A) by inserting ''(a)'' before ''The trustee shall—''; and

(B) by adding at the end the following:

''(b)(1) With respect to an individual debtor under this chapter—

''(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days before the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

''(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

''(2) The United States trustee or bankruptcy administrator shall not later than 30 days after receiving a statement filed under paragraph (1) file a motion to dismiss or convert under section 707(b), or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be [appropriate. If,] *appropriate, if* based on the filing of such statement with the court, the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

''(A) the highest national or applicable State median family income reported for a family of equal or lesser size, whichever is greater; or

''(B) in the case of a household of 1 person, the national or applicable State median household income for 1 earner, whichever is greater.

''(3)(A) The court shall order the counsel for the debtor to reimburse the panel trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

''(i) a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection; and

''(ii) the court—

''(I) grants that motion; and

''(II) finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified.

''(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

''(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

''(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

''(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

''(ii) determined that the petition—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

''(4)(A) Except as provided in subparagraph (B) and subject to paragraph (5), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee or United States trustee) under this subsection (including reasonable attorneys' fees) if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that brought the motion was not substantially justified; or

''(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

''(5) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have a total current monthly income equal to or less than the national or applicable State median family monthly income calculated on a monthly basis for a family of equal size.''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 13.''.

**SEC. 103. NOTICE OF ALTERNATIVES.**

Section 342(b) of title 11, United States Code, is amended to read as follows:

''(b)(1) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter I of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed under section 586 of title 28.

''(2) The notice shall contain the following:

''(A) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

''(B) A brief description of services that may be available to that individual from a credit counseling service that is approved by the United States trustee for that district.''.

**SEC. 104. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.**

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the ''Director'') shall—

(1) consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors; and

(2) develop a financial management training curriculum and materials that may be used to educate individual debtors concerning how to better manage their finances.

(b) TEST.—

(1) IN GENERAL.—The Director shall select 3 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) AVAILABILITY OF CURRICULUM AND MATERIALS.—For a 1-year period beginning not later than 270 days after the date of enactment of this Act, the curriculum and materials referred to in paragraph (1) shall be made available by the Director, directly or indirectly, on request to individual debtors in cases filed during that 1-year period under chapter 7 or 13 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 1-year period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the report of the National Bankruptcy Review Commission issued on October 20, 1997, that are representative of consumer education programs carried out by—

(i) the credit industry;

(ii) trustees serving under chapter 13 of title 11, United States Code; and

(iii) consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding the evaluation under paragraph (1), the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs.

**SEC. 105. CREDIT COUNSELING.**

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the [90-day period] *180-day period* preceding the date of filing of the petition of that individual, received from an approved nonprofit credit counseling service described in section 111(a) an individual or group briefing that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

''(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit credit counseling services for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from those programs by reason of the requirements of paragraph (1).

''(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.

''(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

''(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

''(ii) states that the debtor requested credit counseling services from an approved nonprofit credit counseling service, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

''(iii) is satisfactory to the court.

''(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

''(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy

court of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

''(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—''; and

(2) by adding at the end the following:

''(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

''(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1).''.

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

**''§ 111. Credit counseling services; financial management instructional courses**

''(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and a list of instructional courses concerning personal financial management that have been approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Credit counseling services; financial management instructional courses.''.

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) If a case commenced under chapter 7, 11, or 13 [of this title] is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.''.

## TITLE II—ENHANCED CONSUMER PROTECTION

### Subtitle A—Penalties for Abusive Creditor Practices

**SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.**

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

''(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency acting on behalf of the debtor;

''(B) the offer of the debtor under subparagraph (A)—

''(i) was made at least 60 days before the filing of the petition; and

''(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

''(C) no part of the debt under the alternative repayment schedule is nondischargeable.

''(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

''(A) the creditor unreasonably refused to consider the debtor's proposal; and

''(B) the proposed alternative repayment schedule was made in the 60-day period specified in paragraph (1)(B)(i).''.

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.''.

**SEC. 202. EFFECT OF DISCHARGE.**

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).''.

**SEC. 203. VIOLATIONS OF THE AUTOMATIC STAY.**

Section 362(a) of title 11, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) any communication (other than a recitation of the creditor's legal rights) threatening a debtor (for the purpose of coercing an agreement for the reaffirmation of debt), at any time after the commencement and before the granting of a discharge in a case under this title, of an intention to—

''(A) file a motion to—

''(i) determine the dischargeability of a debt; or

''(ii) under section 707(b), [to] dismiss or convert a case; or

''(B) repossess collateral from the debtor to which the stay applies.''.

**SEC. 204. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.**

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by inserting ''and'' at the end; and

(iii) by adding at the end the following:

''(C)(i) the consideration for such agreement is based on a wholly unsecured consumer debt; and

''(ii) such agreement contains a clear and conspicuous statement that advises the debtor that—

''(I) the debtor is entitled to a hearing before the court at which—

''(aa) the debtor shall appear in person; and

''(bb) the court shall decide whether the agreement constitutes an undue hardship, is not in the debtor's best interest, or is not the result of a threat by the creditor to take an action that, at the time of the threat, [that] the creditor may not legally take or does not intend to take; and

''(II) if the debtor is represented by counsel, the debtor may waive the debtor's right to a hearing under subclause (I) by signing a statement—

''(aa) waiving the hearing;

''(bb) stating that the debtor is represented by counsel; and

''(cc) identifying the counsel.;''; [and]

(B) in paragraph (6)(A)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) not an agreement that the debtor entered into as a result of a threat by the creditor to take an action that, at the time of the threat, the creditor could not legally take or did not intend to take[.]; *except that*''; and

*(C) in paragraph (6)(B), by striking ''Subparagraph'' and inserting ''subparagraph''; and*

(2) in subsection (d), in the third sentence, by inserting after ''during the course of negotiating an agreement'' the following: ''(or if the consideration by such agreement is based on a wholly secured consumer debt, and the debtor has not waived the right to a hearing under subsection (c)(2)(C))''.

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

**''§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt**

''(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt.

''(b) UNITED STATES DISTRICT ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION—The individuals referred to in subsection (a) are—

''(1) a United States attorney for each judicial district of the United States; and

''(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

''(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall have primary responsibility for carrying out the duties of a United States attorney under section 3057.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

''158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt.''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

''(f) Nothing in this section or in any other provision of this title shall preempt any State law relating to unfair trade practices that imposes restrictions on creditor conduct that would give rise to liability—

''(1) under this section; or

''(2) under section 524, for failure to comply with applicable requirements for seeking a reaffirmation of debt.

''(g) ACTIONS BY STATES.—The attorney general of a State, or an official or agency designated by a State—

''(1) may bring an action on behalf of its residents to recover damages on their behalf under subsection (d) or section 524(c); and

''(2) may bring an action in a State court to enforce a State criminal law that is similar to section 152 or 157 of title 18.''.

**Subtitle B—Priority Child Support**

***SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.***

*Section 101 of title 11, United States Code, is amended—*

*(1) by striking paragraph (12A); and*

*(2) by inserting after paragraph (14) the following:*

*''(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title that is—*

*''(A) owed to or recoverable by—*

*''(i) a spouse, former spouse, or child of the debtor or such child's parent or legal guardian; or*

*''(ii) a governmental unit;*

*''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent or legal guardian, without regard to whether such debt is expressly so designated;*

*''(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—*

*''(i) a separation agreement, divorce decree, or property settlement agreement;*

*''(ii) an order of a court of record; or*

*''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and*

*''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent or legal guardian of the child for the purpose of collecting the debt.''.*

**SEC. [211.] *212.* PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.**

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking ''First'' and inserting ''Second'';

(4) in paragraph (3), as redesignated, by striking ''Second'' and inserting ''Third'';

(5) in paragraph (4), as redesignated, by striking ''Third'' and inserting ''Fourth'';

(6) in paragraph (5), as redesignated, by striking ''Fourth'' and inserting ''Fifth'';

(7) in paragraph (6), as redesignated, by striking ''Fifth'' and inserting ''Sixth'';

(8) in paragraph (7), as redesignated, by striking ''Sixth'' and inserting ''Seventh''; and

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

''(1) First, allowed *unsecured* claims for domestic support obligations to be paid in the following order on the condition that funds received under this paragraph by a governmental unit in a case under this title be applied *and distributed in accordance with applicable nonbankruptcy law*:

''(A) Claims that, as of the date of entry of the order for relief, are owed directly to a spouse, former spouse, or child of the debtor, or the parent *or legal guardian* of such child, without regard to whether the claim is filed by the spouse, former spouse, child, or [parent] *such child's parent or legal guardian*, or is filed by a governmental unit on behalf of that person.

''(B) Claims that, as of the date of entry of the order for relief, are assigned by a spouse, former spouse, child of the debtor, or the parent *or legal guardian* of that child to a governmental unit or are owed directly to a governmental unit under applicable nonbankruptcy law.''.

**SEC. [212.] *213.* REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.**

Title 11, United States Code, is amended—

[(1) in section 1129(a), by adding at the end the following:

[''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that become payable after the date on which the petition is filed.'';]

*(1) in section 1322(a)—*

*(A) in paragraph (2), by striking ''and'' at the end;*

*(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and*

*(C) by adding in the end the following:*

*''(4) if the debtor is required by judicial or administrative order or statute to pay a domestic support obligation, unless the holder of such claim agrees to a different treatment of such claim, provide for the full payment of—*

*''(A) all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed; and*

*''(B) all amounts payable under such order before the date on which such petition was filed, if such amounts are owed directly to a spouse, former spouse, child of the debtor, or a parent or legal guardian of such child.'';*

*(2) in section 1225(a)—*

*(A) in paragraph (5), by striking ''and'' at the end;*

*(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and*

*(C) by adding at the end the following:*

*''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the plan provides for the full payment of all amounts payable under such order or statute for such obligation that initially become payable after the date on which the petition is filed.'';*

*(3) in section 1228(a)—*

*(A) by striking ''(a) As soon as practicable'' and inserting ''(a)(1) Subject to paragraph (2), as soon as practicable'';*

*(B) by striking ''(1) provided'' and inserting the following:*

*''(A) provided'';*

*(C) by striking ''(2) of the kind'' and inserting the following:*

*''(B) of the kind''; and*

*(D) by adding at the end the following:*

*''(2) With respect to a debtor who is required by a judicial or administrative order or statute to pay a domestic support obligation, the court may not grant the debtor a discharge under paragraph (1) until after the debtor certifies that—*

*''(A) all amounts payable under that order or statute that initially became payable after the date on which the petition was filed (through the date of the certification) have been paid; and*

*''(B) all amounts payable under that order that, as of the date of the certification, are owed directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child, have been paid, unless the holder of such claim agrees to a different treatment of such claim.'';*

[(2)] *(4)* in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, [the debtor has paid] *the plan provides for full payment of* all amounts payable under such order for such obligation that become payable after the date on which the petition is filed.''; and

[(3)] *(5)* in section 1328(a), in the matter preceding paragraph (1), by inserting '', and with respect to a debtor who is required by a judicial or administrative order to pay a domestic support obligation, *and with respect to whom the court* certifies that all amounts payable under such order or [statute that are due on or before the date] *statute that initially became payable after the date on which the petition was filed through the date* of the [certification (including amounts due before or after the petition was filed) have been paid'' after ''completion by the debtor of all payments under the plan''.] *certification have been paid, after all amounts payable under that order that, as of the date of certification, are owed directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child have been paid (unless the holder of such claim agrees to a different treatment of such claim),'' after ''completion by the debtor of all payments under the plan''.*

**SEC. [213.] *214.* EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.**

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement of an action or proceeding for—

''(i) the establishment of paternity [as a part of an effort to collect domestic support obligations]; or

''(ii) the establishment or modification of an order for domestic support obligations; or

''(B) the collection of a domestic support obligation from property that] is not property of the estate;'';

[(2) in paragraph (17), by striking ''or'' at the end;

[(3) in paragraph (18), by striking the period at the end and inserting a semicolon; and

[(4) by inserting after paragraph (18) the following:

[''(19) under subsection (a) with respect to the withholding of income under an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

[''(20) under subsection (a) with respect to—]

*(2) by inserting after paragraph (4) the following:*

*''(5) under subsection (a) with respect to the withholding of income—*

*''(A) for payment of a domestic support obligation for amounts that initially become payable after the date the petition was filed; and*

*''(B) for payment of a domestic support obligation for amounts payable before the date the petition was filed, and owed directly to the spouse, former spouse, or child of the debtor, or the parent or guardian of such child;'';*

*(3) in paragraph (17), by striking ''or'' at the end;*

*(4) in paragraph (18), by striking the period at the end and inserting ''; or''; and*

*(5) by inserting after paragraph (18) the following:*

*''(19) under subsection (a) with respect to—*

''(A) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) [or with respect];

*''(B)* [to] the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''[(B)] *(C)* the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)), *if such tax refund is payable directly to a spouse, former spouse, or child of the debtor, or the parent or legal guardian of such child*; or

''[(C)] *(D) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).*''.

**SEC. [214.] *215.* NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.**

Section 523 of title 11, United States Code, is amended—

[(1) in subsection (a), by striking paragraph (5) and inserting the following:

[''(5) for a domestic support obligation;'';]

*(1) in subsection (a)—*

*(A) by striking paragraph (5) and inserting the following:*

*''(5) for a domestic support obligation;'';*

*(B) in paragraph (15)—*

*(i) by inserting ''or'' after ''court of record''; and*

*(ii) by striking ''unless—'' and all that follows through the end of the paragraph and inserting a semicolon; and*

(2) in subsection (c), by striking ''(6), or (15)'' and inserting ''or (6)''[; and].

[(3) in paragraph (15), by striking ''governmental unit'' and all through the end of the paragraph and inserting a semicolon.]

**SEC. [215.] *216.* CONTINUED LIABILITY OF PROPERTY.**

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));''; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(5); or''.

**SEC. [216.] *217.* PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.**

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or''.

**[SEC. 217. AMENDMENT TO SECTION 1325 OF TITLE 11, UNITED STATES CODE.**

[Section 1325(b)(2) of title 11, United States Code, is amended by inserting ''(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law and which is reasonably necessary to be expended)'' after ''received by the debtor''.

**[SEC. 218. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.**

[Section 101 of title 11, United States Code, is amended—

[(1) by striking paragraph (12A); and

[(2) by inserting after paragraph (14) the following:

[''(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title that is—

[''(A) owed to or recoverable by—

[''(i) a spouse, former spouse, or child of the debtor or that child's legal guardian; or

[''(ii) a governmental unit;

[''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

[''(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

[''(i) a separation agreement, divorce decree, or property settlement agreement;

[''(ii) an order of a court of record; or

[''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

[''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent solely for the purpose of collecting the debt.''.]

***SEC. 218. DISPOSABLE INCOME DEFINED.***

*(a) CONFIRMATION OF PLAN UNDER CHAPTER 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''for a child support, foster care, or disability payment for a dependent child made in accordance with applicable nonbankruptcy law'' after ''dependent of the debtor''.*

*(b) CONFIRMATION OF PLAN UNDER CHAPTER 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a child support, foster care, or disability payment for a dependent child made in accordance with applicable nonbankruptcy law'' after ''dependent of the debtor''.*

**SEC. 219. COLLECTION OF CHILD SUPPORT.**

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent *or legal guardian* of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In any case described in subsection (a)(10), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. [654] *664* and 666, respectively) for the State in which the holder resides *for assistance in collecting child support during and after the bankruptcy procedures*; [and]

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

*''(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and*

''(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

''(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor; and

''(III) with respect to the debtor's case, the name of each creditor that holds a claim *that*—

''(aa) [that] is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(bb) [that] was reaffirmed by the debtor under section 524(c).

''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

*(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—*

*(1) in subsection (b)—*

*(A) in paragraph (5), by striking ''and'' at the end;*

*(B) in paragraph (6), by striking the period and inserting ''; and''; and*

*(C) by adding at the end the following:*

*''(7) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent or legal guardian of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c).''; and*

*(2) by adding at the end the following:*

*''(c)(1) In any case described in subsection (b)(7), the trustee shall—*

*''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and*

*''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and*

*''(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;*

*''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and*

*''(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—*

*''(I) the granting of the discharge;*

*''(II) the last recent known address of the debtor; and*

*''(III) with respect to the debtor's case, the name of each creditor that holds a claim that—*

*''(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or*

*''(bb) was reaffirmed by the debtor under section 524(c).*

*''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.*

*''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.*

*(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—*

*(1) in subsection (b)—*

*(A) in paragraph (4), by striking ''and'' at the end;*

*(B) in paragraph (5), by striking the period and inserting ''; and''; and*

*(C) by adding at the end the following:*

*''(6) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent or legal guardian of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (c).''; and*

*(2) by adding at the end the following:*

*''(c)(1) In any case described in subsection (b)(6), the trustee shall—*

*''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666) for the State in which the holder resides; and*

*''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and*

*''(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;*

*''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and*

*''(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—*

*''(I) the granting of the discharge;*

*''(II) the last recent known address of the debtor; and*

*''(III) with respect to the debtor's case, the name of each creditor that holds a claim that—*

*''(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or*

*''(bb) was reaffirmed by the debtor under section 524(c).*

*''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.*

*''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.*

[(b)] *(d)* DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, [as amended by section 102(b) of this Act,] is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if, with respect to an individual debtor, there is a claim for support of a child of the debtor or a custodial parent *or legal guardian* of such child entitled to receive priority under section 507(a)(1), provide the applicable notification specified in subsection (d).''; and

[(s)] *(2)* by adding at the end the following:

''(d)(1) In any case described in subsection (b)(6), the trustee shall—

''(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664 and 666, respectively) for the State in which the holder resides; and

''(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

''(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim; [and]

''(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; *and*

''(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

''(I) the granting of the discharge;

''(II) the last recent known address of the debtor; and

''(III) with respect to the debtor's case, the name of each creditor that holds a claim *that*—

''(aa) [that] is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(bb) [that] was reaffirmed by the debtor under section 524(c).

''(2)(A) If, after receiving a notice under paragraph (1)(B)(iii), a holder of a claim or a State child support agency is unable to locate the debtor that is the subject of the notice, that party may request from a creditor described in paragraph (1)(B)(iii)(III) (aa) or (bb) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.''.

**Subtitle C—Other Consumer Protections**

**[SEC. 221. DEFINITIONS.**

[(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

[(1) by inserting after paragraph (3) the following:

[''(3A) 'assisted person' means any person whose debts consist primarily of consumer debts and whose nonexempt assets are less than $150,000;'';

[(2) by inserting after paragraph (4) the following:

[''(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a proceeding under this title;''; and

[(3) by inserting after paragraph (12A) the following:

[''(12B) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include any person that is any of the following or an officer, director, employee, or agent thereof—

[''(A) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

[''(B) any creditor of the person to the extent the creditor is assisting the person to restructure any debt owed by the person to the creditor; or

[''(C) any depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1751)), or any affiliate or subsidiary of such a depository institution or credit union;''.

[(b) CONFORMING AMENDMENT.—Section 104(b)(1) of title 11, United States Code, is amended by inserting ''101(3),'' after ''sections''.

**[SEC. 222. DISCLOSURES.**

[(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

**['' § 526. Disclosures**

[''(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide the following notices to the assisted person:

[''(1) The written notice required under section 342(b)(1).

[''(2) To the extent not covered in the written notice described in paragraph (1) and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

[''(A) all information the assisted person is required to provide with a petition and thereafter during a case under this title shall be complete, accurate, and truthful;

[''(B) all assets and all liabilities shall be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset, as defined in section 506, shall be stated in those documents if requested after reasonable inquiry to establish such value;

[''(C) total current monthly income, projected monthly net income and, in a case under chapter 13, monthly net income shall be stated after reasonable inquiry; and

[''(D) information an assisted person provides during the case of that person may be audited under this title and the failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

[''(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or a substantially similar statement. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

[''IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER

[''If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

[''The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

[''Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a ''trustee'' and by creditors.

[''If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

[''If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

[''If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

[''Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

[''(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which may be provided orally or in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

[''(1) how to value assets at replacement value, determine total current monthly income, projected monthly income and, in a case under chapter 13, net monthly income, and related calculations;

[''(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

[''(3) how to—

[''(A) determine what property is exempt; and

[''(B) value exempt property at replacement value, as defined in section 506.

[''(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for a period of 2 years after the latest date on which the notice is given the assisted person.''.

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525 the following:

[''526. Disclosures.''.

**[SEC. 223. DEBTOR'S BILL OF RIGHTS.**

[(a) DEBTOR'S BILL OF RIGHTS.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by adding at the end the following:

**[''§ 527. Debtor's bill of rights**

[''(a)(1) A debt relief agency shall—

[''(A) not later than 5 business days after the first date on which a debt relief agency provides any bankruptcy assistance services to an assisted person, but before that assisted person's petition under this title is filed—

[''(i) execute a written contract with the assisted person specifying clearly and conspicuously the services the agency will provide the assisted person and the basis on which fees or charges will be made for such services and the terms of payment; and

[''(ii) give the assisted person a copy of the fully executed and completed contract in a form the person is able to retain;

[''(B) disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to proceedings under this title, clearly and conspicuously using the statement: 'We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.' or a substantially similar statement; and

[''(C) if an advertisement directed to the general public indicates that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, lease eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt, disclose conspicuously in that advertisement that the assistance is with respect to or may involve proceedings under this title, using the following statement: 'We are a debt relief agency. We help people file bankruptcy petitions to obtain relief under the Bankruptcy Code.' or a substantially similar statement.

[''(2) For purposes of paragraph (1)(B), an advertisement shall be of bankruptcy assistance services if that advertisement describes or offers bankruptcy assistance with a plan under chapter 12, without regard to whether chapter 13 is specifically mentioned. A statement such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or any other similar statement that would lead a reasonable consumer to believe that help with debts is being offered when in fact in most cases the help available is bankruptcy assistance with a plan under chapter 13 is a statement covered under the preceding sentence.

[''(b) A debt relief agency shall not—

[''(1) fail to perform any service that the debt relief agency has told the assisted person or prospective assisted person the agency would provide that person in connection with the preparation for or activities during a proceeding under this title;

[''(2) make any statement, or counsel or advise any assisted person to make any statement in any document filed in a proceeding under this title, that—

[''(A) is untrue and misleading; or

[''(B) upon the exercise of reasonable care, should be known by the debt relief agency to be untrue or misleading;

[''(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, what services the debt relief agency may reasonably expect to provide that person, or the benefits an assisted person may obtain or the difficulties the person may experience if the person seeks relief in a proceeding under this title; or

[''(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of that person filing a proceeding under this title or in order to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a proceeding under this title.''.

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 222 of this Act, is amended by inserting after the item relating to section 526 of title 11, United States Code, the following:

[''527. Debtor's bill of rights.''.

**[[SEC. 224. ENFORCEMENT.**

[(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by adding at the end the following:

**[''§ 528. Debt relief agency enforcement**

[''(a) Any waiver by any assisted person of any protection or right provided by or under section 526 or 527 shall be void and may not be enforced by any Federal or State court or any other person.

[''(b)(1) Any contract between a debt relief agency and an assisted person for bankruptcy assistance that does not comply with the material requirements of section 526 or 527 shall be treated as void and may not be enforced by any Federal or State court or by any other person.

[''(2) Any debt relief agency that has been found, after notice and hearing, to have—

[''(A) negligently failed to comply with any provision of section 526 or 527 with respect to a bankruptcy case or related proceeding of an assisted person;

[''(B) provided bankruptcy assistance to an assisted person in a case or related proceeding which is dismissed or converted because the debt relief agency's negligent failure to file bankruptcy papers, including papers specified in section 521; or

[''(C) negligently or intentionally disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such debt relief agency shall be liable to the assisted person in the amount of any fees and charges in connection with providing bankruptcy assistance to such person that the debt relief agency has already been paid on account of that proceeding.

[''(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating section 526 or 527, the State—

[''(A) may bring an action to enjoin such violation;

[''(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

[''(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

[''(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

[''(5) Notwithstanding any other provision of Federal law, if the court, on its own motion or on the motion of the United States trustee, finds that a person intentionally violated section 526 or 527, or engaged in a clear and consistent pattern or practice of violating section 526 or 527, the court may—

[''(A) enjoin the violation of such section; or

[''(B) impose an appropriate civil penalty against such person.

[''(c) This section and sections 526 and 527 shall not annul, alter, affect, or exempt any person subject to those sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency.''.

[(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 223 of this Act, is amended by inserting after the item relating to section 527 of title 11, United States Code, the following:

[''528. Debt relief agency enforcement.''.]

***SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.***

*Section 110 of title 11, United States Code, is amended—*

*(1) in subsection (a)(1), by inserting '', under the direct supervision of an attorney,'' after ''who'';*

*(2) in subsection (b)—*

*(A) in paragraph (1), by adding at the end the following: ''If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—*

*''(A) sign the document for filing; and*

*''(B) print on the document the name and address of that officer, principal, responsible person or partner.'';*

*(B) by striking paragraph (2) and inserting the following:*

*''(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.*

*''(B) The notice under subparagraph (A)—*

''(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

''(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

''(iii) shall—

''(I) be signed by—

''(aa) the debtor; and

''(bb) the bankruptcy petition preparer, under penalty of perjury; and

''(II) be filed with any document for filing.'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting ''(2)(A) Subject to subparagraph (B), for purposes''; and

(ii) by adding at the end the following:

''(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer.''; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking ''(d)(1)'' and inserting ''(d)''; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

''(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

''(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

''(i) whether—

''(I) to file a petition under this title; or

''(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

''(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

''(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

''(iv) concerning—

''(I) the tax consequences of a case brought under this title; or

''(II) the dischargeability of tax claims;

''(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

''(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

''(vii) concerning bankruptcy procedures and rights.'';

(6) in subsection (f)—

(A) by striking ''(f)(1)'' and inserting ''(f)''; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking ''(g)(1)'' and inserting ''(g)''; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

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

''(h)(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.'';

(C) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by striking ''Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a'' and inserting ''A'';

(ii) by inserting ''by the bankruptcy petition preparer shall be filed together with the petition,'' after ''perjury''; and

(iii) by adding at the end the following: ''If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).'';

(D) by striking paragraph (3), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

''(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

''(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or

''(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

''(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

''(C) An individual may exempt any funds recovered under this paragraph under section 522(b).''; and

(E) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by striking ''or the United States trustee'' and inserting ''the United States trustee, or the court, on the initiative of the court,'';

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

''(i) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, or United States trustee, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—'';

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking ''a violation of which subjects a person to criminal penalty'';

(ii) in subparagraph (B)—

(I) by striking ''or has not paid a penalty'' and inserting ''has not paid a penalty''; and

(II) by inserting ''or failed to disgorge all fees ordered by the court'' after ''a penalty imposed under this section,'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, or the United States trustee.''; and

(11) by adding at the end the following:

''(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

''(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

''(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

''(B) advised the debtor to use a false Social Security account number;

''(C) failed to inform the debtor that the debtor was filing for relief under this title; or

''(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

''(3) The debtor, the trustee, a creditor, or the United States trustee may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

''(4) All fines imposed under this section shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this paragraph shall be available to fund the enforcement of this section on a national basis.''.

**SEC. [225.] 222. SENSE OF CONGRESS.**

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

**SEC. [226.] 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.**

(a) IN GENERAL.—Section 507(a) of title 11, United States Code, as amended by section [211] 212 of this Act, is amended by inserting after paragraph (9) the following:

''(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.''.

(b) VESSELS.—Section 523(a)(9) of title 11, United States Code, is amended by inserting ''or vessel'' after ''vehicle''.

**SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.**

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 215 of this Act, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''(2)(A) any property'' and inserting:

''(3) Property listed in this paragraph is—

''(A) any property'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.'';

(B) by striking paragraph (1) and inserting:

''(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.'';

(C) in the matter preceding paragraph (2)—

(i) by striking ''(b)'' and inserting ''(b)(1)'';

(ii) by striking ''paragraph (2)'' both places it appears and inserting ''paragraph (3)'';

(iii) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''; and

(iv) by striking ''Such property is—''; and

(D) by adding at the end of the subsection the following:

''(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

''(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

''(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

''(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

''(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

*''(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.*

*''(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.*

*''(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.*

*''(ii) A distribution described in this clause is an amount that—*

*''(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and*

*''(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount.''; and*

*(2) in subsection (d)—*

*(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (b)(2)''; and*

*(B) by adding at the end the following:*

*''(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''.*

*(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 214 of this Act, is amended—*

*(1) in paragraph (18), by striking ''or'' at the end;*

*(2) in paragraph (19), by striking the period and inserting ''; or'';*

*(3) by inserting after paragraph (19) the following:*

*''(20) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—*

*''(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or*

*''(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title;''; and*

*(4) by adding at the end of the flush material at the end of the subsection, the following: ''Nothing in paragraph (20) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''.*

*(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, is amended—*

*(1) by striking ''or'' at the end of paragraph (17);*

*(2) by striking the period at the end of paragraph (18) and inserting ''; or''; and*

*(3) by adding at the end the following:*

*''(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—*

*''(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or*

*''(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of such title. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''*

*(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:*

*''(f) A plan may not materially alter the terms of a loan described in section 362(b)(20).''.*

## TITLE III—DISCOURAGING BANKRUPTCY ABUSE

### SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking ''by a court'' and inserting ''on a prisoner by any court'',

(2) by striking ''section 1915(b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915'', and

(3) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears.

### SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

''(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease will terminate with respect to the debtor on the 30th day after the filing of the later case;

''(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

''(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors, if—

''(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

''(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

''(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

''(bb) provide adequate protection as ordered by the court; or

''(cc) perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 [of this title], or any other reason to conclude that the later case will be concluded—

''(aa) if a case under chapter 7 [of this title], with a discharge; or

''(bb) if a case under chapter 11 or 13 [of this title], with a confirmed plan which will be fully performed; and

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

''(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

''(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

''(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

''(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

''(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors if—

''(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

''(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.''.

### SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

''(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

''(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section ⟦213⟧ *224* of this Act, is amended—

(1) in paragraph (19), by striking ''or'' at the end;

(2) in paragraph (20), by striking the period at the end; and

(3) by inserting after paragraph (20) the following:

''(21) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

''(22) under subsection (a), of any act to enforce any lien against or security interest in real property—

''(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

''(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.''.

**SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.**

Title 11, United States Code, is amended—

(1) in section 521(a), as so redesignated *by section 105(d) of this Act*—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) in an individual case under chapter 7 ⟦of this title⟧, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor within 45 days after the first meeting of creditors under section 341(a)—

''(A) enters into an agreement with the creditor under section 524(c) with respect to the claim secured by such property; or

''(B) redeems such property from the security interest under section 722.''; and

(C) by adding at the end the following:

''(b) ⟦If the debtor⟧ *For purposes of subsection (a)(6), if the debtor* fails to so act within the 45-day period specified in subsection (a)(6), the personal property affected shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate.''; and

(2) in section 722, by inserting ''in full at the time of redemption'' before the period at the end.

**SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.**

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking ''(e), and (f)'' and inserting ''(e), (f), and (h)''; and

(B) by redesignating subsection (h), as amended by section 227 of this Act, as subsection (j) and by inserting after subsection (g) the following:

''(h)(1) Subject to paragraph (2), in an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim, or subject to an unexpired lease, if the debtor fails within the applicable period of time set by section 521(a)(2) to—

''(A) file timely any statement of intention required under section 521(a)(2) with respect to that property or to indicate therein that the debtor—

''(i) will either surrender the property or retain the property; and

''(ii) if retaining the property, will, as applicable—

''(I) redeem the property under section 722;

''(II) reaffirm the debt the property secures under section 524(c); or

''(III) assume the unexpired lease under section 365(p) if the trustee does not do so; or

''(B) take timely the action specified in that statement of intention, as the statement may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

''(2) Paragraph (1) shall not apply if the court determines on the motion of the trustee, and after notice and a hearing, that such property is of consequential value or benefit to the estate.''; and

(2) in section 521, as amended by section 304 of this Act—

(A) in subsection (a)(2), as redesignated *by section 105(d) of this Act*—

(i) by striking ''consumer'';

(ii) in subparagraph (B)—

(I) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first date set for the meeting of creditors under section 341(a)''; and

(II) by striking ''forty-five day period'' and inserting ''30-day period''; and

(iii) in subparagraph (C), by inserting ''except as provided in section 362(h)'' before the semicolon; and

(B) by adding at the end the following:

''(c) If the debtor fails timely to take the action specified in subsection (a)(6), or in paragraph (1) or (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under that lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.''.

**SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.**

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(i) the plan provides that—

''(I) the holder of such claim retain the lien securing such claim until the earlier of—

''(aa) the payment of the underlying debt determined under nonbankruptcy law; or

''(bb) discharge under section 1328; and

''(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and''.

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the debt that is the subject of the claim was incurred within the 5-year period preceding the filing of the petition and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 6-month period preceding that filing.''.

(c) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by section ⟦221⟧ *211* of this Act, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or cooperative unit;''; and

(2) by inserting after paragraph (27), the following:

''(27A) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real estate is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

**SEC. 307. EXEMPTIONS.**

Section ⟦522(b)(2)(A)⟧ *522(b)(3)(A)* of title 11, United States Code, *as so designated by section 224 of this Act*, is amended—

(1) by striking ''180'' and inserting ''730''; and

(2) by striking '', or for a longer portion of such 180-day period than in any other place''.

**SEC. 308. RESIDENCY REQUIREMENT FOR HOMESTEAD EXEMPTION.**

Section 522 of title 11, United States Code, as amended by section 307 of this Act, is amended—

(1) in subsection ⟦(b)(2)(A)⟧ *(b)(3)(A)*, by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following:

''(n) For purposes of subsection ⟦(b)(2)(A)⟧ *(b)(3)(A)*, and notwithstanding subsection (a), the value of an interest in—

''(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(3) a burial plot for the debtor or a dependent of the debtor;

shall be reduced to the extent such value is attributable to any portion of any property that the debtor disposed of in the 730-day period ending on the date of the filing of the petition, with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b) if on such date the debtor had held the property so disposed of.''.

**SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.**

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13—

''(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

''(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.''.

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

''(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

''(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

''(B) If within 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

''(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

''(3) In a case under chapter 11 [of this title] in which the debtor is an individual and in a case under chapter 13 [of this title], if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.''.

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

[(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by inserting after section 1307 the following:

**[''§ 1308. Adequate protection in chapter 13 cases**

[''(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2), to—

[''(i) any lessor of personal property; and

[''(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

[''(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

[''(i) the creditor begins to receive actual payments under the plan; or

[''(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

[''(I) the lessor or creditor; or

[''(II) any third party acting under claim of right.

[''(2) The payments referred to in paragraph (1)(A) shall be the contract amount.

[''(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount, and timing of the dates of payment, of payments made under subsection (a).

[''(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

[''(B) The amount of payments referred to in paragraph (1) shall not be less than the amount of any weekly, biweekly, monthly, or other periodic payment schedules as payable under the contract between the debtor and creditor.

[''(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides for—

[''(1) payments to a creditor or lessor described in subsection (a)(1); and

[''(2) the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

[''(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.

[''(e) On or before the date that is 60 days after the filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide each creditor or lessor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.''.

[(2) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 11, United States Code, is amended, in the matter relating to subchapter I, by inserting after the item relating to section 1307 the following:

[''1308. Adequate protection in chapter 13 cases.''.]

*(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—*

*(A) in clause (i), by striking ''and'' at the end;*

*(B) in clause (ii), by striking ''or'' at the end and inserting ''and''; and*

*(C) by adding at the end the following:*

*''(iii) if—*

*''(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and*

*''(II) the holder of the claim is secured by personal property the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or''.*

*(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:*

*''(a)(1) Unless the court orders otherwise, the debtor shall—*

*''(A) commence making the payments proposed by a plan within 30 days after the plan is filed; or*

*''(B) if no plan is filed then as specified in the proof of claim, within 30 days after the order for relief or within 15 days after the plan is filed, whichever is earlier.*

*''(2) A payment made under this section shall be retained by the trustee until confirmation, denial of confirmation, or paid by the trustee as adequate protection payments in accordance with paragraph (3). If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).*

*''(3)(A) As soon as is practicable, and not later than 40 days after the filing of the case, the trustee shall—*

*''(i) pay from payments made under this section the adequate protection payments proposed in the plan; or*

*''(ii) if no plan is filed then, according to the terms of the proof of claim.*

*''(B) The court may, upon notice and a hearing, modify, increase, or reduce the payments required under this paragraph pending confirmation of a plan.''.*

**SEC. 310. LIMITATION ON LUXURY GOODS.**

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

''(C)(i) for purposes of subparagraph (A)—

''(I) consumer debts owed to a single creditor and aggregating more than $250 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

''(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

''(ii) for purposes of this subparagraph—

''(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

''(II) the term 'open end credit plan' has the meaning given that term under section 103 of Consumer Credit Protection Act (15 U.S.C. 1602); and

''(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.''.

**SEC. 311. AUTOMATIC STAY.**

Section 362(b) of title 11, United States Code, as amended by section 303(b) of this Act, is amended—

(1) in paragraph (21), by striking ''or'' at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

''(23) under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement;

''(24) under subsection (a)(3), of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated under the lease agreement or applicable State law; or

''(25) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs.''.

**SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.**

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking ''six'' and inserting ''8''; and

(2) in section 1328, by adding at the end the following:

''(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502 if the debtor has received a discharge in any case filed under this title within 5 years before the order for relief under this chapter.''.

**SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.**

Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

''(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

''(i) clothing;

''(ii) furniture;

''(iii) appliances;

''(iv) 1 radio;

''(v) 1 television;

''(vi) 1 VCR;

''(vii) linens;

''(viii) china;

''(ix) crockery;

''(x) kitchenware;

''(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

''(xii) medical equipment and supplies;

''(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

''(xiv) personal effects (including wedding rings and the toys and hobby equipment of minor dependent children) of the debtor and the dependents of the debtor.

''(B) The term 'household goods' does not include—

''(i) works of art (unless by or of the debtor or the dependents of the debtor);

''(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

''(iii) items acquired as antiques;

''(iv) jewelry (except wedding rings); and

''(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.''.

**SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.**

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A)(A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228(a), 1228(b), or 1328(b), or any other provision of this subsection, if the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly created debt; *except that*

''(B) [except that] all debts incurred to pay nondischargeable debts shall be presumed to be nondischargeable debts if incurred within 70 days before the filing of the petition (except that, in any case in which there is an allowed claim under section 502 for child support or spousal support entitled to priority under section 507(a)(1) and that was filed in a timely manner, debts that would otherwise be presumed to be nondischargeable debts by reason of this subparagraph shall be treated as dischargeable debts);''.

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (4), (3)(B), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

**SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.**

(a) NOTICE.—Section 342 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(2) by adding at the end the following:

''(d) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

''(e) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (d) with respect to a particular case.

''(f)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

''(2) No sanction under section 362(h) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 305 of this Act, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

''(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

''(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

''(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

''(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

''(vi) a statement of the amount of projected monthly net income, itemized to show how the amount is calculated; and

''(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;''; and

(2) by adding at the end the following:

''(d)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

''(2)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

''(B) The court shall make such plan available to the creditor who requests such plan—

''(i) at a reasonable cost; and

''(ii) not later than 5 days after such request.

''(e) An individual debtor in a case under chapter 7 or 13 shall file with the court—

''(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

''(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

''(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

''(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

''(f)(1) A statement referred to in subsection (e)(4) shall disclose—

''(A) the amount and sources of income of the debtor;

''(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

''(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection [(f)] *(g)*.

''(g)(1) Not later than 30 days after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

''(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

''(3) Not later than 1 year after the date of enactment of the Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

''(A) assesses the effectiveness of the procedures under paragraph (1); and

''(B) if appropriate, includes proposed legislation to—

''(i) further protect the confidentiality of tax information; and

''(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

''(h) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

''(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

''(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.''.

**SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.**

Section 521 of title 11, United States Code, as amended by section 315 of this Act, is amended by adding at the end the following:

''*(i)*(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

''(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

''(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.''.

**SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.**

(a) HEARING.—Section 1324 of title 11, United States Code, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) The hearing on confirmation of the plan may be held not later than 45 days after the meeting of creditors under section 341(a).''.

(b) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

**''§ 1321. Filing of plan**

''Not later than 90 days after the order for relief under this chapter, the debtor shall file a plan, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.''.

**SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.**

Section 1322(d) of title 11, United States Code, is amended to read as follows:

''(d)(1) Except as provided in paragraph (2), the plan may not provide for payments over a period that is longer than 3 years.

''(2) The plan may provide for payments over a period that is longer than 3 years if—

''(A) the plan is for a case that was converted to a case under this chapter from a case under chapter 7, *or the plan is for a debtor who has been dismissed from chapter 7 by reason of section 707(b),* in which case the plan shall provide for payments over a period of 5 years; or

''(B) the plan is for a case that is not described in subparagraph (A), and the court, for cause, approves a period longer than 3 years, but not to exceed 5 years.''.

**SEC. 319. SENSE OF THE CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.**

It is the sense of Congress that Rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

**SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.**

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) that 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.''.

***SEC. 321. TREATMENT OF CERTAIN EARNINGS OF AN INDIVIDUAL DEBTOR WHO FILES A VOLUNTARY CASE UNDER CHAPTER 11.***

*Section 541(a)(6) of title 11, United States Code, is amended by inserting ''(other than an individual debtor who, in accordance with section 301, files a petition to commence a voluntary case under chapter 11)'' after ''individual debtor''.*

## TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

### Subtitle A—General Business Bankruptcy Provisions

**SEC. 401. ROLLING STOCK EQUIPMENT.**

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

**''§ 1168. Rolling stock equipment**

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

''(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured

party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

**''§ 1110. Aircraft equipment and vessels**

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

''(i) before the date of the order is cured before the expiration of such 60-day period;

''(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

**SEC. 402. ADEQUATE PROTECTION FOR INVESTORS.**

(a) DEFINITION.—Section 101 of title 11, United States Code, *as amended by section 306(c) of this Act*, is amended by inserting after paragraph (48) the following:

''(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 311 of this Act, is amended—

(1) in paragraph (24), by striking ''or'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (25) the following:

''(26) under subsection (a), of—

''(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

''(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

''(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements.''.

**SEC. 403. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.**

Section 341 of title 11, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.''.

**SEC. 404. PROTECTION OF REFINANCE OF SECURITY INTEREST.**

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking ''10'' each place it appears and inserting ''30''.

**SEC. 405. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.**

Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.''.

**SEC. 406. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.**

Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: ''On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders.''.

**SEC. 407. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.**

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(2) by adding at the end the following:

''(j)(1) Notwithstanding section 545 (2) and (3), the trustee may not avoid a warehouseman's lien for storage, transportation or other costs incidental to the storage and handling of goods.

''(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code.''.

**SEC. 408. LIMITATION.**

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''45''.

**SEC. 409. AMENDMENT TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.**

Section 330(a)(3) of title 11, United States Code, is amended—

(1) by striking ''(A) the; and inserting ''(i) the'';

(2) by striking ''(B)'' and inserting ''(ii)'';

(3) by striking ''(C)'' and inserting ''(iii)'';

(4) by striking ''(D)'' and inserting ''(iv)'';

(5) by striking ''(E)'' and inserting ''(v)'';

(6) in subparagraph (A), by inserting ''to an examiner, trustee under chapter 11, or professional person'' after ''awarded''; and

(7) by adding at the end the following:

''(B) In determining the amount of reasonable compensation to be awarded a trustee, the court shall treat such compensation as a commission based on the results achieved.''.

**SEC. 410. POSTPETITION DISCLOSURE AND SOLICITATION.**

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.''.

**SEC. 411. PREFERENCES.**

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

''(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

''(B) made according to ordinary business terms;'';

(2) in paragraph (7) by striking ''or'' at the end;

(3) in paragraph (8) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.''.

**SEC. 412. VENUE OF CERTAIN PROCEEDINGS.**

Section 1409(b) of title 28, United States Code, is amended by inserting '', or a nonconsumer debt against a noninsider of less than $10,000,'' after ''$5,000''.

**SEC. 413. PERIOD FOR FILING PLAN UNDER CHAPTER 11.**

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking ''On'' and inserting ''(1) Subject to paragraph (1), on''; and

(2) by adding at the end the following:

''(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

''(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.''.

**SEC. 414. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.**

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking ''dwelling'' the first place it appears;

(2) by striking ''ownership or'' and inserting ''ownership,'';

(3) by striking ''housing'' the first place it appears; and

(4) by striking ''but only'' and all that follows through ''but nothing in this paragraph'' and inserting ''or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot, and until such time as the debtor or trustee has surrendered any legal, equitable or possessory interest in such unit, such corporation, or such lot, but nothing in this paragraph''.

**SEC. 415. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.**

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: ''Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

**[SEC. 416. ELIMINATION OF CERTAIN FEES PAYABLE IN CHAPTER 11 BANKRUPTCY CASES.**

[(a) AMENDMENTS.—Section 1930(a)(6) of title 28, United States Code, is amended—

[(1) in the first sentence by striking ''until the case is converted or dismissed, whichever occurs first''; and

[(2) in the second sentence—

[(A) by striking ''The'' and inserting ''Until the plan is confirmed or the case is converted (whichever occurs first) the''; and

[(B) by striking ''less than $300,000;'' and inserting ''less than $300,000. Until the case is converted, dismissed, or closed (whichever occurs first and without regard to confirmation of the plan) the fee shall be''.

[(b) DELAYED EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.]

**SEC. [417.] *416.* DEFINITION OF DISINTERESTED PERSON.**

Section 101(14) of title 11, United States Code, is amended to read as follows:

''(14) 'disinterested person' means a person that—

''(A) is not a creditor, an equity security holder, or an insider;

''(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

''(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;''.

**SEC. [418.] *417.* FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.**

Section 330(a)(3)*(A)* of title 11, United States Code, *as amended by section 409 of this Act*, is amended—

(1) in [subparagraph (D)] *clause (i)*, by striking ''and'' at the end;

(2) by redesignating [subparagraph (E)] *clause (v)* as [subparagraph (F) *clause (vi)*]*; and*

(3) by inserting after [subparagraph (D)] *clause (iv)* the following:

''[(E)] *(v)* with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field;''.

**SEC. [419.] *418.* APPOINTMENT OF ELECTED TRUSTEE.**

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

''(B) Upon the filing of a report under subparagraph (A)—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.''.

***SEC. 419. UTILITY SERVICE.***

*Section 366 of title 11, United States Code, is amended—*

*(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and*

*(2) by adding at the end the following:*

*''(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—*

*''(i) a cash deposit;*

*''(ii) a letter of credit;*

*''(iii) a certificate of deposit;*

*''(iv) a surety bond;*

*''(v) a prepayment of utility consumption; or*

*''(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.*

*''(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.*

*''(2) Subject to paragraphs (3) through (5), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 20-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.*

*''(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).*

*''(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—*

*''(A) the absence of security before the date of filing of the petition;*

*''(B) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or*

*''(C) the availability of an administrative expense priority.*

*''(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.''.*

**Subtitle B—Small Business Bankruptcy Provisions**

**SEC. 421. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.**

Section 1125 of title 11, United States Code, is amended by striking subsection (f) and inserting the following:

''(f) Notwithstanding subsection (b), in a small business case—

''(1) in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information;

''(2) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

''(3) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

''(4)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

''(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

''(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.''.

**SEC. 422. DEFINITIONS; EFFECT OF DISCHARGE.**

(a) DEFINITIONS.—Section 101 of title 11, United States Code, *as amended by section 402 of this Act,* is amended by striking paragraph (51C) and inserting the following:

''(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

''(51D) 'small business debtor'—

''(A) subject to subparagraph (B), means a person (including any affiliate of such person that is also a debtor under this title) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $4,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has appointed under section 1102(a)(1) a committee of unsecured creditors that the court has determined is sufficiently active and representative to provide effective oversight of the debtor; and

''(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $4,000,000 (excluding debt owed to 1 or more affiliates or insiders);''.

[(b) EFFECT OF DISCHARGE.—Section 524 of title 11, United States Code, as amended by section 204 of this Act, is amended by adding at the end the following:

['(j)(1) An individual who is injured by the willful failure of a creditor to substantially comply with the requirements specified in subsections (c) and (d), or by any willful violation of the injunction operating under subsection (a)(2), shall be entitled to recover—

['(A) the greater of—

['(i) the amount of actual damages; or

['(ii) $1,000; and

['(B) costs and attorneys' fees.

['(2) An action to recover for a violation specified in paragraph (1) may not be brought as a class action.''.

[(c)] *(b)* CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting ''debtor'' after ''small business''.

**SEC. 423. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.**

Within a reasonable period of time after the date of the enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

**SEC. 424. UNIFORM NATIONAL REPORTING REQUIREMENTS.**

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

**''§ 308. Debtor reporting requirements**

''(1) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

''(2) A small business debtor shall file periodic financial and other reports containing information including—

''(A) the debtor's profitability;

''(B) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

''(C) comparisons of actual cash receipts and disbursements with projections in prior reports;

''(D)(i) whether the debtor is—

''(I) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

''(II) timely filing tax returns and paying taxes and other administrative claims when due; and

''(ii) if the debtor is not in compliance with the requirements referred to in clause (i)(I) or filing tax returns and making the payments referred to in clause (i)(II), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

''(iii) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

''308. Debtor reporting requirements.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

**SEC. 425. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.**

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

**SEC. 426. DUTIES IN SMALL BUSINESS CASES.**

(a) DUTIES IN CHAPTER 11 CASES.—Title 11, United States Code, is amended by inserting after section 1114 the following:

**''§ 1115. Duties of trustee or debtor in possession in small business cases**

''In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

''(1) append to the voluntary petition or, in an involuntary case, file within 3 days after the date of the order for relief—

''(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

''(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

''(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

''(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

''(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

''(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

''(6)(A) timely file tax returns;

''(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

''(C) subject to section 363(c)(2), establish 1 or more separate deposit accounts not later than 10 business days after the date of order for relief (or as soon thereafter as possible if all banks contacted decline the business) and deposit therein, not later than 1 business day after receipt thereof, all taxes payable for periods beginning after the date the case is commenced that are collected or withheld by the debtor for governmental units, unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances; and

''(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 11, United States Code, is amended by inserting after the item relating to section 1114 the following:

''1115. Duties of trustee or debtor in possession in small business cases.''.

**SEC. 427. PLAN FILING AND CONFIRMATION DEADLINES.**

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) In a small business case—

''(1) only the debtor may file a plan until after 90 days after the date of the order for relief, unless that period is —

''(A) shortened on request of a party in interest made during the 90-day period;

''(B) extended as provided by this subsection, after notice and hearing; or

''(C) the court, for cause, orders otherwise;

''(2) the plan, and any necessary disclosure statement, shall be filed not later than 90 days after the date of the order for relief; and

''(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

''(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

''(B) a new deadline is imposed at the time the extension is granted; and

''(C) the order extending time is signed before the existing deadline has expired.''.

**SEC. 428. PLAN CONFIRMATION DEADLINE.**

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a small business case, the plan shall be confirmed not later than 150 days after the date of the order for relief, unless such 150-day period is extended as provided in section 1121(e)(3).''.

**SEC. 429. PROHIBITION AGAINST EXTENSION OF TIME.**

Section 105(d) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)[(B)(vi)], by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in a small business case, not extend the time periods specified in sections 1121(e) and 1129(e), except as provided in section 1121(e)(3).''.

**SEC. 430. DUTIES OF THE UNITED STATES TRUSTEE.**

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases;'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by inserting after paragraph (6) the following:

''(7) in each of such small business cases—

''(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

''(i) begin to investigate the debtor's viability;

''(ii) inquire about the debtor's business plan;

''(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

''(iv) attempt to develop an agreed scheduling order; and

''(v) inform the debtor of other obligations;

''(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

''(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

''(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.''.

**SEC. 431. SCHEDULING CONFERENCES.**

Section 105(d) of title 11, United States Code, as amended by section 429 of this Act, is amended—

(1) in the matter preceding paragraph (1), by striking '', may'';

(2) by striking paragraph (1) and inserting the following:

''(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and''; and

(3) in paragraph (2), by striking ''unless inconsistent with another provision of this title or with applicable Federal Rules of Bankruptcy Procedure,'' [and inserting ''may'']

**SEC. 432. SERIAL FILER PROVISIONS.**

Section 362 of title 11, United States Code, is amended—

(1) in subsection (j), as redesignated by section 305(1) of this Act—

(A) by striking ''An'' and inserting ''(1) Except as provided in paragraph (2), an''; and

(B) by adding at the end the following:

''(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) against such entity shall be limited to actual damages.''; and

(2) by inserting after subsection (j),[as added by section 419 of this Act], the following:

''(k)(1) Except as provided in paragraph (2), the filing of a petition under chapter 11 [of this title] operates as a stay of the acts described in subsection (a) only in an involuntary case involving no collusion by the debtor with creditors and in which the debtor—

''(A) is a debtor in a small business case pending at the time the petition is filed;

''(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

''(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

''(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

''(2) Paragraph (1) does not apply to the filing of a petition if the debtor proves by a preponderance of the evidence that—

''(A) the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

''(B) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.''.

**SEC. 433. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.**

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Except as provided in paragraph (2), in subsection (c), and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

''(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes by a preponderance of the evidence that—

''(A) it is more likely than not that a plan will be confirmed within—

''(i) a period of time fixed under this title or by order of the court entered under section 1121(e)(3); or

''(ii) a reasonable period of time if no period of time has been fixed; and

''(B) if the reason is an act or omission of the debtor that—

''(i) there exists a reasonable justification for the act or omission; and

''(ii)(I) the act or omission will be cured within a reasonable period of time fixed by the court, but not to exceed 30 days after the court decides the motion, unless the movant expressly consents to a continuance for a specific period of time; or

''(II) compelling circumstances beyond the control of the debtor justify an extension.

''(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

''(4) For purposes of this subsection, cause includes—

''(A) substantial or continuing loss to or diminution of the estate;

''(B) gross mismanagement of the estate;

''(C) failure to maintain appropriate insurance;

''(D) unauthorized use of cash collateral harmful to 1 or more creditors;

''(E) failure to comply with an order of the court;

''(F) failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

''(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under Rule 2004 of the Federal Rules of Bankruptcy Procedure;

''(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee;

''(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

''(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

''(K) failure to pay any fees or charges required under chapter 123 of title 28;

''(L) revocation of an order of confirmation under section 1144;

''(M) inability to effectuate substantial consummation of a confirmed plan;

''(N) material default by the debtor with respect to a confirmed plan; and

''(O) termination of a plan by reason of the occurrence of a condition specified in the plan.

''(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion within 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.''.

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee is in the best interests of creditors and the estate.''.

**SEC. 434. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.**

Not later than 2 years after the date of the enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General of the United States, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

**SEC. 435. PAYMENT OF INTEREST.**

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting ''or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later'' after ''90-day period)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) the debtor has commenced monthly payments that—

''(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

''(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or''.

## TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

**SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.**

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting '', notwithstanding section 301(b)'' before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''A voluntary''; and

(2) by striking the last sentence; and [inserting the following]:

*(3) by adding at the end the following:*

''(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.''.

**SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.**

Section [901] *901(a)* of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560,'' after ''557,''.

## TITLE VI—IMPROVED BANKRUPTCY STATISTICS AND DATA

**SEC. 601. AUDIT PROCEDURES.**

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and''; and

(2) by adding at the end the following:

''(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

''(B) Those procedures shall—

''(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

''(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

''(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the [disctrict] *district* in which the schedules were filed; and

''(iv) include procedures for providing, not less frequently than annually, public information concerning the aggregate results of the audits referred to in this subparagraph, including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

''(2) The United States trustee for each district may contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

''(3)(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

''(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

''(i) report the material misstatement, if appropriate, to the United States Attorney under section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including commencing an adversary proceeding to revoke the debtor's discharge under section 727(d) of title 11.''.

(b) AMENDMENTS TO SECTION 521 OF TITLE 11, UNITED STATES CODE.—Paragraphs (3) and (4) of section 521(a) of title 11, United States Code, as amended by section 315 of this Act, are each amended by inserting ''or an auditor appointed under section 586 of title 28'' after ''serving in the case'' each place that term appears.

(c) AMENDMENTS TO SECTION 727 OF TITLE 11, UNITED STATES CODE.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) the debtor has failed to explain satisfactorily—

''(A) a material misstatement in an audit performed under section 586(f) of title 28; or

''(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and any other papers, things, or property belonging to the debtor that are requested for an audit conducted under section 586(f).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

**SEC. 602. IMPROVED BANKRUPTCY STATISTICS.**

(a) AMENDMENT.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

**''§ 159. Bankruptcy statistics**

''(a) The clerk of each district court shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than October 31, 1999, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed under section 2075 and filed by those debtors;

''(B) the total current monthly income, projected monthly net income, and average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

''(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the filing of the petition and the closing of the case;

''(E) for the reporting period—

''(i) the number of cases in which a reaffirmation was filed; and

''(ii)(I) the total number of reaffirmations filed;

''(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

''(III) of the cases under each of subclauses (I) and (II), the number of cases in which the reaffirmation was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders determining the value of property securing a claim issued;

''(ii) the number of cases dismissed for failure to make payments under the plan; and

''(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the date of filing;

''(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

''(H) the number of cases in which sanctions under Rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel and damages awarded under such rule.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

**SEC. 603. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.**

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by inserting after section 589a the following:

**''§ 589b. Bankruptcy data**

''(a) Within a reasonable period of time after the effective date of this section, the Attorney General of the United States shall issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

''(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

''(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

''(b) Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum practicable access of the public, by—

''(1) physical inspection at 1 or more central filing locations; and

''(2) electronic access through the Internet or other appropriate media.

''(c)(1) The information required to be filed in the reports referred to in subsection (b) shall be information that is—

''(A) in the best interests of debtors and creditors, and in the public interest; and

''(B) reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system.

''(2) In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

''(A) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system; and

''(B) economy, simplicity, and lack of undue burden on persons with a duty to file reports.

''(d)(1) Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall include with respect to a case under such title, by appropriate category—

''(A) information about the length of time the case was pending;

''(B) assets abandoned;

''(C) assets exempted;

''(D) receipts and disbursements of the estate;

''(E) expenses of administration;

''(F) claims asserted;

''(G) claims allowed; and

''(H) distributions to claimants and claims discharged without payment.

''(2) In cases under chapters 12 and 13 of title 11, final reports proposed for adoption by trustees shall include—

''(A) the date of confirmation of the plan;

''(B) each modification to the plan; and

''(C) defaults by the debtor in performance under the plan.

''(3) The information described in paragraphs (1) and (2) shall be in addition to such other matters as are required by law for a final report or as the Attorney General, in the discretion of the Attorney General, may propose for a final report.

''(e)(1) Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall include—

''(A) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

''(B) the length of time the case has been pending;

''(C) the number of full-time employees—

''(i) as of the date of the order for relief; and

''(ii) at the end of each reporting period since the case was filed;

''(D) cash receipts, cash disbursements, and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

''(E) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

''(F) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those that would not have been so incurred); and

''(G) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.

''(2) The information described in paragraph (1) shall be in addition to such other matters as are required by law for a periodic report or as the Attorney General, in the discretion of the Attorney General, may propose for a periodic report.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''589b. Bankruptcy data.''.

**SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.**

It is the sense of Congress that—

(1) it should be the national policy of the United States that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public subject to such appropriate privacy concerns and safeguards as the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

## TITLE VII—BANKRUPTCY TAX PROVISIONS

**SEC. 701. TREATMENT OF CERTAIN LIENS.**

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title'';

(2) in subsection (b)(2), by inserting ''(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)'' after ''507(a)(1)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs, and expenses of preserving or disposing of that property.

''(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

''(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(3).

''(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(4).''.

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

**SEC. 702. EFFECTIVE NOTICE TO GOVERNMENT.**

(a) EFFECTIVE NOTICE TO GOVERNMENTAL UNITS.—Section 342 of title 11, United States Code, as amended by section 315(a) of this Act, is amended by adding at the end the following:

''(g)(1) If a debtor lists a governmental unit as a creditor in a list or schedule, any notice required to be given by the debtor under this title, applicable rule, other provision of law, or order of the court, shall identify the department, agency, or instrumentality through which the debtor is indebted.

''(2) The debtor shall identify (with information such as a taxpayer identification number, loan, account or contract number, or real estate parcel number, if applicable), and describe the underlying basis for the claim of the governmental unit.

''(3) If the liability of the debtor to a governmental unit arises from a debt or obligation owed or incurred by another individual, entity, or organization, or under a different name, the debtor shall identify that individual, entity, organization, or name.

''(h) The clerk shall keep and update on a quarterly basis, in such form and manner as the Director of the Administrative Office of the United States Courts prescribes, a register in which a governmental unit may designate or redesignate a mailing address for service of notice in cases pending in the district. The clerk shall make such register available to debtors.''.

(b) ADOPTION OF RULES PROVIDING NOTICE.—

(1) IN GENERAL.—Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference shall propose for adoption enhanced rules for providing notice to Federal, State, and local

government units that have regulatory authority over the debtor or that may be creditors in the debtor's case.

(2) PERSONS NOTIFIED.—The rules proposed under paragraph (1) shall be reasonably calculated to ensure that notice will reach the representatives of the governmental unit (or subdivision thereof) who will be the appropriate persons authorized to act upon the notice.

(3) RULES REQUIRED.—At a minimum, the rules under paragraph (1) should require that the debtor—

(A) identify in the schedules and the notice, the subdivision, agency, or entity with respect to which such notice should be received;

(B) provide sufficient information (such as case captions, permit numbers, taxpayer identification numbers, or similar identifying information) to permit the governmental unit (or subdivision thereof) entitled to receive such notice to identify the debtor or the person or entity on behalf of which the debtor is providing notice in any case in which—

(i) the debtor may be a successor in interest; or

(ii) may not be the same entity as the entity that incurred the debt or obligation; and

(C) identify, in appropriate schedules, served together with the notice—

(i) the property with respect to which the claim or regulatory obligation may have arisen, if applicable;

(ii) the nature of such claim or regulatory obligation; and

(iii) the purpose for which notice is being given.

(c) EFFECT OF FAILURE OF NOTICE.—Section 342 of title 11, United States Code, as amended by subsection (a), is amended by adding at the end the following:

''(i) A notice that does not comply with subsections (d) and (e) shall not be effective unless the debtor demonstrates by clear and convincing evidence that—

''(1) timely notice was given in a manner reasonably calculated to satisfy the requirements of this section; and

''(2) either—

''(A) the notice was timely sent to the address provided in the register maintained by the clerk of the district in which the case was pending for such purposes; or

''(B) no address was provided in such list for the governmental unit and that an officer of the governmental unit who is responsible for the matter or claim had actual knowledge of the case in sufficient time to act.''.

**SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.**

The second sentence of section 505(b) of title 11, United States Code, is amended by striking ''Unless'' and inserting ''If the request is made substantially in the manner designated by the governmental unit and unless''.

**SEC. 704. RATE OF INTEREST ON TAX CLAIMS.**

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

**''§ 511. Rate of interest on tax claims**

''If any provision of this title requires the payment of interest on a tax claim or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be as follows:

''(1) In the case of secured tax claims, unsecured ad valorem tax claims, other unsecured tax claims in which interest is required to be paid under section 726(a)(5), and administrative tax claims paid under section 503(b)(1), the rate shall be determined under applicable nonbankruptcy law.

''(2)(A) In the case of any tax claim other than a claim described in paragraph (1), the minimum rate of interest shall be a percentage equal to the sum of—

''(i) 3; plus

''(ii) the Federal short-term rate rounded to the nearest full percent, determined under section 1274(d) of the Internal Revenue Code of 1986.

''(B) In the case of any claim for Federal income taxes, the minimum rate of interest shall be subject to any adjustment that may be required under section 6621(d) of the Internal Revenue Code of 1986.

''(C) In the case of taxes paid under a confirmed plan or reorganization under this title, the minimum rate of interest shall be determined as of the calendar month in which the plan is confirmed.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

''511. Rate of interest on tax claims.''.

**SEC. 705. TOLLING OF PRIORITY OF TAX CLAIM TIME PERIODS.**

Section 507(a)(8)(A) of title 11, United States Code, [as redesignated by section 212 of this Act,] is amended—

(1) in clause (i), by inserting before the semicolon at the end, the following: '', plus any time during which the stay of proceedings was in effect in a prior case under this title, plus 6 months''; and

(2) by striking clause (ii) and inserting the following:

''(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

''(I) any time during which an offer in compromise with respect to that tax, was pending or in effect during that 240-day period, plus 30 days;

''(II) the lesser of—

''(aa) any time during which an installment agreement with respect to that tax was pending or in effect during that 240-day period, plus 30 days; or

''(bb) 1 year; and

''(III) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 6 months.''.

**SEC. 706. PRIORITY PROPERTY TAXES INCURRED.**

Section 507(a)(9)(B) of title 11, United States Code, [as redesignated by section 221 of this Act,] is amended by striking ''assessed'' and inserting ''incurred''.

**SEC. 707. CHAPTER 13 DISCHARGE OF FRAUDULENT AND OTHER TAXES.**

Section 1328(a)(2) of title 11, United States Code, as amended by section [228] *314* of this Act, is amended by inserting ''(1),'' after ''paragraph''.

**SEC. 708. CHAPTER 11 DISCHARGE OF FRAUDULENT TAXES.**

Section 1141(d) of title 11, United States Code, is amended by adding at the end the following:

''(5) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt for a tax or customs duty with respect to which the debtor—

''(A) made a fraudulent return; or

''(B) willfully attempted in any manner to evade or defeat that tax or duty.''.

**SEC. 709. STAY OF TAX PROCEEDINGS.**

(a) SECTION 362 STAY LIMITED TO PREPETITION TAXES.—Section 362(a)(8) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: '', with respect to a tax liability for a taxable period ending before the order for relief under section 301, 302, or 303''.

(b) APPEAL OF TAX COURT DECISIONS PERMITTED.—Section 362(b)(9) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(E) the appeal of a decision by a court or administrative tribunal which determines a tax liability of the debtor (without regard to whether such determination was made prepetition or postpetition).''.

**SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.**

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end; and

(2) in subparagraph (C), by striking ''deferred cash payments, over a period not exceeding six years after the date of assessment of such claim,'' and all that follows through the end of the subparagraph, and inserting ''regular installment payments—

''(i) of a total value, as of the effective date of the claim, equal to the allowed amount of such claim in cash, but in no case with a balloon payment; and

''(ii) beginning not later than the effective date of the plan and ending on the earlier of—

''(I) the date that is 5 years after the date of the filing of the petition; or

''(II) the last date payments are to be made under the plan to unsecured creditors; and''; and

(3) by adding at the end the following:

''(D) with respect to a secured claim which would otherwise meet the description on an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).''.

**SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.**

Section 545(2) of title 11, United States Code, is amended by striking the semicolon at the end and inserting '', except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law;''.

**SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.**

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Any''; and

(2) by adding at the end the following:

''(b) A tax under subsection (a) shall be paid when due in the conduct of business unless—

''(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches, by the trustee of a bankruptcy estate, under section 554 of title 11; or

''(2) payment of the tax is excused under a specific provision of title 11.

''(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

''(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

''(2) before the due date of the tax, the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.''.

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting ''whether secured or unsecured, including

property taxes for which liability is in rem, in personam, or both,'' before ''except''.

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of a claim described in subparagraph (B) or (C);''.

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting ''or State statute'' after ''agreement''; and

(2) in subsection (c), by inserting '', including the payment of all ad valorem property taxes with respect to the property'' before the period at the end.

**SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.**

Section 726(a)(1) of title 11, United States Code, is amended by striking ''before the date on which the trustee commences distribution under this section;'' and inserting the following: ''on or before the earlier of—

''(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

''(B) the date on which the trustee commences final distribution under this section;''.

**SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.**

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by inserting ''or equivalent report or notice,'' after ''a return,'';

(B) in clause (i)—

(i) by inserting ''or given'' after ''filed''; and

(ii) by striking ''or'' at the end; and

(C) in clause (ii)—

(i) by inserting ''or given'' after ''filed''; and

(ii) by inserting '', report, or notice'' after ''return''; and

(2) by adding at the end the following flush sentences:

''For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.''.

**SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.**

The second sentence of section 505(b) of title 11, United States Code, as amended by section 703 of this Act, is amended by inserting ''the estate,'' after ''misrepresentation,''.

**SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.**

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by section [212] *213 and 306* of this Act, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by [adding at the end the following:] *inserting after paragraph (7) the following:*

''(8) if the debtor has filed all applicable Federal, State, and local tax returns as required by section 1309.''.

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Chapter 13 of title 11, United States Code, as amended by section 309(c) of this Act, is amended by adding at the end the following:

**''§ 1309. Filing of prepetition tax returns**

''(a) Not later than the day before the day on which the first meeting of the creditors is convened under section 341(a), the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 3-year period ending on the date of the filing of the petition.

''(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the first meeting of creditors is convened under section 341(a), the trustee may continue that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

''(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that first meeting; or

''(B) for any return that is not past due as of the date of the filing of the petition, the later of—

''(i) the date that is 120 days after the date of that first meeting; or

''(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request has been timely made, according to applicable nonbankruptcy law.

''(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by clear and convincing evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

''(A) a period of not more than 30 days for returns described in paragraph (1); and

''(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

''(c) For purposes of this section, the term 'return' includes a return prepared pursuant to section 6020 (a) or (b) of the Internal Revenue Code of 1986, or a similar State or local law, or written stipulation to a judgment entered by a nonbankruptcy tribunal.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1308 the following:

''1309. Filing of prepetition tax returns.''.

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d), the following:

''(e) Upon the failure of the debtor to file a tax return under section 1309, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss the case.''.

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following '', and except that in a case under chapter 13 [of this title], a claim of a governmental unit for a tax with respect to a return filed under section 1309 shall be timely if the claim is filed on or before the date that is 60 days after that return was filed in accordance with applicable requirements''.

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference should, within a reasonable period of time after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, a governmental unit may object to the confirmation of a plan on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1309 and 1325(a)(7) of title 11, United States Code; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1309 of title 11, United States Code, shall be filed until such return has been filed as required.

**SEC. 717. STANDARDS FOR TAX DISCLOSURE.**

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting ''including a full discussion of the potential material, Federal, State, and local tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor domiciled in the State in which the debtor resides or has its principal place of business typical of the holders of claims or interests in the case,'' after ''records''; and

(2) by striking ''a hypothetical reasonable investor typical of holders of claims or interests'' and inserting ''such a hypothetical investor''.

**SEC. 718. SETOFF OF TAX REFUNDS.**

Section 362(b) of title 11, United States Code, as amended by section 402 of this Act, is amended—

(1) in paragraph (25), by striking ''or'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (26) the following:

''(27) under subsection (a), of the setoff of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, unless—

''(A) before that setoff, an action to determine the amount or legality of that tax liability under section 505(a) was commenced; or

''(B) in any case in which the setoff of an income tax refund is not permitted because of a pending action to determine the amount or legality of a tax liability, in which case the governmental unit may hold the refund pending the resolution of the action.''.

## TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

**SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.**

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

**''CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES**

**''§ 1501. Purpose and scope of application**

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) United States courts, United States Trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies if—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity identified by exclusion in subsection 109(b);

''(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

''(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970 (84 Stat. 1636 et seq.), a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

''SUBCHAPTER I—GENERAL PROVISIONS

**''§ 1502. Definitions**

''For the purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title; and

''(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

**''§ 1503. International obligations of the United States**

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

**''§ 1504. Commencement of ancillary case**

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

**''§ 1505. Authorization to act in a foreign country**

''A trustee or another entity, including an examiner, may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

**''§ 1506. Public policy exception**

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

**''§ 1507. Additional assistance**

''(a) Subject to the specific limitations under other provisions of this chapter, the court, upon recognition of a foreign proceeding, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

**''§ 1508. Interpretation**

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

**''§ 1509. Right of direct access**

''(a) A foreign representative is entitled to commence a case under section 1504 by filing a petition for recognition under section 1515, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

''(b) Upon recognition, and subject to section 1510, a foreign representative shall have the capacity to sue and be sued, and shall be subject to the laws of the United States of general applicability.

''(c) Subject to section 1510, a foreign representative is subject to laws of general application.

''(d) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign representative in any Federal or State court in the United States. Any request for comity or cooperation by a foreign representative in any court shall be accompanied by a sworn statement setting forth whether recognition under section 1515 has been sought and the status of any such petition.

''(e) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

**''§ 1510. Limited jurisdiction**

''The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

**''§ 1511. Commencement of case under section 301 or 303**

''(a) Upon recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

**''§ 1512. Participation of a foreign representative in a case under this title**

''Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

**''§ 1513. Access of foreign creditors to a case under this title**

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under section 507 or 726 shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) and paragraph (1) do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

**''§ 1514. Notification to foreign creditors concerning a case under this title**

''(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for their filing;

''(2) indicate whether secured creditors need to file their proofs of claim; and

''(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

**''§ 1515. Application for recognition of a foreign proceeding**

''(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

**''§ 1516. Presumptions concerning recognition**

''(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding as defined in section 101 and that the person or body is a foreign representative as defined in section 101, the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

**''§ 1517. Order recognizing a foreign proceeding**

''(a) Subject to section 1506, after notice and a hearing an order recognizing a foreign proceeding shall be entered if—

''(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

''(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

''(3) the petition meets the requirements of section 1515.

''(b) The foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The case under this chapter may be closed in the manner prescribed for a case under section 350.

**''§ 1518. Subsequent information**

''After [the] the petition for recognition of the foreign proceeding is filed, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

**''§ 1519. Relief that may be granted upon petition for recognition of a foreign proceeding**

''(a) Beginning on the date on which a petition for recognition is filed and ending on the date on which the petition is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation, or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

''(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is decided upon.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

**''§ 1520. Effects of recognition of a foreign main proceeding**

''(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(1) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

''(2) a transfer, an encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552; and

''(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

''(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

''(c) Subsection (a) does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

''(d) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under

this title or the right of any party to file claims or take other proper actions in such a case.

**"§ 1521. Relief that may be granted upon recognition of a foreign proceeding**

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities to the extent the actions or proceedings have not been stayed under section 1520(a);

''(2) staying execution against the debtor's assets to the extent the execution has not been stayed under section 1520(a);

''(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent that right has not been suspended under section 1520(a);

''(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

''(6) extending relief granted under section 1519(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, if the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

**"§ 1522. Protection of creditors and other interested persons**

''(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(2), to conditions that the court considers to be appropriate, including the giving of security or the filing of a bond.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate the relief referred to in subsection (b).

''(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

**"§ 1523. Actions to avoid acts detrimental to creditors**

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) In any case in which the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

**"§ 1524. Intervention by a foreign representative**

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

**"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives**

''(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

**"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives**

''(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

''(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

**"§ 1527. Forms of cooperation**

''Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

**"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding**

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a), and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

**"§ 1529. Coordination of a case under this title and a foreign proceeding**

''In any case in which a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

''(A) any relief granted under sections 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

''(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

''(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

''(A) any relief in effect under sections 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

**"§ 1530. Coordination of more than 1 foreign proceeding**

''In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

**"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding**

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

**"§ 1532. Rule of payment in concurrent proceedings**

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

**"15. Ancillary and Other Cross-Border Cases ..... 1501".**

**SEC. 802. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.**

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 304, 555 through 557, 559, and 560 apply in a case under chapter 15''; and

(2) by adding at the end the following:

''(j) Chapter 15 applies only in a case under such chapter, except that—

''(1) sections 1513 and 1514 apply in all cases under this title; and

''(2) section 1505 applies to trustees and to any other entity (including an examiner) authorized by the court under chapter 7, 11, or 12, to debtors in possession under chapter 11 or 12, and to debtors under chapter 9 who are authorized to act under section 1505.''.

(b) DEFINITIONS.—Paragraphs (23) and (24) of section 101 of title 11, United States Code, are amended to read as follows:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c)(1) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 15 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting ''15,'' after ''chapter''.

**SEC. 803. CLAIMS RELATING TO INSURANCE DEPOSITS IN CASES ANCILLARY TO FOREIGN PROCEEDINGS.**

Section 304 of title 11, United States Code, is amended to read as follows:

**"§ 304. Cases ancillary to foreign proceedings**

''(a) For purposes of this section—

''(1) the term 'domestic insurance company' means a domestic insurance company, as such term is used in section 109(b)(2);

''(2) the term 'foreign insurance company' means a foreign insurance company, as such term is used in section 109(b)(3);

''(3) the term 'United States claimant' means a beneficiary of any deposit referred to in subsection (b) or any multibeneficiary trust referred to in subsection (b);

''(4) the term 'United States creditor' means, with respect to a foreign insurance company—

''(i) a United States claimant; or

''(ii) any business entity that operates in the United States and that is a creditor; and

''(5) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

''(b) The court may not grant relief under chapter 15 of this title with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.''.

## TITLE IX—FINANCIAL CONTRACT PROVISIONS

**SEC. 901. BANKRUPTCY CODE AMENDMENTS.**

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) a combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) an option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master netting agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B) or (C); or

''(E) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract, option, agreement, or transaction referred to in subparagraph (A), (B), (C), or (D), but not to exceed the actual value of such contract, option, agreement, or transaction on the date of the filing of the petition;'';

(B) by striking paragraph (47) and inserting the following:

''(47) 'repurchase agreement' and 'reverse repurchase agreement'—

''(A) mean—

''(i) an agreement, including related terms, which provides for the transfer of—

''(I) a certificate of deposit, mortgage related security (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loan, interest in a mortgage related security or mortgage loan, eligible bankers' acceptance, or qualified foreign government security (defined for purposes of this paragraph to mean a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development); or

''(II) a security that is a direct obligation of, or that is fully guaranteed by, the United States or an agency of the United States against the transfer of funds by the transferee of such certificate of deposit, eligible bankers' acceptance, security, loan, or interest;

with a simultaneous agreement by such transferee to transfer to the transferor thereof a certificate of deposit, eligible bankers' acceptance, security, loan, or interest of the kind described in subclause (I) or (II), at a date certain that is not later than 1 year after the date of the transferor's transfer or on demand, against the transfer of funds;

''(ii) a combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii); or

''(iv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that such master netting agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), or (iii); or

''(v) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in clause (i), (ii), (iii), or (iv), but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) do not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(C) in paragraph (48) by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission'' after ''1934''; and

(D) by striking paragraph (53B) and inserting the following:

''(53B) 'swap agreement'—

''(A) means—

''(i) an agreement, including the terms and conditions incorporated by reference in such agreement, that is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or an equity swap, option, future, or forward agreement;

''(V) a debt index or a debt swap, option, future, or forward agreement;

''(VI) a credit spread or a credit swap, option, future, or forward agreement; or

''(VII) a commodity index or a commodity swap, option, future, or forward agreement;

''(ii) an agreement or transaction that is similar to an agreement or transaction referred to in clause (i) that—

''(I) is currently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on a rate, currency, commodity, equity security, or other equity instrument, on a debt security or other debt instrument, or on an economic index or measure of economic risk or value;

''(iii) a combination of agreements or transactions referred to in clauses (i) and (ii);

''(iv) an option to enter into an agreement or transaction referred to in this subparagraph;

''(v) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master netting agreement and without regard to whether such master netting agreement contains an agreement or transaction described in any such clause, but only with respect to each agreement or transaction referred to in any such clause that is under such master netting agreement; except that

''(B) the definition under subparagraph (A) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.'';

(2) in section 741, by striking paragraph (7) and inserting the following:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a mortgage loan or an interest in a mortgage loan, a group or index of securities, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

''(ii) an option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to a securities clearing agency of a settlement of cash, securities, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

''(iv) a margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

''(vi) a combination of the agreements or transactions referred to in this subparagraph;

''(vii) an option to enter into an agreement or transaction referred to in this subparagraph;

''(viii) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master netting agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this subparagraph, but not to exceed the actual value of such contract on the date of the filing of the petition; and

''(B) does not include a purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); *and*

[(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

[(C)] *(B)* by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) a combination of the agreements or transactions referred to in this paragraph;

''(H) an option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that such master netting agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in this paragraph, but not to exceed the actual value of such contract on the date of the filing of the petition.''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, *as amended by section 802(b) of this Act*, is amended—

(1) by striking paragraph (22) and inserting the following:

''(22) 'financial institution' means—

''(A)(i) a Federal reserve bank, or an entity that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity; and

''(ii) if such Federal reserve bank, receiver, or conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

''(B) in connection with a securities contract, as defined in section 741 of this title, an investment company registered under the Investment Company Act of 1940;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means an entity that is a party to a securities contract, commodity contract or forward contract, or on the date of the filing of the petition, has a commodity contract (as defined in section 761) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in any such agreement or transaction with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;''; and

(3) by striking paragraph (26) and inserting the following:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest that is presently or in the future becomes the subject of dealing or in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, *as amended by subsection (b) of this section*, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) the term 'master netting agreement'—

''(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing; except that

''(B) if a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

''(38B) the term 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by section 718 of this Act, is amended—

(A) in paragraph (6), by inserting '', pledged to, and under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, and under the control of,'' after ''held by'';

(C) by striking paragraph (17) and inserting the following:

''(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with a swap agreement that constitutes the setoff of a claim against the debtor for a payment or transfer due from the debtor under or in connection with a swap agreement against a payment due to the debtor from the swap participant under or in connection with a swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle a swap agreement;'';

(D) in paragraph (26), by striking ''or'' at the end;

(E) in paragraph (27), by striking the period at the end and inserting ''; or''; and

(F) by inserting after paragraph (27) the following:

''(28) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged or and under the control of, or due from such master netting agreement participant to margin, guarantee,

secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by section 432(2) of this Act, is amended by adding at the end the following:

''(l) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17) of subsection (b) shall not be stayed by an order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311 (104 Stat. 267 et seq.))—

(A) by striking ''under a swap agreement''; and

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(2) by inserting before subsection (i) (as redesignated by section 407 of this Act) the following new subsection:

''(h) Notwithstanding sections 544, 545, 547, 548(a)(2)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement (except under section 548(a)(1)(A)).''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'';

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

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

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**''§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract'';**

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**''§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';**

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**''§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';**

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting following:

**''§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';**

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of a swap agreement''; and

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of a swap agreement''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—Title 11, United States Code, is amended by inserting after section 560 the following [new section]:

**''§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts**

''(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7 [of this title]—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a), except to the extent that the party has [no] positive net equity in the commodity accounts at the debtor, as calculated under *such* subchapter IV; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor against any claim arising under, or in connection with, other instruments, contracts, or agreements referred to in subsection (a).

''(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

(l) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following:

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms—

''(1) shall not be stayed or otherwise limited by—

''(A) operation of any provision of this title; or

''(B) order of a court in any case under this title;

''(2) shall limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11; and

''(3) shall not be limited based on the presence or absence of assets of the debtor in the United States.''.

(m) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

**''§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants**

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(n) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

**''§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants**

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(o) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)[(19)] *(28)*, 555, 556, 559, or 560)'' before the period; and

(2) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), [362(b)(19)] *362(b)(28)*, 555, 556, 559, 560,''.

(p) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant'';

(2) in section 546(e), by inserting ''financial participant'' after ''financial institution,'';

(3) in section 548(d)(2)(B), by inserting ''financial participant'' after ''financial institution,'';

(4) in section 555—

(A) by inserting ''financial participant'' after ''financial institution,''; and

(B) by inserting before the period '', a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice''; and

(5) in section 556, by inserting '', financial participant'' after ''commodity broker''.

(q) CONFORMING AMENDMENTS.—Title 11 [of the United States Code], *United States Code,* is amended—

(1) in the table of sections for chapter 5—

(A) by striking the items relating to sections 555 and 556 and inserting the following:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

(B) by striking the items relating to sections 559 and 560 and inserting the following:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(C) by adding after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.'';

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

**SEC. 902. DAMAGE MEASURE.**

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561 the following:

**''§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements**

''If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761) repurchase agreement, or master netting agreement under section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date of such liquidation, termination, or acceleration.''; and

(2) in the table of sections for chapter 5 by inserting after the item relating to section 561 the following:

''562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) A claim for damages calculated in accordance with section 561 shall be allowed under subsection (a), (b), or (c) of this section, or disallowed under subsection (d) or (e) of this section, as if such claim had arisen before the date of the filing of the petition.''.

**SEC. 903. ASSET-BACKED SECURITIZATIONS.**

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by striking ''or'' at the end of paragraph (4);

(2) by redesignating paragraph (5) of subsection (b) as paragraph (6);

(3) by inserting after paragraph (4) of subsection (b) the following new paragraph:

(4) by adding at the end the following [new subsection]:

''(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent that such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a); or''; and

''(e) For purposes of this section, the following definitions shall apply:

''(1) The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer.

''(2) The term 'eligible asset' means—

''(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

''(B) cash; and

''(C) securities.

''(3) The term 'eligible entity' means—

''(A) an issuer; or

''(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto.

''(4) The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

''(5) The term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), irrespective, without limitation of—

''(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

''(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

''(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.''.

**SEC. 904. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—This title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

## TITLE X—PROTECTION OF FAMILY FARMERS

**SEC. 1001. REENACTMENT OF CHAPTER 12.**

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and amended by this Act, is reenacted.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on [April 1, 1999] *October 1, 1999.*

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

**SEC. 1002. DEBT LIMIT INCREASE.**

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

''(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.''.

**SEC. 1003. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.**

Section 101(18)(A) of title 11, United States Code, is amended by striking ''the taxable year preceding the taxable year'' and inserting ''at least 1 of the 3 calendar years preceding the year''.

**SEC. 1004. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.**

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

''(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

''(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

''(B) the holder of a particular claim agrees to a different treatment of that claim; and''.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(d) of title 11, United States Code, is amended by striking ''a State or local governmental unit'' and inserting ''any governmental unit''.

## TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

**SEC. 1101. DEFINITIONS.**

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 1004(a) of this Act, is amended—

(1) by redesignating paragraph (27A) as paragraph (27C); and

(2) inserting after paragraph (27) the following:

''(27A) 'health care business'—

''(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

''(i) the diagnosis or treatment of injury, deformity, or disease; and

''(ii) surgical, drug treatment, psychiatric or obstetric care; and

''(B) includes—

''(i) any—

''(I) general or specialized hospital;

''(II) ancillary ambulatory, emergency, or surgical treatment facility;

''(III) hospice;

''(IV) health maintenance organization;

''(V) home health agency; and

''(VI) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), (IV), or (V); and

''(ii) any long-term care facility, including any—

''(I) skilled nursing facility;

''(II) intermediate care facility;

''(III) assisted living facility;

''(IV) home for the aged;

''(V) domiciliary care facility; and

''(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;''.

(b) HEALTH MAINTENANCE ORGANIZATION DEFINED.—Section 101 of title 11, United States Code, as amended by subsection (a), is amended by inserting after paragraph (27A) the following:

''(27B) 'health maintenance organization' means any person that undertakes to provide or arrange for basic health care services through an organized system that—

''(A)(i) combines the delivery and financing of health care to enrollees; and

''(ii)(I) provides—

''(aa) physician services directly through physicians or 1 or more groups of physicians; and

''(bb) basic health care services directly or under a contractual arrangement; and

''(II) if reasonable and appropriate, provides physician services and basic health care services through arrangements other than the arrangements referred to in clause (i); and

''(B) includes any organization described in subparagraph (A) that provides, or arranges for, health care services on a prepayment or other financial basis;''.

(c) PATIENT.—Section 101 of title 11, United States Code, as amended by subsection (b), is amended by inserting after paragraph (40) the following:

''(40A) 'patient' means any person who obtains or receives services from a health care business;''.

(d) PATIENT RECORDS.—Section 101 of title 11, United States Code, as amended by subsection (c), is amended by inserting after paragraph (40A) the following:

''(40B) 'patient records' means any written document relating to a patient or record recorded in a magnetic, optical, or other form of electronic medium;''.

**SEC. 1102. DISPOSAL OF PATIENT RECORDS.**

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

**''§ 351. Disposal of patient records**

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall mail, by certified mail, a written request to each appropriate Federal or State agency to request permission from that agency to deposit the patient records with that agency.

''(2) If no appropriate Federal or State agency agrees to permit the deposit of patient records referred to in paragraph (1) by the date that is 60 days after the trustee mails a written request under that paragraph, the trustee shall—

''(A) publish notice, in 1 or more appropriate newspapers, that if those patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 60 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the 60-day period described in subparagraph (A), the trustee shall attempt to notify directly each patient that is the subject of the patient records concerning the patient records by mailing to the last known address of that patient an appropriate notice regarding the claiming or disposing of patient records.

''(3) If, after providing the notification under paragraph (2), patient records are not claimed during the 60-day period described in paragraph (2)(A) or in any case in which a notice is mailed under paragraph (2)(B), during the 90-day period beginning on the date on which the notice is mailed, by a patient or insurance provider in accordance with that paragraph, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

''351. Disposal of patient records.''.

**SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS.**

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the actual, necessary costs and expenses of closing a health care business incurred by a trustee, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business.''.

**SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.**

(a) IN GENERAL.—

(1) APPOINTMENT OF OMBUDSMAN.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

**''§ 332. Appointment of ombudsman**

''(a) Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall appoint an ombudsman to represent the interests of the patients of the health care business.

''(b) An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care, to the extent necessary under the circumstances, including reviewing records and interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

''(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

''(c) An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

''332. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter proceeding subparagraph (A), by inserting ''an ombudsman appointed under section 331, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

**SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.**

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by section 219 of this Act, is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended by striking ''and 704(9)'' and inserting ''704(9), and 704(10)''.

## TITLE [XII] XI—TECHNICAL AMENDMENTS

**SEC. [1201.] 1101. DEFINITIONS.**

Section 101 of title 11, United States Code, as amended by section [1101] *1003* of this Act, is amended—

(1) by striking ''In this title—'' and inserting ''In this title:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A) and (38), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property;'';

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (55), including paragraph (54), as amended by paragraph (6) of this section, in entirely numerical sequence.

**SEC. [1202.] 1102. ADJUSTMENT OF DOLLAR AMOUNTS.**

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3), [707(b)(5),]'' after ''522(d),'' each place it appears.

**SEC. [1203.] 1103. EXTENSION OF TIME.**

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

**SEC. [1204.] 1104. TECHNICAL AMENDMENTS.**

Title 11, [of the] United States Code, is amended—

(1) in section 109(b)(2), by striking ''subsection (c) or (d) of''; *and*

[(2) in section 541(b)(4), by adding ''or'' at the end; and]

[(3)] *(2)* in section 552(b)(1), by striking ''product'' each place it appears and inserting ''products''.

**SEC. [1205.] 1105. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.**

Section 110(j)(3) of title 11, United States Code, is amended by striking ''attorney's'' and inserting ''attorneys''.

**SEC. [1206.] 1106. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.**

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

**SEC. [1207.] 1107. SPECIAL TAX PROVISIONS.**

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking '', except'' and all that follows through ''1986''.

**SEC. [1208.] 1108. EFFECT OF CONVERSION.**

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

**SEC. [1209.] 1109. ALLOWANCE OF ADMINISTRATIVE EXPENSES.**

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

**SEC. 1210. PRIORITIES.**

Section 507(a) of title 11, United States Code, as amended by sections 211 and 229 of this Act, is amended—

(1) in paragraph (4)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (8), by inserting ''unsecured'' after ''allowed''.

**SEC. 1211. EXEMPTIONS.**

Section 522(g)(2) of title 11, United States Code, as amended by section 311 of this Act, is amended by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

**SEC. [1212.] 1110. EXCEPTIONS TO DISCHARGE.**

Section 523 of title 11, United States Code, as amended by section [229] *714* of this Act, is amended—

(1) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert [it] *such paragraph* after paragraph (14) of subsection (a);

(2) in subsection (a)—

(A) in paragraph (3), by striking ''or (6)'' each place it appears and inserting ''(6), or (15)'';

(B) in paragraph (9), by striking ''motor vehicle or vessel'' and inserting ''motor vehicle, vessel, or aircraft''; and

(C) in paragraph (15), as so redesignated by paragraph (1) of this subsection, by inserting ''to a spouse, former spouse, or child of the debtor and'' after ''(15)''; and

*(2) in subsection (a)(9), by striking ''motor vehicle or vessel'' and inserting ''motor vehicle, vessel, or aircraft''; and*

(3) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

**SEC. [1213.] 1111. EFFECT OF DISCHARGE.**

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1), or that''.

**SEC. [1214.] 1112. PROTECTION AGAINST DISCRIMINATORY TREATMENT.**

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

**SEC. [1215.] 1113. PROPERTY OF THE ESTATE.**

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

**SEC. [1216.] 1114. PREFERENCES.**

(a) IN GENERAL.—Section 547 of title 11, United States Code, *as amended by section 201(b) of this Act*, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (i)''; and

(2) by adding at the end the following:

''(i) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that pending or commenced on or after the date of enactment of this Act.

**SEC. [1217.] 1115. POSTPETITION TRANSACTIONS.**

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'';

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

**SEC. [1218.] 1116. DISPOSITION OF PROPERTY OF THE ESTATE.**

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

**SEC. [1219.] 1117. GENERAL PROVISIONS.**

Section 901(a) of title 11, United States Code, as amended by section [901(k)] *502* of this Act, is amended by inserting ''1123(d),'' after ''1123(b),''.

**SEC. [1220.] 1118. ABANDONMENT OF RAILROAD LINE.**

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

**SEC. [1221.] 1119. CONTENTS OF PLAN.**

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

**SEC. [1222.] 1120. DISCHARGE UNDER CHAPTER 12.**

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

**SEC. [1223.] 1121. BANKRUPTCY CASES AND PROCEEDINGS.**

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

**SEC. [1224.] 1122. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.**

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before '' 'bankruptcy''; and

(B) by striking the period at the end and inserting ''; and''; and

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before '' 'document''; and

(B) by striking ''this title'' and inserting ''title 11''.

**SEC. [1225.] 1123. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.**

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking ''only'' and all that follows through the end of the subsection and inserting ''only—

''(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

''(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.''.

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by section 212 of this Act, is amended by adding at the end the following:

''(15) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.''.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

''(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if

the debtor had not filed a case under this title.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

**SEC. [1226.] 1124. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.**

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''30''.

**SEC. [1227.] 1125. EXTENSIONS.**

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

**SEC. [1228.] 1126. BANKRUPTCY JUDGESHIPS.**

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 1999''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship positions.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: ''Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.''.

(e) TRAVEL EXPENSES OF BANKRUPTCY JUDGES.—Section 156 of title 28, United States Code, is amended by adding at the end the following:

''(g)(1) In this subsection, the term 'travel expenses'—

''(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

''(B) shall not include the travel expenses of a bankruptcy judge if—

''(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

''(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

''(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

''(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

''(B) The annual report under this paragraph shall include—

''(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

''(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

''(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

''(4)(A) The Director of the Administrative Office of the United States Courts shall—

''(i) consolidate the reports submitted under paragraph (3) into a single report; and

''(ii) annually submit such consolidated report to Congress.

''(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).''.

**TITLE [XIII] XII—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS**

**SEC. [1301.] 1201. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—Except as provided otherwise in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

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## WYDEN AMENDMENT NO. 2255

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

On page 106, line 25, strike ''COMMERCIAL AVIATION'' and insert ''Additional Compensation''.

On page 107, line 1, beginning with ''If'' strike all through ''additional'' on line 2, and insert ''Additional''.

On page 107, line 21, strike ''caused during commercial aviation occurring after July 16, 1996'' and insert ''occurring after November 23, 1995''.

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## BURNS (AND ASHCROFT) AMENDMENT NO. 2256

Mr. MCCAIN (for Mr. BURNS (for himself and Mr. ASHCROFT)) proposed an amendment to the bill S. 82, supra; as follows:

**SECTION 1. SHORT TITLE.**

This title may be cited as the ''Improved Consumer Access to Travel Information Act''.

**SEC. 2. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.**

(b) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(c) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) consumer access to information about the products and services of the airline industry;

(B) the effect on the marketplace on the emergency of new means of distributing such products and services;

(C) the effect on consumers of the declining financial condition of travel agents in the United States; and

(D) the impediments imposed by the airline industry on distributors of the industry's products and services, including travel agents and Internet-based distributors.

(2) POLICY RECOMMENDATIONS.—Based on the results of the study described in paragraph (1), the Commission shall recommend to the President and Congress policies necessary to—

(A) ensure full consumer access to complete information concerning airline fares, routes, and other services;

(B) ensure that the means of distributing the products and services of the airline industry, and of disseminating information about such products and services, is adequate to ensure that competitive information is available in the marketplace;

(C) ensure that distributors of the products and services of the airline industry have adequate relief from illegal, anticompetitive practices that occur in the marketplace; and

(D) foster healthy competition in the airline industry and the entry of new entrants.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—In carrying out the study authorized under subsection (c)(1), the Commission shall specifically address the following:

(1) CONSUMER ACCESS TO INFORMATION.—With respect to consumer access to information regarding the services and products offered by the airline industry, the following:

(A) The state of such access.

(B) The effect in the 5-year period following the date of the study of the making of alliances in the airline industry.

(C) Whether and to what degree the trends regarding such access will produce benefits to consumers.

(2) MEANS OF DISTRIBUTION.—With respect to the means of distributing the products and services of the airline industry, the following:

(A) The state of such means of distribution.

(B) The roles played by travel agencies and Internet-based providers of travel information and services in distributing such products and services.

(C) Whether the policies of the United States promote the access of consumers to multiple means of distribution.

(3) AIRLINE RESERVATION SYSTEMS.—With respect to airline reservation systems, the following:

(A) The rules, regulations, policies, and practices of the industry governing such systems.

(B) How trends in such systems will affect consumers, including—

(i) the effect on consumer access to flight reservation information; and

(ii) the effect on consumers of the use by the airline industry of penalties and promotions to convince distributors to use such systems, and the degree of consumer awareness of such penalties and promotions.

(4) LEGAL IMPEDIMENTS TO DISTRIBUTORS SEEKING RELIEF FOR ANTICOMPETITIVE ACTIONS.—The policies of the United States with respect to the legal impediments to distributors seeking relief for anticompetitive actions, including—

(A) Federal preemption of civil actions against airlines; and

(B) the role of the Department of Transportation in enforcing rules against anticompetitive practices.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

(A) 5 voting members and 1 nonvoting member appointed by the President.

(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Voting members appointed under paragraph (1) shall be appointed from among individuals who are experts in economics, service product distribution, or transportation, or any related discipline, and who can represent consumers, passengers, shippers, travel agents, airlines, or general aviation.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairperson of the Commission (referred to in this Act as the ''Chairperson'') from among its voting members.

(f) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of voting members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(g) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(h) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(i) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(j) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(k) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c)(2).

(l) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (k). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

(m) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

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## INHOFE AMENDMENT NO. 2257

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

On page 132, line 4, strike ''is authorized to'' and insert ''shall''.

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## BAUCUS AMENDMENT NO. 2258

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

At the end of title IV of the Manager's substitute amendment, add the following:

**SEC. ___. SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Recreational use of public lands is increasing in the United States and Canada.

(2) The increased recreational use can benefit local economies and create jobs.

(3) Increased recreational use can also bring the public into greater contact with grizzly bears and black bears.

(4) These conflicts can cause harm to recreational users and wildlife alike.

(5) United States companies produce pepper spray devices that have been demonstrated to reduce the severity and injury of these conflicts to both people and wildlife.

(6) These companies contribute to local economies and provide employment in distressed areas.

(7) Current Federal regulations prohibit airline passengers from carrying pepper spray devices in checked baggage that are of sufficient size to deter bears, thereby creating a disincentive to the use of these pepper spray devices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Federal regulations should be changed to allow these types of pepper spray devices to be carried in checked baggage on domestic airlines consistent with the interests of passenger safety.

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## ROBB (AND OTHERS) AMENDMENT NO. 2259

Mr. ROBB (for himself, Mr. SARBANES, Ms. MIKULSKI, and Mr. WARNER) proposed an amendment to amendment No. 1892 proposed by Mr. Gorton to the bill, S. 82, supra; as follows:

Beginning on page 12 of the amendment, strike line 18 and all that follows through page 19, line 2, and redesignate the remaining subsections and references thereto accordingly.

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## WYDEN AMENDMENTS NOS. 2260–2262

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 82, supra; as follows:

AMENDMENT NO. 2260

On page 106, strike line 25 and all that follows through the comma on page 107, line 2.

On page 107, line 21, strike ''caused during commercial aviation''.

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AMENDMENT NO. 2261

On page 106, strike line 25 and all that follows through ''additional'' on page 107, line 2 and insert the following:

''(b) ADDITIONAL COMPENSATION.—

''(1) IN GENERAL.—Additional''.

On page 107, line 21, strike ''caused during commercial aviation occurring after July 16, 1996'' and insert ''occurring after November 23, 1995''.

AMENDMENT NO. 2262

On page 106, beginning on line 25, strike all through page 107, line 21, and insert the following:

''(b) ADDITIONAL COMPENSATION.—

''(1) IN GENERAL.—Additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable in a total amount, for all beneficiaries of that decedent, that shall not exceed the greater of the pecuniary loss sustained or a sum total of $750,000 from all defendants for all claims. Punitive damages are not recoverable.

''(2) INFLATION ADJUSTMENT.—The $750,000 amount shall be adjusted, beginning in calendar year 2000 by the increase, if any, in the Consumer Price Index for all urban consumers for the prior year over the Consumer Price Index for all urban consumers for the calendar year 1998.

''(3) NONPECUNIARY DAMAGES.—For purposes of this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any death occurring after November 23, 1995.

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## ABRAHAM AMENDMENT NO. 2263

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 82, supra; as follows:

At the appropriate place insert the following:

**SEC. . REPEAL OF LIMIT ON SLOTS FOR BASIC ESSENTIAL AIR SERVICE AT CHICAGO O'HARE AIRPORT.**

49 United States Code section 41714(a)(3) is amended by striking ''except that the Secretary shall not be required to make slots available at O'Hare International Airport in Chicago, Illinois, if the number of slots available for basic essential air service (including slots specifically designated as essential air service slots and slots for such purposes) to and from such airport is at least 132 slots''.

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## FITZGERALD (AND DURBIN) ABRAHAM AMENDMENT NO. 2264

Mr. FITZGERALD (for himself and Mr. DURBIN) proposed an amendment to the bill, S. 82, supra; as follows:

On page 5, beginning with ''apply—'' in line 15, strike through line 19 and insert ''apply after December 31, 2006, at LaGuardia Airport or John F. Kennedy International Airport.''.

On page 8, beginning with line 7, strike through line 17 on page 12 and insert the following:

(1) IN GENERAL.—Subchapter I of chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

**''§ 41718. Special Rules for Chicago O'Hare International Airport**

''(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of amendment of the Air Transportation Improvement Act at Chicago O'Hare International Airport.

''(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

''(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

''(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

''(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

''(B) 12 shall be air carrier slot exemptions.

''(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

''(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

''(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

''(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

''(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

''(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a)).''.

(2) 3-YEAR REPORT.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41718(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

On page 19, strike lines 10 and 11.

On page 19, line 12, strike ''(B)'' and insert ''(A).

On page 19, line 13, strike ''(C)'' and insert ''(B).

On page 19, line 15, strike ''(D)'' and insert ''(C).

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## COVERDELL AMENDMENT NO. 2265

Mr. MCCAIN (for Mr. COVERDELL) proposed an amendment to the bill, S. 82, supra; as follows:

At the appropriate place in the Manager's substitute amendment, insert the following:

**SEC. . AVAILABILITY OF FUNDS FOR GEORGIA'S REGIONAL AIRPORT ENHANCEMENT PROGRAM.**

Of the amounts made available to the Secretary of Transportation for the fiscal year 2000 under section 48103 of title 49, United States Code, Funds may be available for Georgia's regional airport enhancement program for the acquisition of land.

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## MCCAIN (AND OTHERS) AMENDMENTS NO. 2266

Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mr. GORTON, and Mr. ROCKEFELLER) proposed an amendment to the bill, S. 82, supra; as follows:

On page 7, line 5 beginning with ''striking'' strike through ''1999,'' in line 8 and insert ''striking '1999.' and inserting '1999,' ''.

On page 7, line 14, strike '' 'August 6, 1999' '' and insert '' 'September 30, 1999,' ''.

On page 111 beginning with line 1, strike through line 12 on page 112.

On page 180, after line 15, insert the following:

(3) QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.—

(A) QUIET TECHNOLOGY REQUIREMENTS.—Within 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as emloying quiet aircraft technology for purposes of this section. If no requirements are promulgated as mandated by this paragraph, then beginning 9 months after enactment of this Act and until the provisions of this paragraph are met, any aircraft shall be considered to be in compliance with this paragraph.

(B) ROUTES OF CORRIDORS.—The Administrator shall by rule establish routes or corridors for commercial air tours (as defined in section 4012(d)(1) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(i) tours of the Grand Canyon originating in Clark County, Nevada; and

(ii) ''local loop'' tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona.

(C) OPERATIONAL CAPS AND EXPANDED HOURS.—Commercial air tours (as so defined) by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft—

(i) shall not be subject to operational flight allocations applicable to other commercial air tours of the Grand Canyon; and

(ii) may be conducted during the hours from 7:00 a.m. to 7:00 p.m.

(D) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour (as so defined) by a fixed-wing or helicopter aircraft in a commercial air tour operator's fleet on the date of enactment of this Act that meets the requirements designated under the personally (a), or is subsequently modified to meet the requirements designated under subparagraph (A) may be used for commercial air tours under the same terms and conditions as a replacement aircraft under subparagraph (C) without regard to whether it replaces an existing aircraft.

(E) GOAL OF RESTORING NATURAL QUIET.—Nothing in this paragraph reduces the goal, established for the Federal Aviation Administration and the National Park Service under Public Law 100–91 (16 U.S.C. 1a–1 note), of achieving substantial restoration of the natural quiet at the Grand Canyon National Park.

At the appropriate place, insert the following:

**TITLE —AIRLINE CUSTOMER SERVICE COMMITMENT**

**SEC. 01. AIRLINE CUSTOMER SERVICE REPORTS.**

(a) SECRETARY TO REPORT PLANS RECEIVED.—Each air carrier that provides scheduled passenger air transportation and that is a member of the Air Transport Association, all of which have entered into the voluntary customer service commitments established by the Association on June 17, 1999, (hereinafter referred to as the ''Airline Customer Service Commitment''), shall provide a copy of its individual customer service plan to the Secretary of Transportation by September 15, 1999. The Secretary, upon receipt of the individual plans, shall report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure the receipt of each such plan and transmit a copy of each plan.

(b) IMPLEMENTATION.—The Inspector General of the Department of Transportation shall monitor the implementation of any plan submitted to the Secretary under subsection (a) and evaluate the extent to which each such carrier has met its commitments under its plan. Each such carrier shall provide such information to the Inspector General as may be necessary for the Inspector General to prepare the report required by subsection (c).

(c) REPORTS TO THE CONGRESS.—

(1) INTERIM REPORT.—The Inspector General shall submit a report of the Inspector

General's findings under subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure by June 15, 2000, that includes a status report on completion, publication, and implementation of the Airline Customer Service Commitment and the individual airline plans to carry it out. The report shall include a review of whether each air carrier has modified its contract of carriage or conditions of contract to reflect each item of the Airline Customer Service Commitment.

(2) FINAL REPORT; RECOMMENDATIONS.—

(A) IN GENERAL.—The Inspector General shall submit a final report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure by December 31, 2000, on the effectiveness of the Airline Customer Service Commitment and the individual airline plans to carry it out, including recommendations for improving accountability, enforcement, and consumer protections afforded to commercial air passengers.

(B) SPECIFIC CONTENT.—In the final report under subparagraph (A), the Inspector General shall—

(i) evaluate each carrier's plan for whether it is consistent with the voluntary commitments established by the Air Transport Association in the Airline Customer Service Commitment.

(ii) evaluate each carrier as to the extent to which, and the manner in which, it has performed in carrying out its plan;

(iii) identify, by air carrier, how it has implemented each commitment covered by its plan; and

(iv) provide an analysis, by air carrier, of the methods of meeting each commitment, and in such analysis provide information that allows consumers to make decisions on the quality of air transportation provided by such carriers.

**SEC. 02. INCREASED FINANCIAL RESPONSIBILITY FOR LOST BAGGAGE.**

The Secretary of Transportation shall initiate a rule making within 30 days after the date of enactment of this Act to increase the domestic baggage liability limit in part 254 of title 14, Code of Federal Regulations.

**SEC. 03. INCREASED PENALTY FOR VIOLATION OF AVIATION CONSUMER PROTECTION LAWS.**

Section 46301(a), as amended by section 407 of this Act, is amended by adding at the end thereof the following:

''(8) CONSUMER PROTECTION.—For a violation of section 41310, 41712, any rule or regulation promulgated thereunder, or any other rule or regulation promulgated by the Secretary of Transportation that is intended to afford protection to commercial air transportation consumers, the maximum civil penalty prescribed by subsection (a) may not exceed $2,500 for each violation.''.

**SEC. 04. COMPTROLLER GENERAL INVESTIGATION.**

The Comptroller General of the United States shall study the potential effects on aviation consumers, including the impact on fares and service to small communities, of a requirement that air carriers permit a ticketed passenger to use any portion of a multiple-stop or round-trip air fare for transportation independent of any other portion without penalty. The Comptroller General shall submit a report, based on the study, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure by June 15, 2000.

**SEC. 05. FUNDING OF ENFORCEMENT OF AIRLINE CONSUMER PROTECTIONS.**

(a) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

**''§ 48112. Consumer protection**

''There are authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 for the purpose of ensuring compliance with, and enforcing, the rights of air travelers under sections 41310 and 41712 of this title—

''(1) $2,300,000 for fiscal year 2000;

''(2) $2,415,000 for fiscal year 2001;

''(3) $2,535,750 for fiscal year 2002; and

''(2) $2,662,500 for fiscal year 2003.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 481 is amended by adding at the end thereof the following:

''48112. Consumer protection''.

At the appropriate place, add the following new title:

**TITLE ___—PENALTIES FOR UNRULY PASSENGERS**

**SEC. ___01. PENALTIES FOR UNRULY PASSENGERS.**

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

**''§ 46317. Interference with cabin or flight crew**

''(a) GENERAL RULE.—

''(1) IN GENERAL.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

''(b) COMPROMISE AND SETOFF.—

''(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

''(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 463 is amended by adding at the end the following:

''46317. Interference with cabin or flight crew.''.

**SEC. ___02. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.**

(a) DEFINITIONS.—In this section:

(1) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in section 40102.

(2) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in section 40102.

(3) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZED LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—The Attorney General may—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers of air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program established under subparagraph (A).

(2) CONSULTATION.—In establishing the program under paragraph (1), the Attorney General shall consult with appropriate officials of—

(A) the Federal Government (including the Administrator of the Federal Aviation Administration or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program established under this subsection, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The Federal Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the Federal Government established to provide training to law enforcement officers of the Federal Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program established under subsection (b) shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program established under subsection (b) shall not—

(A) be considered to be an employee of the Federal Government; or

(B) receive compensation from the Federal Government by reason of service as a Deputy United States Marshal in the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program under subsection (b) the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

**SEC. ___. STUDY AND REPORT ON AIRCRAFT NOISE.**

Not later than December 31, 2002, the Secretary of Transportation shall conduct a study and report to Congress on—

(1) airport noise problems in the United States;

(2) the status of cooperative consultations and agreements between the Federal Aviation Administration and the International

Civil Aviation Organization on stage 4 aircraft noise levels; and

(3) the feasibility of proceeding with the development and implementation of a timetable for air carrier compliance with stage 4 aircraft noise requirements.

**TITLE ___—AIRLINE COMMISSION**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Improved Consumer Access to Travel Information Act''.

**SEC. ___02. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.**

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) consumer access to information about the products and services of the airline industry;

(B) the effect on the marketplace of the emergence of new means of distributing such products and services;

(C) the effect on consumers of the declining financial condition of travel agents in the United States; and

(D) the impediments imposed by the airline industry on distributors of the industry's products and services, including travel agents and Internet-based distributors.

(2) POLICY RECOMMENDATIONS.—Based on the results of the study described in paragraph (1), the Commission shall recommend to the President and Congress policies necessary to—

(A) ensure full consumer access to complete information concerning airline fares, routes, and other services;

(B) ensure that the means of distributing the products and services of the airline industry, and of disseminating information about such products and services, is adequate to ensure that competitive information is available in the marketplace;

(C) ensure that distributors of the products and services of the airline industry have adequate relief from illegal, anticompetitive practices that occur in the marketplace; and

(D) foster healthy competition in the airline industry and the entry of new entrants.

(c) SPECIFIC MATTERS TO BE ADDRESSED.—In carrying out the study authorized under subsection (b)(1), the Commission shall specifically address the following:

(1) CONSUMER ACCESS TO INFORMATION.—With respect to consumer access to information regarding the services and products offered by the airline industry, the following:

(A) The state of such access.

(B) The effect in the 5-year period following the date of the study of the making of alliances in the airline industry.

(C) Whether and to what degree the trends regarding such access will produce benefits to consumers.

(2) MEANS OF DISTRIBUTION.—With respect to the means of distributing the products and services of the airline industry, the following:

(A) The state of such means of distribution.

(B) The roles played by travel agencies and Internet-based providers of travel information and services in distributing such products and services.

(C) Whether the policies of the United States promote the access of consumers to multiple means of distribution.

(3) AIRLINE RESERVATION SYSTEMS.—With respect to airline reservation systems, the following:

(A) The rules, regulations, policies, and practices of the industry governing such systems.

(B) How trends in such systems will affect consumers, including—

(i) the effect on consumer access to flight reservation information; and

(ii) the effect on consumers of the use by the airline industry of penalties and promotions to convince distributors to use such systems, and the degree of consumer awareness of such penalties and promotions.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

(A) 5 voting members and 1 nonvoting member appointed by the President.

(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate

(2) QUALIFICATIONS.—Voting members appointed under paragraph (1) shall be appointed from among individuals who are experts in economics, service product distribution, or transportation, or any related discipline, and who can represent consumers, passengers, shippers, travel agents, airlines, or general aviation.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairperson of the Commission (referred to in this title as the ''Chairperson'') from among its voting members.

(e) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of voting members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (b)(2).

(k) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (j). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

(l) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

On page 162, before line 15, insert the following:

(3) CONFORMING AMENDMENT.—Section 41714(a)(3) is amended by adding at the end thereof the following: The 132 slot cap under this paragraph does not apply to exemptions or slots made available under section 41718.''.

## NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled for Tuesday, October 12, 1999, at 2:30 p.m., before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled for Wednesday, October 13, 1999, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information please contact Jim O'Toole or Cassie Sheldon of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the legislative hearing scheduled for 9:30 a.m., on October 26, 1999, before the Energy and Natural Resources Committee to receive testimony on S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential climate change has been cancelled.

For further information, please call Kristin Phillips, Staff Assistant or Colleen Deegan, Counsel, at (202) 224–8115.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m., on Tuesday, October 5, 1999, in closed session, to receive testimony from Department of Energy and Intelligence Community witnesses on the Comprehensive Test Ban Treaty.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, at 10:30 a.m., to hold a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. MCCAIN. Mr. President, the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, requests unanimous consent to conduct a hearing on Tuesday, October 5, 1999, beginning at 10 a.m., in Dirksen Room 226.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, at 2:45 p.m., to hold a hearing.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Tuesday, October 5, 9:30 a.m., hearing room (SD–406), on the Environmental Protection Agency's Blue Ribbon Panel findings on MTBE.

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

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. MCCAIN. I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 5, for purposes of conducting a Subcommittee on Forest and Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Boos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide a new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 5, 1999, to conduct a hearing on S. 1452, the Manufactured Housing Improvement Act.

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

## ADDITIONAL STATEMENTS

### COMMEMORATION FOR THE TOWN OF OAKLAND, MARYLAND

● Ms. MIKULSKI. Mr. President, I rise to extend my sincerest congratulations to the town of Oakland, Maryland, as it enters its Sesquicentennial Year on October 10, 1999. Oakland, the county seat of Garrett County, enjoys a long and proud history in the State of Maryland.

Nestled in the Appalachian Mountains, Oakland is blessed with a natural beauty all four seasons, from snowy hills in winter to pastel flowers in spring to lush foliage in summer to gorgeous red, orange and gold trees in autumn. Even Oakland's early name, ''Yough Glades,'' conjures up images of river and forest, natural beauty and abundant resources.

Oakland's rich history tells a story of a small farming community which grew with the opening of the first sawmill, expanded with the arrival of the railroad and continues to grow with old and new livelihoods alike, all the while treasuring those qualities which make it special—beauty, peacefulness and small town charm.

''A Brief History of Oakland, Maryland'' by John Grant describes the people, forces and events which shaped the town of Oakland. Three Indian trails met in a meadow on the western edge of Oakland and formed an entrance into the Yough Glades where Native Americans hunted in the forest and fished in the Youghiogheny River for hundreds and hundreds of years. White settlers followed in the 1790s as the fertile soil in ''Glades'' country attracted more and more farmers.

Around 1830, the first combination gristmill and sawmill provided lumber for the homes and shops in the growing community. On October 10, 1849, the town which had been known by several different names including Yough Glades became ''Oakland.''

The arrival of the Baltimore and Ohio Railroad in 1851 triggered a growth spurt in Oakland. Business and tradesmen frequented the newly built Glades Hotel and more people moved to the town. In 1862, Oakland incorporated a regular town government and in 1872 Oakland was selected as the County Seat of the newly formed Garrett County. The B&O Railroad continued its influence on the growth of the town with its construction of the Oakland Hotel in 1875. The hotel attracted many summer visitors, several of whom later built summer homes in Oakland.

Tragedy has struck Oakland more than once, and each time the town bounced back. The Wilson Creek flooded in 1896 and periodically over the next 70 years before a series of dams built in the late 1960s controlled the flooding. A devastating fire destroyed the business section of Oakland in 1898. The town used brick fire walls when rebuilding the downtown area, a farsighted decision which paid off in 1994 when fire struck again. This time only two buildings were destroyed.

Natural resources and beauty have long contributed to Oakland's economy and continue to do so today. The lumber industry, which began in the late 1800s, still provides jobs in Oakland. Coal, another natural resource, is found in the mountains near Oakland and adds to the economy of the town. And Oakland's natural beauty, which drew visitors to the Oakland Hotel in 1875, continues to attract people from all over the country seeking not only its beautiful vistas, but also its myriad of recreational opportunities all year round. Today, visitors to Oakland can choose from a variety of activities including hiking, biking, fishing, boating and skiing.

The town of Oakland reminds us of all that is good in our country. Oakland is a place where fire and rescue services are still staffed by volunteers, where folks greet each other with a friendly wave and hello, where people work together to support their schools and community, and where patriotism runs deep. In so many ways, Oakland is truly a ''Main Street Community,'' as the State of Maryland has so fittingly designated it.

Once again, I extend my congratulations to Oakland on their 150th anniversary and I invite all my colleagues to visit this Maryland treasure.●

### TRIBUTE TO ALBERT ENGELKEN

● Mr. STEVENS. Mr. President, for 28 years Albert Engelken was the man behind the scenes at the American Public Transit Association (APTA), a Washington-based member organization advancing and representing the interests of public transit systems and industry suppliers across North America.

He was the creative force for the vast majority of APTA's ''People Programs,'' including the innovative International Bus Roadeo, where drivers and mechanics compete in events that test

their skills at operating and maintaining public transit vehicles. His efforts at this endeavor also spawned the equally competitive International Rail Roadeo.

Albert Engelken was the originator of ''Transit Appreciation Day,'' which later became ''Try Transit Week,'' an annual fixture that encourages people to ride public transit, and salutes those who make the systems work. His creativity also extended to judging and selecting those systems that demonstrated excellence in transit advertising, a program now known as ''AdWheel,'' an important event held at the Association's annual meeting.

Albert Engelken's education programs developed transit information modules for thousands of grade school teachers throughout the United States. And, until his retirement in 1997, Albert Engelken produced the American Public Transit Association's Grant Awards Ceremony, an event that honors transit systems, individuals, and achievements in the public transit industry.

That ceremony continues today, and while lacking the unique skills Albert brought to directing the national and local arrangements that publicized the winners, the ceremony this year will honor him by electing him to the prestigious APTA Hall of Fame.

He was also the long-time editor of the Association's ''Passenger Transport'' weekly newspaper, and directed the industry's successful communications strategy in the important formative years of the federal transit program. Over his entire career with APTA, Albert's behind-the-scenes work—from speechwriting to the orchestration of presentations and the stage management of events—were critical to the success of APTA's member programs and the smooth functioning of APTA's many conferences.

Albert is known by his family, colleagues, and peers as a person who would always go the extra mile to help them out. No task was too small or too complicated to be turned away. He is a gentleman, trusted friend, and caring confidant. Yet he has never sought the spotlight not taken a bow over his work in public transit and APTA.

Those are just some of the reasons to honor Albert Engelken, Mr. President. At work and in the community he has touched thousands of lives, and made life safer and easier for hundreds of thousands of transit users and providers across our nation.

He is a also great family man. His wife Betsy, children Jane, Elizabeth and Richard and their spouses, and his five grandchildren can certainly attest to that.

Mr. President, I join them and his colleagues in congratulating Albert Engelken for a job well done, and in applauding his induction into the American Public Transit Hall of Fame.●

## IN RECOGNITION OF JOAN FLATLEY

● Mr. TORRICELLI. Mr. President, I rise today to recognize an outstanding woman in the State of New Jersey. Joan Flatley is being honored with the prestigious Spirit of Asbury Award for her activism and commitment to the Asbury Park community. Joan is recently retired as the Executive Director of the Asbury Park Chamber of Commerce, and her legacy in the community will be felt for years to come.

For over twelve years, John used her depth of knowledge and breadth of experience to contribute to the successful functioning of the Chamber. It is through her effort that the Chamber became a dynamic force in the Asbury Park business community, and the State of New Jersey as a whole. Joan has been the main force behind the Chamber's development and growth. She has consistently been receptive to the community's need, and has responded to them under the auspices of the Chamber. The Chamber is now a respected source of information, both in Asbury Park and across the country, for business and community events. Without Joan's unyielding commitment, the Chamber's development would not have been as pronounced.

Joan's continued and unwavering service to the people of Asbury Park is indicative of her love of the community in which she lives. Whether she was giving out travel information, sending out newsletters or organizing a business meeting, Joan met every task with an unbridled enthusiasm and pleasantness that made the community around her a better place to live. Indeed it is a testament to her service that New Jerseyans from every walk of life from across the state have come to celebrate the end of her distinguished career.

Joan's dedication to community service has always been clear, and the people of Asbury Park have benefitted from her involvement. I can think of few individuals more worthy of this distinguished award than Joan Flatley, and I am pleased to extend my congratulations to her.●

## IN HONOR OF EVA B. ISRAELSEN

● Mr. BENNETT. Mr. President, I was sad to learn of the death of Mrs. Eva Israelsen of North Logan, Utah this past week. As one of Cache Valley's oldest living residents, she was a remarkable woman.

Eva May Butler Israelsen was born October 5, 1894, in Butlerville, Utah. She attended Butlerville School as a young girl. A diligent student throughout her life, she was Valedictorian of the first graduating class of Jordan High School in 1915. I find it remarkable that just nine years ago, she and the other surviving class member, Thomas J. Parmley celebrated their 75th class reunion. In 1991 she was invited to be the featured speaker at Jordan High School's graduation.

She attended the Utah Agricultural College (now Utah State University) where she met her husband Victor Eugene Israelsen. They were married in the Salt Lake LDS Temple in 1917. After college, she and her husband farmed, eventually establishing the North Logan Buttercup Dairy where she lived for 63 years. That dairy became a landmark in Cache Valley.

Eva was known throughout Cache Valley simply as ''Grandma Israelsen.'' She kept numerous journals and granted countless interviews to young people in the community who sought her out for her perspective and historical knowledge. She remained active in her community and her church throughout her life. With support from her children, she attended nearly every funeral, wedding and baby blessing in the community. She was active in the Daughters of the Utah Pioneers and blessed the lives of her neighbors through her charitable example and her Christian life.

Grandma Israelsen had a remarkable memory, often recalling details about not only her own family members and grandchildren but of the families of her neighbors and acquaintances. It was common for her to ask her neighbors about their children by name, even though she may not have seen them for years. The residents of North Logan will miss that, just as they miss waiving to her on her morning walks which she used to take back when she was a young woman of just 101.

She and her husband had eleven children, eight of which are living. Her husband Victor passed away in 1967. Her progeny includes 67 grandchildren, 271 great-grandchildren and 40 great-great grandchildren. Including the 97 spouses, she is survived by 483 family members.

Grandma Israelsen would have been 105 years old today. So on her birthday, I want to pay tribute to her life and express my condolences to her family on her passing. She was a remarkable woman who led a remarkable life. Sophocles once said ''One must wait until the evening to see how splendid the day has been.'' In her passing, I am sure that the community agrees that it was indeed splendid to spend the day with Eva Israelsen.●

## TRIBUTE TO JAMES ARTHUR GAY III

● Mr. REID. Mr. President, I rise today to pay tribute to James Arthur Gay III, a pioneer black civic leader from Las Vegas. Through his tireless efforts, he was instrumental in the fight to desegregate Las Vegas. Jimmy Gay was one of the first black hotel executives in Las Vegas in the 1950s at a time when his longtime friends Sammy Davis Jr., Nat ''King'' Cole and others were not allowed to stay overnight in strip hotels.

Mr. Gay was one of the best known and respected local black leaders of his generation. Among his accomplishments are many ''firsts''. He was the

first black to obtain a mortician's license in the state of Nevada, the first black to be appointed to the Nevada Athletic Commission, and the first black in the United States to be certified as a water safety instructor by the Red Cross. He also was a national record holder in the 100-yard dash and an alternate on the 1936 U.S. Olympic track team.

Born in Fordyce, Arkansas in 1916, Jim was the youngest of three children. When he was just 3 years old, Jim was orphaned. Beginning his experience with work at age 7 as a house boy, Jim developed a strong commitment to work at an early age. He moved to Las Vegas in 1946 as a college-educated man having earned his degree from the University of Arkansas. Although he was educated and ambitious, getting a job in Las Vegas was virtually impossible at the time. He started out as a cook at Sills Drive-In, a popular restaurant in the area of Charleston and Las Vegas Boulevard working hard to prove himself. In the late 1940s, people became aware of Jimmy's many talents. Jim's first break in Las Vegas came when the city opened the Jefferson Recreation Center in West Las Vegas. He was hired as the Director and among other things also coached football, swimming and basketball. His break in business came when he was hired as the Sands hotel-casino Director of Communications which was one of the highest posts held by a black at that time. During this period, the Sands was one of the Las Vegas Strips finest.

In 1941, Jimmy married Hazel Gloster and together they raised a family of five children, 10 grand-children and 17 great-grandchildren. Always finding time for his community, he was an active member of the executive board of the NAACP. He also was active in local politics serving as a member of the Clark County Democratic Central Committee and on the executive board of Culinary Local 226.

Jimmy discovered the world of the hotel industry and opened opportunities for many. Over the years, Jimmy served as an executive at the Sands, Union Plaza, Fremont, Aladdin and Silverbird hotels. He earned the respect of many for his tireless efforts and his love for the city of Las Vegas.

Deservingly, the state of Nevada has honored Jimmy Gay by naming him a Distinguished Nevadan in 1988 and a few years before, the city of Las Vegas named a park after him. In 1985, the city of Las Vegas and the state of Nevada honored him with ''Jimmy Gay Day.'' For his civic efforts, Jimmy was named Las Vegas Jaycees Man of the Year in 1952 and received a City of Hope commendation in 1959. On numerous occasions he was named NAACP Man of the year. His contributions have not only left a lasting impression on many, but also served as an inspiration to generations of young people growing up in Nevada. Over the years, Jimmy helped many deserving black students receive scholarships to his alma mater.

It was once written that ''Some people walk through our life and leave after a few seconds. Others come in and stay there for a very long time leaving marks that will never be forgotten.'' Jimmy Gay is one of those whose legacy will remain for the countless Nevadans whose journey will be easier because of his pioneering efforts. Las Vegas is a better place because Jimmy Gay went above and beyond to advance the cause of social justice. The best one can hope for life is to make a difference with their time on earth. There is no doubt that Jimmy Gay made a tremendous difference.

On September 10, 1999 at the age of 83 Jimmy Gay died of complications of a stroke. He will be missed but will remain one of the most admired and respected local Las Vegas leaders to have graced the city. This U.S. Senator is a better person because of the friendship he enjoyed with Jimmy Gay and Nevada is a better state because of his lifelong effort to ensure equality for all.●

## TRIBUTE TO CORNELIUS HOGAN

● Mr. JEFFORDS. Mr. President, it gives me great pleasure to stand before my esteemed colleagues and speak of my good friend, Cornelius Hogan, who is retiring as Secretary of the Vermont Agency of Human Services. His work in leading state government to improve the well-being of Vermonters stands as a example for us all.

The Vermont Agency of Human Services includes the departments of Social Welfare, Corrections, Social and Rehabilitation Services, Mental Health, Alcohol and Drug Abuse, Aging and Disabilities. Secretary Hogan has not only administered these vital services through extraordinary changes, but has provided outstanding leadership, recognized throughout the Nation. This agency, with the State's largest budget, must have a human face in its efforts to improve the lives of Vermonters. Con Hogan is that face.

Secretary Hogan has served as Vermont's Secretary of Human Services since 1991 when then-Governor Richard Snelling enticed him back into public service from his successes in the private sector. Previously, Hogan served as Commissioner of Corrections.

Throughout his eight year tenure, Con has been remarkably effective and always gracious in his approach to each challenge. When Vermonters in need have a problem, Con has been the person that folks turned to when all else had failed. As Chris Graff, a Vermont journalist, noted:

> Hogan is a legend. And for the past eight years, when people knew that Con Hogan was coming, they had hope. And confidence. Confidence that whatever the trouble, whatever the problem, whatever the need, someone who cared deeply would do what ever it took to help.

As a result of Con's work, Vermont families and communities have improved educational opportunities, a better health care system, increased employment for the disabled and an expanded network of family support services. By demanding that government define, seek, and evaluate its efforts, Con has set a new example for public service in Vermont and the country.

More Vermont children have health care coverage, and have had it for longer, than almost any state in the country. The state is offering more home and community based care options for the elderly and disabled. Disabled Vermonters are working and, thereby, supporting themselves and their families. Con Hogan's ultimate legacy will be the thousands of lives that have been directly touched by the work of the Agency of Humans Services under his stewardship.

He, of course, will describe his work as collaborative and the consequence of others' good will and efforts. He is right, as he has led efforts to open government to the ideas, hopes, and information from citizens, industry and business. He has fostered a real public debate about the well-being of Vermonters and the responsibilities of government and its citizens to participate, evaluate, and dream for better things.

Secretary Hogan's vision is alive and full of vibrant change. Con has changed our ways of thinking. He is the mastermind of dozens of partnerships in which human services providers now collaborate with others in state and local governments, and communities to deliver locally-based services. Con recognizes and encourages citizen participation as essential to this process. He has convinced service providers that they should listen to real people - that the child, the elder or the youth needs to be the center of their concerns.

Over the last several weeks, many Vermonters have written to their local papers, touting Con Hogan's work as Secretary. Con has significantly changed thousands of Vermonters lives, both through policy and through his own untiring advocacy. The results have impressed his colleagues and friends alike.

I was moved when I read a commentary in the Burlington Free Press by my good friend, David S. Wolk, Superintendent of Schools in Rutland City. David pointed out that it was Con Hogan's success in the private and public sectors, as well as his impeccable reputation as both a manager and a leader, that led then-Governor Snelling to appoint him as the state's premier advocate for Vermonters in need.

David aptly notes that Con's relentless advocacy has been coupled with his unique capacity to reach out to the wider community. His strong and effective leadership has presented important dualities:

> Con Hogan could have remained in the private sector to seek his fortune and fame. Instead, he offered a selfless contribution to public service, an emphasis on accountability with measurable outcomes and an impressive brand of leadership, combining pressure and support, characterized by candor

and courage. . .. If the ultimate goal of the consummate public citizen is to improve our collective lot, and to enjoy the privilege of making one's personal mark on Vermont's well-being, then no other public citizen called to service in our wonderful state has achieved that pinnacle more than Cornelius D. Hogan of Plainfield.

On a personal note, I have enjoyed witnessing Con's talents, not only in public service but on the stage, as an accomplished bluegrass musician. Con's passion and zeal for life is evident in all that he does.

Mr. President, I'm sure I could stand here all day, and regale my colleagues with stories and tributes to this remarkable man and still, Con's contribution would not be described adequately. For us to thoroughly understand the impacts of his sage and exemplary leadership, the outcomes of Con Hogan's service to Vermonters will need to be measured far into the new millennium.

I join my fellow Vermonters in offering my most heartfelt congratulations and gratitude to Con Hogan for his years of public service, and I wish him all the best in his new endeavors.●

## MEASURE READ THE FIRST TIME—S. 1692

Mr. CRAPO. Mr. President, I understand that S. 1692, which was introduced earlier today by Senator SANTORUM, is at the desk. I therefore ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1692) to amend Title 18, United States Code, to ban partial-birth abortions.

Mr. CRAPO. Mr. President, I now ask for the bill's second reading, and on behalf of Members of the other side of the aisle, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## COMPREHENSIVE TEST BAN TREATY

Mr. LOTT. Mr. President, I appreciate the fact that the Democratic leader is still here. I know he had urgent meetings he had to go to. We needed to get that final recorded vote and pass that bill. I appreciate his patience on that. Also, I think he and I both agree that we want to advise Members on both sides of the aisle and all concerned that we are discussing how to proceed with the vote that is now in place on the Comprehensive Test Ban Treaty.

After we discussed our concerns about how and when to proceed on that, then there started to be a lot of speculation on both sides of the aisle and all around town. I think it is important for Members to just calm down and relax. We need to have the ability to communicate with each other and think about what is in the best interest of the Senate and our country and weigh all of the evidence that is now available to us.

We do have a unanimous consent agreement that we will proceed to this issue, and we will have a vote after the requisite number of hours, probably on the 12th, or perhaps the morning of the 13th before we get to final passage. Nothing more than that has been done.

We will have to work through this, and we will certainly have to work with our respective caucuses and the White House, because this is a very important national security and foreign policy issue, and we will also have to be involved in the consideration in how we proceed on this issue.

I think that is what we need to say at this point. Nothing beyond that has been agreed to, suggested, or called for by the President, or by any Senator, and all we are trying to do is communicate and see if we are proceeding in the best interests of all concerned.

Would the Senator like to add to that?

Mr. DASCHLE. Mr. President, I agree with the characterization made just now by the majority leader. I think all we can do is continue to discuss the matter to see if we might proceed in a way that would accommodate the concerns and needs of both caucuses. I think what the majority leader said, especially about rumors, and how all this began is irrelevant. In fact, the more rumors, the more this matter is exacerbated. If we really want to try to proceed successfully, we need to quell the rumors and get on with trying to talk with dispassionate voices and make sure we make the right decisions. We are prepared to do that, and I know the majority leader is prepared to do that. That is all that needs to be said at this time.

## ORDERS FOR WEDNESDAY, OCTOBER 6, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 6.

I further ask unanimous consent that, on Wednesday, immediately following the prayer, the journal of the proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 1650, the Labor-HHS Appropriations bill.

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

## PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, we will begin at 9:30 on this important legislation. The pending amendment is the Nickles amendment regarding the Social Security trust fund. It is hoped that this and remaining amendments can be debated and disposed of in a timely fashion so that action on the bill can be completed no later than Thursday evening.

Therefore, I ask Senators to work with the bill managers to Schedule a time to offer their amendments. Senators should be aware that rollcall votes will occur throughout the day on Wednesday and on Thursday. This week, we also expect to handle the Agriculture Appropriations conference report. I understand that some time for debate or discussion on that conference report will be required. We will work to find a window to do that. If the House should approve the Foreign Operations conference report later today or tomorrow, then we will look for an opportunity to also take that up.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Wednesday, October 6, 1999, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 5, 1999:

THE JUDICIARY

RAYMOND C. FISHER, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

BRIAN THEADORE STEWART, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

## REJECTION

Executive nomination rejected by the Senate on October 5, 1999:

RONNIE L. WHITE, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.

# EXTENSIONS OF REMARKS

## TRIBUTE TO THE LATE CAROLYN BEEN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a woman who was dedicated to the community, the church and her family, Carolyn ''Cookie'' Been. In doing so, I would like to honor this individual who, for so many years, exemplified the notion of public service and civic duty.

Carolyn's many entrepreneurial achievements speak well of the hard working woman that she was. Those achievements are highlighted by her contributions to the Naturita community. There, she served as a town board member from 1991–1992, when she was elected to the position of Mayor. For six years she served diligently and accomplished numerous feats. Among those feats, she secured $500,000 for the renovation of the town park and community center, and rebuilt the town's water and sewer treatment facilities. Numerous other achievements by Carolyn, too many to mention, had a profound positive effect on the community of Naturita. Carolyn received several awards for her contributions. She was named Woman of the Year in 1993 by the San Miguel Business and Professional Women, and Citizen of the Year in 1998 by the Nucla-Naturita Chamber of Commerce.

Carolyn Been considered her finest achievement to be her children, who have proven themselves very successful in Colorado and other states. Also, she is survived by seven wonderful grandchildren who will undoubtedly carry on her good will.

It is with this, Mr. Speaker, that I recognize and say thank you to a fine citizen of Colorado and the United States. Her memory of love and dedication will live on forever.

## H.R. 3011, THE TRUTH IN TELEPHONE BILLING ACT OF 1999

### HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. BLILEY. Mr. Speaker, today I am introducing H.R. 3011, the Truth in Telephone Billing Act of 1999.

This legislation is premised on a simple idea that consumers should know when their government is taxing them.

This may seem self-evident to my colleagues. But in reality, politicians and regulators all too often attempt to withhold from consumers information about the government's spending habits.

This is a particularly acute problem in the area of telecommunications services. The telecommunications services market has become a ''cash cow'' for politicians and regulators to fund their spending habits.

The ''Gore Tax'' is only one example of what has become a widespread problem not only at the Federal level but also with state and local governments as well. Here's how it usually works.

Rather than make its case for more government spending directly to the people, governments instead levy the tax on telecommunications service providers. The providers, in turn, pass the cost on to American consumers in the form of higher rates. What's worse, regulators then pressure the service provider to bury the tax in its rates, rather than permit the provider to clearly identify for the consumer how much of his or her monthly bill is attributable to government programs.

I know this because, last year, the Committee on Commerce conducted a thorough investigation of the Federal Communications Commission (FCC's) implementation of the Gore Tax. We found that the FCC imposed extraordinary and unprecedented political pressure on the Nation's largest long distance carriers (on whom the Gore Tax is levied) to withhold information from their subscribers about the true cost of the Gore Tax.

Whether one agrees or disagrees with the specifics of government spending, we should all be able to agree that the American people should at least know when they're being taxed, and for what purpose.

Congress has enacted similar legislation dealing with taxation of cable services. As part of the 1992 Cable Act, I included a provision in the law that permits cable operators to place a line item on consumers' monthly bills that identifies the portion of the bill that is attributed to ''franchise fees'' that cities and counties typically exact from cable operators as the ''price'' for offering service. Again, while we may differ on the merits of a spending program, consumers are entitled to know when they're being taxed, and for what purpose.

Accordingly, the legislation I am introducing today will ensure that consumers of telecommunications services will have a complete picture of how much their monthly bills can be attributed to government spending. The legislation would require each telecommunications carrier to identify on each subscriber's monthly statement: (1) The government program for which the carrier is being taxed, and the government entity imposing the tax; (2) the form in which the tax is assessed (e.g., per subscriber, per line, percentage of revenues); and (3) a separate line-item that identifies the dollar amount of the subscriber's bill that is being used by the carrier to pay for the government program.

Mr. Speaker, consumers have a right to know whenever their government levies taxes. By mandating that telecommunications companies identify these taxes through line-items, Congress will promote transparency in taxation.

Moreover, this bill will help to promote the legitimacy of government spending when financed by consumers of telecommunications services. Government can never claim that its programs have the support of the American people when the people are unaware of the extent of the cost.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3011, the Truth in Telephone Billing Act of 1999.

## AGRICULTURAL RISK PROTECTION ACT OF 1999

SPEECH OF

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 29, 1999*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2559) to amend the Federal Crop Insurance Act, to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of H.R. 2559, the Agriculture Risk Protection Act of 1999.

For several years now, farmers in this country have been plagued by severe weather conditions compounded by drastically low world prices for agricultural products. I am pleased that the Agriculture Risk Protection Act seeks to address the plight of farmers and that we are now taking these steps to enhance the federal crop insurance program.

H.R. 2559 will enable more farmers to participate in the federal crop insurance program and provide them with the tools they need to more adequately address their risk management needs. The Agriculture Risk Protection Act of 1999 increases the government premium support for the federal crop insurance program which will enable more farmers to participate in the program and afford higher levels of crop insurance protection.

The bill would make the federal crop insurance program more user friendly by expediting the policy approval process and helping farmers buy new policies. Furthermore, it would increase the number of crops that are eligible for the crop insurance program and, for the first time, make risk management assistance for livestock producers available to ranchers through a pilot program.

Many producers in the past, did not participate in the federal crop insurance program because they felt it was too expensive and provided too little coverage. To remedy this problem, the bill provides for performance based discounts for ''low risk'' producers. This will make it more appealing and affordable for ''low risk'' producers. this will make it more appealing and affordable for ''low risk'' producers, who previously did not participate in the federal crop insurance program.

I would also like to point out that I have introduced legislation, H.R. 473, intended to expand the scope of the federal crop insurance

program even further. Currently, farmers who suffer from outbreaks of plant viruses and diseases are not eligible for benefits from the federal crop insurance program, noninsured crop assistance programs, or emergency loans. My bill would enable farmers who suffer crop losses due to plant viruses or plant diseases to be eligible for all of these programs. Crop destruction from viruses and diseases should be covered under these programs just as other natural disasters are. I invite all of my colleagues to cosponsor H.R. 473 and I urge immediate consideration and passage of H.R. 473.

Farmers deserve an affordable safety net program that will provide a worthwhile benefit when they are most in need. Although H.R. 2559, the Agriculture Risk Protection Act of 1999 would not extend protections to producers whose crops suffer from plant viruses or diseases, I believe it does improve and expand the safety net available for farmers and is a step in the right direction. I support H.R. 2559 and urge its immediate passage.

## TRIBUTE TO CROSSING GUARDS

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. ANDREWS. Mr. Speaker, I rise today to commend and thank those who have dedicated a portion of their lives to ensuring that our young people throughout the First Congressional District of New Jersey are provided safe journey to and from school.

Each day crossing guards put their lives in harms way to protect our children from the dangers they may face on the way to school, whether that be a speeding car ignoring posted school-zone speed limits or a drug dealer pushing poison on our young people.

In September, I held a ceremony back in my district to honor 20 crossing guards for their exemplary service to the children of their communities. As a parent of two young girls, I commend them for taking time from their lives, for little compensation, to assure us as parents, that our children will have a responsible adult looking over them literally every step of the way from the time they leave the house in the morning until they sit at their desks to begin their school day.

Through torrential downpours, driving snowstorms, blistering heat and frigid cold, our children can count on crossing guards to be there providing a familiar face to guide them on their trip to and from school. On behalf of the 106th Congress of the United States of America, I thank the following crossing guards for keeping our children safe every day.

The following crossing guards were honored at a ceremony at Camden County Community College on September 13, 1999: Mrs. Angelina Esposito, Burlington Twp, Mrs. Carmella Caruso, City of Burlington Schools, Mrs. Barbara Laute, Oak Vally Elem-Deptford Twp, Mrs. Marie Snyder, Shady Lane Elem-Deptford Twp, Mrs. Janette Multanski, Brooklawn, Mrs. Cynthia Peaker, Willingboro, Mrs. Maureen Saia, Washington Twp, Mrs. Mary Ann Wurst, Woodbury Heights, Mrs. Sue Hynes, Woodlynne, Mrs. Tina Castelli, Principal—Good Intent Elementary—Deptford Twp, Mrs. Ruth Rosenblatt, Somerdale, Mr. Darwin Branch, Camden, Mrs. Frances Oliveri, Mount Laurel, Mr. Robert Bobo, Brooklawn, Mrs. Alice Watson, Runnemede, Mr. Robert Kelly, Laurel Springs, Mrs. Theresa Keehfuss, Maple Shade, Mr. David Pressler, Maple Shade, Mrs. Anne Sprague, Bordentown, and Mrs. Carol Robinson, Audabon.

## HONORING COLUMBUS DAY AND ITALIAN HERITAGE MONTH

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. GILMAN. Mr. Speaker, I rise today to commemorate one of the most courageous events in human history, Christopher Columbus' voyage to the New World. In this day and age, when man has walked on the moon and when we can afford to lose a twenty five million dollar satellite in the atmosphere of Mars because somebody ''mis-calculated,'' it is easy to dismiss the courage of Christopher Columbus as no big deal. In reality, it was a very big deal. The three ships Columbus commanded on his first voyage, would today probably be classified as large yachts. Columbus did not have any radio contact with the mainland. He did not have any modern computers to help him navigate. All Columbus basically had was courage, skill, and good luck.

Often, we read that Columbus was not the first voyager to reach the Americas. It is contended that the Vikings, the Irish, and perhaps even the Phoenicians, were here first. Some scholars contend that the lost tribe of Israel journeyed to America and are the ancestors of Native Americans. This may all be true. Yet, it is all irrelevant. Columbus may not have been the first to make the journey, but he was certainly the first to appreciate its significance. Columbus recognized that by reaching the Americas by sailing west, he was opening a whole new world to the people of Europe. He recognized that this was a benefit to everyone, a benefit he believed that it must not be kept secret.

Columbus was also fortunate in that his discovery voyage took place soon after the discovery of moveable type. Thus, publicizing his voyages became more practical than could have been the case just fifty years earlier. Since Christopher Columbus was of Italian extraction, he became the first Italian whose life was intertwined with the history of America, starting a tradition that continues to this day.

Giovanni da Verrazano, who discovered New York Harbor, Constantino Brumidi, whose paintings adorn the rotunda in our U.S. Capitol Building, Guglielmo Marconi, who invented radio, and Joe DiMaggio, whose feats on the baseball diamond won the respect, admiration and love of all Americans, are only a few examples of Italians and Italian Americans who have long been a vital force in American history. They contributed significantly to our culture, improved our way of life, and helped create the America which strides across the world of today.

Accordingly, it is fitting that we commemorate Columbus Day and Italian Heritage Month as a way of not only remembering the courageous contributions of one remarkable man, but also to express our appreciation to the many Italians who have helped us throughout the years.

## IN HONOR OF WILLIAM D. MASON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to honor and congratulate Bill Mason for being named Parma Democrat of the Year.

Bill Mason, Cuyahoga County Prosecutor, has had a successful and fulfilling career. Born on April 13, 1959 in Cleveland, Ohio, he went on to attend and graduate from Cleveland-Marshall College of Law. Mr. Mason served as an Assistant Prosecuting Attorney in the Cuyahoga County Prosecutor's Office from 1987 through 1992. Here, he was able to gain valuable experience in criminal law. In 1992, Mr. Mason was elected by the voters to the Parma City Council. Shortly afterwards he was appointed as Parma's Law Director and Chief Prosecutor. During his service, Mr. Mason was able to improve efficiencies in the office over four consecutive years. By doing this, he was able to dramatically improve the enforcement of local laws, saving taxpayer resources.

Recently, Mr. Mason was elected Cuyahoga County Prosecutor by an overwhelming majority of the Cuyahoga County Democratic Party's Central Committee. Mr. Mason's position as the county's chief law enforcement officer is well deserved.

He has been privileged to have the support of his loving wife, Carol, and his four children Marty, Kelly, Cassidy, and Jordan.

Mr. Speaker, I would like to congratulate Bill Mason for being named outstanding Democrat in the city of Parma.

## IN RECOGNITION OF DOMESTIC VIOLENCE AWARENESS MONTH

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mrs. TAUSCHER. Mr. Speaker, I rise in recognition of October as Domestic Violence Awareness Month. Domestic Violence Awareness Month is a national campaign created to focus public awareness on the problem of domestic violence.

As we are all too aware, domestic violence is the leading cause of injury to women between the ages 15 and 44 in the United States. More women are injured as a result of domestic violence than are injured in car accidents, muggings, and rapes combined. Women of all cultures, races, occupations, income levels, and ages are battered by husbands, boyfriends, and partners. Batterers are not restricted to low-income or unemployed men. Approximately one-third of the men who undergo counseling for battering are professional men who are well-respected in their jobs and communities. These include doctors, psychologists, ministers, and business executives. Domestic violence also affects children. Half who live in violent homes experience some form of physical abuse. Unfortunately, one-third of boys who grow up in violent homes become batterers themselves, simply perpetuating the cycle.

I am proud that in my district, victims of domestic violence have been able to turn to Battered Women's Alternative. For the past 21

years, this wonderful organization has provided a safe haven for those women who have taken the critical first step and escaped from their homes. Battered Women's Alternative serves more than 15,500 women annually through its 24-hour crisis line, emergency shelter, safe homes, traditional housing, legal advocacy, counseling, employment assistance and placement programs. Battered Women's Alternative also conducts educational programs in the hopes of preventing future instances of domestic violence, many of which are targeted toward abusive men as well as younger children.

In recognition of the important work done by Battered Women's Alternatives every month of the year, I urge you all to actively participate in the many scheduled activities and programs planned all over the country that work toward the elimination of personal and institutional violence against women. Only a coordinated community effort can put a stop to this heinous crime and I urge my colleagues to join me in recognizing this important month.

## PERSONAL EXPLANATION

### HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Ms. CARSON. Mr. Speaker, I was unavoidably absent Friday, October 1, 1999, and as a result, missed rollcall votes 468 and 469. Had I been present, I would have voted ''yes'' on rollcall vote 468 and ''no'' on rollcall vote 469.

## TRIBUTE TO MAJOR GENERAL BRUCE KENYON SCOTT, UNITED STATES ARMY

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. SPENCE. Mr. Speaker, I rise today to recognize Major General Bruce Kenyon Scott, for his outstanding service to our Nation. This month, General Scott will depart The Pentagon to assume the position of Commanding General of the United States Army Security Assistance Command, in Alexandria, Virginia.

Since August 1997, General Scott has served as the Chief of Legislative Liaison for the United States Army. In this role, he has proven himself to be a valued advisor to the Secretary of the Army, the Chief of Staff of the Army, as well as many Members of Congress and staff. Drawing upon his in-depth knowledge of policy and program issues that relate to the Army, General Scott has been able to ensure that the Army message has been delivered in a very effective manner. General Scott has also been instrumental in resolving countless personnel, operational, and support matters involving the Army, during deployments to more than 81 countries around the world.

Throughout his 27 years of dedicated service, General Scott has set a high standard. He clearly symbolizes the Army ethos, ''Duty, Honor, Country.'' General Scott has served with distinction in the position of Chief of Army Legislative Liaison, and he is to be commended on his outstanding work.

I am certain that General Scott will continue to excel in the position of Commanding General of the United States Army Security Assistance Command. He and his lovely wife, Mary, are wished much success in this new assignment.

## MEDAL OF HONOR MEMORIAL

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. BURTON of Indiana. Mr. Speaker, I rise today and take great personal pride in having the Medal of Honor Memorial in Indianapolis recognized as a National Memorial. My colleagues, by passing H.R. 1663 today, we have designated as National memorials the memorial being built at the Riverside National Cemetery in Riverside, California; the memorial aboard the former USS *Yorktown* (CV–6) at Mount Pleasant, South Carolina; and the memorial at White River State Park in Indianapolis, Indiana, to honor the 3,410 recipients of the Congressional Medal of Honor.

On May 28, 1999, the last Memorial Day weekend of the 20th Century, I joined my Hoosier colleagues Representatives BUYER, MCINTOSH, and HILL, Senator BAYH, Lt. Governor Kernan, Mayor Goldsmith of Indianapolis, IPALCO Chairman John Hodowal, and 98 of the 157 living Medal of Honor recipients to dedicate the Medal of Honor Memorial. Medal of Honor recipients Sammy L. Davis and Melvin Biddle joined us at the dais, representing their comrades-in-arms.

The new memorial is located along the north bank of the Central Canal in White River State Park in downtown Indianapolis. It sits adjacent to Military Park, the site of the city's first recorded 4th of July celebration in 1822, which was used as a recruiting and training camp for soldiers from Indiana during the Civil War.

It is at this fitting site that the local power utility, IPALCO Enterprises under the leadership of its Chairman, John Hodowal, who along with his wife, Caroline, and countless employees and volunteers, has erected this breathtaking memorial. Caroline Hodowal first read a newspaper article about the Medal recipients and then conceived the idea for the new memorial when she and her husband realized that none existed.

Visitors to the site will see citations for each of the 3,410 medal recipients etched into glass walls. The twenty-seven curved glass walls, each between 7 and 10 feet tall, represent the 15 conflicts, dating back to the Civil War, in which uncommon acts of bravery resulted in the awarding of the Medal of Honor. Steps, benches, and a grassy area provide seating for visitors to rest, reflect, and view this magnificent memorial. Additionally, each evening at dusk, a sound system plays a thirty minute recorded account about a medal recipient, his story, and the act for which he received this Nation's highest military honor. As each story is told, lights illuminate the appropriate portion of the memorial to highlight the war or conflict being discussed.

In the words of Mr. Hodowal, this memorial serves two purposes: ''It's an opportunity to say thanks for the sacrifices [these men] made, and it's a chance to show the next generation what real heroes look like . . . to show that ordinary people sometimes do extraordinary things.''

Mr. Speaker, Indiana has a proud tradition of honoring those who have sacrificed so much to secure and preserve our freedom. We must never forget that freedom is not free. Because of the selfless sacrifices of so many, we enjoy so much in America. I encourage all of my colleagues to visit Indianapolis, Indiana and see this newest addition to our city and State. It is something, I can assure you, that you will not soon forget.

## HONORING ANNA MAE LYNCH ON HER 100TH BIRTHDAY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Anna Mae Francis Lynch on her 100th birthday. Anna Mae was born on October 5, 1899 in northern Arkansas.

As a child, Anna taught herself to read and write before she started school. Anna went to the fields and worked side by side with her family, chopping cotton, pulling weeds from the cornfields, milking cows and picking cotton by hand.

On February 25, 1916 at the age of 16, Anna married James Elmer Lynch secretly by the Justice of the Peace, in the woods, after attending a church singing. From this union, seven sons were born; six of the seven served with honor in World War II.

In 1921, Anna and her family came to Coalinga to work and prosper in the oil fields. Then came the great depression and the oil fields closed down. The family headed back to Arkansas and then Texas, but returned to Coalinga to labor in the cotton fields of Rancher Johnny Conn of Coalinga.

Anna was a mother, homemaker, a Bible school and singing teacher, and highly interested in Republican politics. Anna now resides in Coalinga.

Mr. Speaker, I want to recognize Anna Mae Lynch for her hard work and dedication to her family. I urge my colleagues to join me in wishing Anna many more years of continued success.

## A TRIBUTE TO JOHN J. BELLIZZI

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. GILMAN. Mr. Speaker, I am pleased to share with our colleagues the remarkable life of an outstanding individual and good friend who has devoted his work to law enforcement and particularly to eradicating the impact of drugs in our society.

John J. Bellizzi is being recognized this weekend for his 50 years of dedicated service to these causes, and especially to his 40 years of devotion to the International Narcotics Enforcement Officers Association (INEOA) which he founded in 1959 and for which he became its first President. Today, John continues to serve as Executive Director of

INEOA and is even more dedicated to this cause than he was in the past.

John previously retired from the position of Director of the New York State Bureau of Narcotic Enforcement, having worked under six Governors. In that position, John earned the respect of all of us who had worked with him. I vividly recall during my tenure in the State Assembly the dedication John brought to his fledgling crusade against drugs.

John Bellizzi is a product of the New York City school system, having graduated from Stuyvesant High School. He obtained his degree in pharmacy from St. John's University, and received an LL.B. from Albany Law School and his Doctor of Jurisprudence from Union University. John has also studied on the graduate level at New York University and at Fordham University.

John was also a police officer with the New York City Police Department. In that capacity, he was assigned to some of the most critical neighborhoods in the city, including Harlem, Bedford-Stuyvesant, and the south Bronx. During World War II, John was an undercover agent, investigating and reporting on some of the subversive organizations which were working against our nation.

John utilized his unique background in both pharmacy and law enforcement to help spearhead the fight against illegal narcotics. He is the author of many articles on pharmacy, narcotics, and the law. He also served on the faculty of several schools, including Albany Medical School, the University of Southern California, and St. John's University.

John Bellizzi served as a consultant on drug abuse to the White House and served on the Narcotics Commission of two successive Mayors of New York City—Robert F. Wagner, Jr., and John V. Lindsey. He also advised Mayor Sam Yorty of Los Angeles and Governor Jerry Brown of California as a member of their narcotics commissions.

Mr. Speaker, the awards and recognitions John Bellizzi has received over the years are too numerous to fully enumerate here. Suffice to say that he was presented the Honor Legion Medal from the New York City Police Department, the Papal medal from Pope Paul VI in 1965; the very first Anslinger Award for combating international narcotics trafficking presented in 1979; and was honored by the Columbia Association of New York State Employees and the Italian Pharmaceutical Society of New York for distinguished service to the community by an American of Italian ancestry. John also was awarded a gold medal by the Daughters of the American Revolution.

With all these honors, there is no doubt that John's pride and joy is his wife of 57 years, Celeste Morga, who has been his co-partner and confidant in all of his endeavors. They are the proud parents of two sons, John J., Jr., and Robert F.

This weekend, the International Narcotic Enforcement Officers Association is conducting its 40th Annual Conference. A special awards ceremony will honor drug enforcement officers from throughout the world. A special program will spotlight the remarkable career of John J. Bellizzi and his achievements throughout the past half century.

Mr. Speaker, I invite all of our colleagues to join with me in saluting John Belizzi, a champion of our war against drugs.

## IN HONOR OF THE SEVENTY-FIFTH ANNIVERSARY OF THE FAITH LUTHERAN CHURCH OF LAKEWOOD

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 75th anniversary of the Faith Lutheran Church of Lakewood.

Faith Lutheran Church was established in 1924 by the Home Mission Board of the Evangelical Lutheran Joint Synod of Ohio. Services were first held in a storeroom at 15635 Madison Avenue next to Scherzer's Bakery. Reverend Edward W. Schramm served as the first pastor. The Madison School Building, now known as Harding Middle School became a second place of worship until the current church was dedicated on Easter Sunday, March 27, 1932. An additional educational building and chapel were dedicated October 6, 1957.

Faith Lutheran Church was designed in the Gothic style by Cleveland Architect William E. Foster. Especially noteworthy is the Reuter pipe organ designed specially for the church by the Reuter Organ Company. With 1,439 speaking pipes ranging from eighteen feet to one-fourth of an inch, the organ is recognized for its tonal richness.

Today, Faith Lutheran Church has a 582-member congregation. Reverend Richard G. Schluep serves as pastor. Upholding a long-standing tradition of goodwill, the people of Faith Lutheran Church work together to serve local community charities and agencies. Congratulations to Faith Lutheran Church for 75 years of service and religious celebration.

My fellow colleagues, join me in honoring Faith Lutheran Church, a community that has dedicated their lives to God, freedom and the well being of all people.

## BIRTHDAY TRIBUTE TO FRAN BANMILLER

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. ANDREWS. Mr. Speaker, I rise today to acknowledge the birthday of a dear friend of mine. On Saturday, October 2, 1999, Mrs. Fran Banmiller, celebrated her 50th birthday. Fran was born in South West Philadelphia and moved to Gloucester City, N.J. She attended Rutgers-Camden School of Finance where she earned her CPA and later went on to earn her masters in tax accounting.

Fran, and her husband Jerry, are the proud parents of three beautiful children, Liz, Sarah and Rachel.

I would like to wish her a happy and healthy 50th birthday.

## H.R. 3013: TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce H.R. 3013, a bill to amend the Alaska Native Claims Settlement Act to allow shareholders common stock to be transferred to adopted Alaska native children and their descendants and for other purposes.

This bill is very similar to H.R. 2803, however, the Alaska Federation of Natives and the Department of the Interior have agreed to delete Section 7, the Partial Section Selections from the original bill. Other provisions in the bill contains revised language recommended by the Department of the Interior to address some of their concerns.

Again, Mr. Speaker, I am introducing H.R. 3013 with language revision changes to three provisions of H.R. 2803. This is to allow our Committee to hold a hearing next Wednesday on a new and expanded version of H.R. 2803 which reflects changes recommended by the Alaska Federation of Natives and the Department of the Interior.

## THE TOASTMASTERS INTERNATIONAL: RECOGNIZING 75 YEARS OF SERVICE

### HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. TURNER. Mr. Speaker, I rise today to honor the 75th anniversary of Toastmasters International, which since its conception on October 22, 1924, has grown to over 8,000 clubs and 200,000 members in 60 countries worldwide.

During the past 75 years, Toastmasters International has performed a valuable service for its members and those who hear its message of opportunity, initiative and good fellowship by assisting in the development of essential communications skills. One of the Toastmasters' most remarkable, yet challenging, efforts has been the formation of clubs within prisons to teach inmates how to effectively communicate to others and accept criticism. I am especially proud of the Sabine River Toastmasters in Orange, Texas.

One year ago, the Sabine River Toastmsters formed a club in the LeBlanc Prison, which is located in Jefferson County in East Texas. This club has been responsible for numerous success stories during the past year, and I am confident that the inmates of East Texas will continue to benefit from this encouragement and assistance in the development of improved communication skills for many more years to come.

The ability to speak in a clear and effective manner is a powerful and important skill that can help all Americans overcome barriers to effective performance in virtually every endeavor and line of work. With the guidance of Toastmaster members, inmates are becoming better communicators with a greater sense of confidence, self-esteem and self-respect, and they are therefore better prepared and qualified for employment after being released from

prison. Not only are the inmates encouraging and inspiring each other to become better citizens, but they are also taking active roles in the lives of our Nation's youth by discouraging them from repeating the same mistakes they made by joining gangs or using drugs and alcohol.

According to the Federal Bureau of Prisons, 35 to 40 percent of all released prisoners are re-arrested within the first 12 months of release. Of the LeBlanc Toastmasters' 55 released alumni, 2 have been re-arrested, which is one tenth of what the statistics would have predicted. I would like to applaud the Sabine River Toastmasters for helping these 53 men who have built new lives for themselves after being released from prison.

Mr. Speaker, I rise today to ask that you join me and our colleagues in celebrating the week of October 17, 1999, as Toastmasters Week and recognizing the many opportunities in communication and public speaking that Toastmasters International, and specifically the Sabine River Toastmasters, have promoted and realized for East Texans and Americans all across the nation.

## IN HONOR OF JOHN BIG DAWG THOMPSON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to honor John Big Dawg Thompson.

John Big Dawg Thompson, legendary Cleveland Browns superfan, is the heart and soul of the Cleveland Browns and the Cleveland Browns' Dawg Pound. Nationally recognized, Big Dawg's passion for the Cleveland Browns has touched the spirit of football fans everywhere. Members of Congress have even felt Big Dawg's devotion when he testified before a House committee as the Browns fan who could best convey the trauma to fans from the teams' sudden move to Baltimore.

Driven by heartfelt emotion and determination, Big Dawg served further as a crucial player in saving the team's name and colors and in bringing the Browns back to Cleveland. Big Dawg's big heart was never silenced throughout the years Cleveland was deprived of a team. Due in large part to his efforts, the Cleveland Browns are now back.

Celebrated as one of football's most famous fans, Big Dawg was inducted this year into the Visa Hall of Fans at the Pro Football Hall of Fame in Canton, Ohio. Big Dawg's role evolved back in 1985 when he donned a dog mask after Browns players Hanford Dixon and Frank Minnifield coined the term Dawg Pound to refer to the barking bleacher fans at the old Cleveland Municipal Stadium. Soon thereafter, the media discovered Big Dawg influencing Browns backers everywhere to wear, not only orange and brown, but dog masks and dog collars. With a new meaning to Cleveland's home field advantage, the Dawg Pound became an explosive force in leading the Browns to victory.

Not just a football fan, Big Dawg also serves as a community leader and a devoted family man. As a kid-friendly fellow, Big Dawg has made numerous appearances at local schools and local events. He is also featured on the box of his new Big Dawg Crunch cereal. Big Dawg has even earmarked royalties from cereal sales to go toward the American Diabetes Association and the Lomas Brown Jr. Foundation. Congratulations to Big Dawg for his charitable services, his devotion to his family, and for being the Cleveland Browns' number one fan. Keep the tradition alive!

My fellow colleagues, join me in honoring John Big Dawg Thompson.

## TRIBUTE TO BRIGADIER GENERAL TERRY LEE PAUL, UNITED STATES MARINE CORPS

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. SPENCE. Mr. Speaker, it is with pleasure that I rise to recognize Brigadier General Terry Lee Paul, the Legislative Assistant to the Commandant of the United States Marine Corps. General Paul retired from active duty on Friday, October 1st, after 30 years of exceptional service in the Corps.

For the last 10 years, General Paul has been in charge of the Marine Corps Office of Legislative Affairs. During this time, many Members of Congress and staff have come to know General Paul as a very reliable and articulate spokesman for the Corps. His straightforward approach and extensive knowledge of policy and programs has especially been of great benefit to those of us on the Armed Services Committee. Through the effective communication efforts of General Paul, the Congress has become familiar with the details of important programs, which are essential to the mission of the Marine Corps, such as, the V–22 Program, the Advanced Assault Amphibious Vehicle, the KC–130J, and the Maritime Pre-positioned Force-Enhancement, among others. General Paul has tirelessly endeavored to inform Members and staff on issues ranging from the capabilities, technological advances, concepts of operations, and funding requirements of necessary programs, to the basic needs of Marines in the field and of their families on base.

Although, General Paul is well known for his in-depth knowledge of the legislative issues and operational requirements of the Marine Corps, he is also greatly respected as a dedicated leader, who possesses a deep and abiding passion for what it means to be a Marine. General Paul is, above all, a Marine of unquestionable devotion to duty, impeccable integrity, absolutely sound character, and dedication to professionalism. Through his assignments as a Senator Liaison, a Special Assistant to the Commandant, and, finally, as the Legislative Assistant to the Commandant, General Paul has always effectively communicated the message of ''making Marines and winning battles.'' Because of the efforts of General Paul, the United States Marines Corps is better equipped and more prepared to carry out its mission in these demanding times.

As Chairman of the Committee on Armed Services, I have a special appreciation for the outstanding work that General Paul has done. His involvement in briefings and hearings before the House, as well as in Congressional Delegation travel to points around the world, has ensured that these activities were carried out in an efficient and instructive manner. General Paul has set a high standard for others to emulate. His total devotion to the Corps is evident in every action that he has taken, and he is to be commended on his more than thirty years of exemplary service to our Nation. I would like to wish General Paul and his lovely wife, Sharon, much continued success in their future endeavors.

## HONORING LARRY PISTORESI

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. RADANOVICH, Mr. Speaker, I rise today to honor Larry Pistoresi, Sr. for 50 years of perfect attendance at the Chowchilla Rotary Club.

Larry Pistoresi, Sr. has been a member of the Chowchilla Rotary Club since the day it was chartered in 1946. Pistoresi is an active auto retail salesman, but has been able to keep perfect attendance for 50 years. Perfect attendance did not mean that you had to attend all the local Rotary meetings. It you had to miss a local meeting, you could make that meeting up at another Rotary club in a different town. Through the years, Larry Pistoresi has attended Rotary meetings in 20 different states. In fact, planning a vacation for the Pistoresi's was quite an ordeal. Vacations were planned around Rotary meetings. Larry would get the Rotary director out to see where and when the Rotary meetings were to be held.

Pistoresi also has a family history of perfect attendance in the Rotary. His dad, Pete Pistoresi, a charter member of the Chowchilla Rotary Club, also received the perfect attendance award. Pistoresi said when he first joined, his dad kept after him to have perfect attendance. After the first two years of perfect attendance he was challenged to keep on going. The father and son team are the only tow in the local club to receive the award. The former president of the Chowchilla club said his goal is to keep his perfect attendance to the day he is forced to quit.

Mr. Speaker, it is my pleasure to honor Larry Pistoresi for his perfect attendance at the Chowchilla Rotary Club. I urge my colleagues to join me in wishing Larry many more years of continued success.

## NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 1999

SPEECH OF

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1999*

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my support for H.R. 717, the National Parks Air Tour Management Act of 1999.

Although this bill does not go as far as I would like, particularly with respect to overflights in National Parks in Hawaii, H.R. 717 is a step in the right direction.

For years I have received complaints fom people who visit National Parks in Hawaii

seeking to appreciate its serenity and ambiance only to be agitated by the pesky and noisy buzzing of aircraft overhead. In response, I introduced legislation, H.R. 482, to limit the adverse impacts of commercial air tour operations on National Parks in the State of Hawaii. My bill establishes specific guidelines, setting minimum altitudes and standoff distances, for National Parks in Hawaii. I believe certain parks must be declared flight-free, spared from intrusive noise, and maintained as calm refuges for the enjoyment of all.

I strongly encourage all of my colleagues to cosponsor my bill, H.R. 482, and establish certain flight-free zones over National Parks in Hawaii so that we may all enjoy the whole experience of visiting a National Park.

In the meantime, H.R. 717 will make several improvements upon the current situation of overflights in National Parks.

H.R. 717 requires the National Park Service to work with the Federal Aviation Administration and with the input of both the public and air tour operators, to prepare air tour flight management plans at each national park. Air tours would be prohibited unless the operators comply with the park's air tour overflight management plan. To insure that the plans are fair and comprehensive, the bill also calls for a study of the effects overflights have on park visitors on the ground.

Our National Parks should be enjoyed by all. For many, noise pollution ruins the National Park experience just as spare tires and empty soda cans littered beneath the trees would. I support cleaning up the noise at National Parks and urge immediate passage of H.R. 717, the National Parks Air Tour Management Act of 1999.

## NATIONAL COOPERATIVE MONTH

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 5, 1999*

Mr. SKELTON. Mr. Speaker, October 1999 has been designated as National Cooperative Month. I rise today to call attention to the thousands of cooperatives in the United States and to the thousands of Americans who benefit from membership in a co-op.

Some 40 percent of all Americans belong to a cooperative of one kind or another. Cooperatives bring people together to meet a common goal or need. There are cooperatives to provide electricity and telephone service to rural areas, cooperatives to help farmers market their goods, consumer cooperatives, and credit union cooperatives, to name but a few.

In Missouri, electric co-ops serve approximately 450,000 meters, representing over 1,380,000 people. Nearly 20 small, rural telecommunications providers have received financing from a cooperative to ensure that all rural Missourians have access to reliable telephone and other telecommunications services at an affordable price. There are also more than 1 million credit union cooperative members in Missouri.

Cooperatives allow people to band together and through the strength of numbers achieve what individuals could not accomplish alone. Members gain access to specific services, to marketing power, or to purchasing power. Unlike other businesses, cooperatives operate at cost and income that is not retained for cooperative operations is returned to the members.

In recognition of National Cooperative Month, I congratulate our nations' cooperatives for their continued service to members in Missouri and throughout the nation.

## CONFERENCE REPORT ON H.R. 1906, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 1, 1999*

Ms. STABENOW. Mr. Speaker, I rise today to express my extreme disappointment in the process that led to the consideration of the Conference Report for H.R. 1906 in the House of Representatives today. While I intend to vote for this legislation, the leadership in the House has chosen to ignore the wishes of this body on two counts.

First, we selected conferees, knowledgeable Members who have proven themselves in this process, who should have been allowed to represent the House during the conference on H.R. 1906. In the end, however, the conferees were shut out of the process and the final version of the conference report was developed by House leadership, behind closed doors.

Second, this House voted just last week, by an overwhelming majority, to mandate the Option 1A pricing scheme for dairy. H.R. 1402, the bill that I strongly supported and was proud to cosponsor, passed this House on September 22, 1999, by a vote of 285 to 140. While many other elements of the farm crisis were addressed in the conference report, and I am pleased that over $8 billion has been directed for disaster assistance, why was the dairy crisis ignored? Why wasn't the issue of dairy even allowed to be brought to the table during conference negotiations? I am disappointed that H.R. 1402 is not included in the conference report. Our dairy farmers deserve more.

Mr. Speaker, despite these problems, I am pleased to announce that several special grants that are critical for Michigan agriculture will be funded again this year at their Fiscal Year 1999 levels. The following grants, many of which are executed at the world-class land grant institution in my district, Michigan State University, have been funded at their Fiscal Year 1999 levels: Improved Fruit Practices, Wood Utilization, Potato Research, Apple Fireblight, and Sustainable Agriculture. Overall, the positive provisions included in the conference report allow me to support it, but the process that brought us to this point has been deeply flawed and I am very disappointed that the House has not included H.R. 1402 in this legislation

# *Daily Digest*

HIGHLIGHTS

Senate passed Air Transportation Improvement Act/FAA Authorization.

The House agreed to the conference report on H.R. 2606: Foreign Operations, Export Financing, and Related Agencies Appropriations.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S11891–S12049*

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1686–1693, and S. Res. 196. **Pages S11951–52**

Measures Passed:

*FAA Authorization/Air Transportation Improvement Act:* Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 82, Senate companion measure, as amended, and after agreeing to the following amendments proposed thereto:

**Pages S11891–S11916, S11921–33, S11936–49**

Adopted:

Collins Amendment No. 1907, to establish a commission to study the impact of deregulation of the airline industry on small town America.

**Pages S11893–95**

Gorton (for Rockefeller/Gorton) Amendment No. 1893, to improve the efficiency of the air traffic control system. **Page S11891**

McCain (for Abraham/Levin) Amendment No. 1948, to prohibit discrimination in the use of private airports. **Page S11895**

McCain (for Warner/Robb) Amendment No. 1949, to remove a limitation on certain funding.

**Page S11895**

McCain (for Helms) Amendment No. 2070 (to Amendment No. 1892), to modify certain provisions relating to special rules for Ronald Reagan Washington National Airport. **Page S11898**

McCain (for Boxer) Modified Amendment No. 1920, to provide for technical assistance to the Inherently Low-Emission Airport Vehicle Pilot Program in the Air Transportation Improvement Act of 1999. **Page S11898**

McCain (for Inhofe) Amendment No. 2071, to direct the Administrator to develop a national policy concerning the Terminal Automated Radar Display and Information System. **Page S11898**

McCain (for Gorton) Amendment No. 1950 (in lieu of the language proposed to be stricken by Amendment No. 1906), relating to discriminatory practices by computer reservations systems outside the United States. **Page S11903**

McCain (for Voinovich) Amendment No. 1906, to strike certain provisions relating to discriminatory practices by computer reservations system outside the United States. **Page S11903**

McCain (for Robb) Amendment No. 1900, to protect the communities surrounding Ronald Reagan Washington National Airport from nighttime noise by barring new flights between the hours of 10 p.m. and 7 a.m. **Pages S11903–04**

McCain (for Robb) Amendment No. 1901, to require collection and publication of certain information regarding noise abatement. **Pages S11903–04**

McCain (for Snowe) Amendment No. 1904, to provide a requirement to enhance the competitiveness of air operations under slot exemptions for regional jet air service and new entrant air carriers at certain high density traffic airports. **Page S11904**

Dodd Modified Amendment No. 2241, to require the submission of information to the Federal Aviation Administration regarding the year 2000 technology problem. **Pages S11921–28**

McCain (for Burns/Ashcroft) Amendment No. 2256, to establish a commission to study the airline industry and to recommend policies to ensure consumer information and choice. **Pages S11928–29**

McCain (for Roth) Amendment No. 1925, expressing the sense of the Senate concerning air traffic over northern Delaware. **Pages S11929–30**

McCain (for Abraham) Amendment No. 2251, to restore the eligibility of reliever airports for Airport Improvement Program Letters of Intent. **Page S11930**

McCain Amendment No. 1909, to authorize the Federal Aviation Administration's civil aviation research and development programs for fiscal years 2000 and 2001. **Page S11930**

McCain (for Feinstein) Amendment No. 1911, to direct the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, to issue regulations relating to the outdoor air and ventilation requirements for ventilation for passenger cabins. **Pages S11930–31**

McCain (for Abraham) Amendment No. 1897, to provide for a General Aviation Metropolitan Access and Reliever Airport Grant Fund. **Pages S11930–31**

McCain (for Torricelli) Amendment No. 1914, to require the Administrator of the Environmental Protection Agency to conduct a study on airport noise. **Pages S11930–31**

McCain (for Conrad) Amendment No. 2238, to express the sense of the Senate that essential air service (EAS) to smaller communities remains vital, and that the difficulties encountered by many of the communities in retaining EAS warrant increased federal attention, and that the FAA should give full consideration to ending the local match required by Dickinson, North Dakota. **Pages S11930–31**

Fitzgerald/Durbin Amendment No. 2264 (to Amendment No. 1892), to replace the slot provisions relating to Chicago O'Hare International Airport. **Page S11933**

McCain (for Hatch) Amendment No. 1927, to amend title 18, United States Code, with respect to the prevention of frauds involving aircraft or space vehicle parts in interstate or foreign commerce. **Pages S11936–39**

McCain (for Dorgan) Amendment No. 2240, to preserve essential air service at dominated hub airports. **Pages S11939–40**

McCain (for Baucus) Modified Amendment No. 1898, to require the Secretary to modify the Airline Service Quality Performance Reports to make the reports more useful to consumers. **Pages S11891, S11936**

McCain (for Coverdell) Amendment No. 2265, to make available funds for Georgia's regional airport enhancement program. **Page S11940**

Gorton Modified Amendment No. 1892, to make certain technical corrections to the new entrant and limited incumbent new or increased service language. **Pages S11891, S11898–S11903**

McCain Amendment No. 2266, to make technical changes and certain other modifications. **Page S11944**

Rejected:

By 37 yeas to 61 nays (Vote No. 310), Robb Amendment No. 2259 (to Amendment No. 1892), to strike certain provisions dealing with special rules affecting Ronald Reagan Washington National Airport. **Pages S11904–08, S11941–44**

By 30 yeas to 68 nays (Vote No. 311), Lautenberg Amendment No. 1922, to state requirements applicable to air carriers that bump passengers involuntarily. **Pages S11944–46**

Subsequently, S. 82 was returned to the Senate calendar. **Page S11949**

Labor/HHS/Education Appropriations—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1650, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, on Wednesday, October 6, 1999. **Page S12049**

Nominations Confirmed: Senate confirmed the following nominations:

By 69 yeas to 29 nays (Vote No. EX. 309), Raymond C. Fisher, of California, to be United States Circuit Judge for the Ninth Circuit. **Pages S11920, S12049**

By 93 yeas to 5 nays (Vote No. EX. 308), Brian Theadore Stewart, of Utah, to be United States District Judge for the District of Utah. **Pages S11919–20, S12049**

Nomination Rejected: Senate rejected the following nomination:

By 45 yeas to 54 nays (Vote No. EX. 307), Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri. **Pages S11918–19, S12049**

Messages From the House: **Pages S11950–51**

Measures Referred: **Page S11951**

Executive Reports of Committees: **Page S11951**

Statements on Introduced Bills: **Pages S11952–56**

Additional Cosponsors: **Pages S11956–58**

Amendments Submitted: **Pages S11958–S12045**

Notices of Hearings: **Page S12045**

Authority for Committees: **Page S12045**

Additional Statements: **Pages S12046–49**

Record Votes: Five record votes were taken today. (Total—311) **Pages S11919–20, S11944, S11946**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:32 p.m., until 9:30 a.m., on Wednesday, October 6, 1999. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S12049.)

# Committee Meetings

*(Committees not listed did not meet)*

## COMPREHENSIVE TEST BAN TREATY

*Committee on Armed Services:* Committee held closed hearings on issues relating to military implications of the Comprehensive Test Ban Treaty (Treaty Doc. 105–28), receiving testimony from officials of the Department of Energy and the Intelligence Community.

Hearings continue tomorrow.

## MANUFACTURED HOUSING IMPROVEMENT

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Housing and Transportation concluded hearings on S. 1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes, after receiving testimony from Senator Bayh; William Apgar, Assistant Secretary of Housing and Urban Development for Housing/Federal Housing Commissioner; William Lear, Fleetwood Enterprises, Inc., Riverside, California, on behalf of the Coalition to Improve the Manufactured Housing Act; and Rutherford Brice, Decatur, Georgia, on behalf of the American Association of Retired Persons.

## SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION

*Committee on Energy and Natural Resources:* Subcommittee on Forests and Public Land Management concluded hearings on S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands, after receiving testimony from Idaho State Representative Shirley Ringo; Bob Douglas, National Forest Counties and Schools Coalition, Tehama County, California; Jane O'Keefe, Oregon Counties Public Lands Committee, Lake County; Jack H. Summers, Jr., Liberty County School District, Liberty County, Florida; Steven K. Troha, Allegheny Forest Coalition, Kane Pennsylvania; Phil Davis, Valley County Board of Commissioners, Valley County, Idaho; R. Chris von Doenhoff, Houston County Court, Houston County, Texas; David Schmidt, Linn County Board of Commissioner, Linn County, Oregon; Michael A. Francis, Wilderness Society, Washington, D.C.; and Doug Robertson, Association of O and C Counties, Roseburg, Oregon.

## MTBE FUEL ADDITIVE

*Committee on Environment and Public Works:* Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded hearings to examine the Environmental Protection Agency's Blue Ribbon Panel findings on the use of Oxygenates and MTBE, methyl tertiary-butyl ether, in gasoline, after receiving testimony from former Senator Jake Garn, on behalf of the Huntsman Corporation, Salt Lake City, Utah Daniel S. Greenbaum, Health Effects Institute, Cambridge, Massachusetts, on behalf of the Environmental Protection Agency's Blue Ribbon Panel; Michael P. Kenney, California Air Resources Board, Sacramento, on behalf of the California Environmental Protection Agency; and Robert H. Campbell, Sunoco, Inc.Philadelphia, Pennsylvania.

## INTERCOUNTRY ADOPTION

*Committee on Foreign Relations:* Committee concluded hearings on the Convention On Protection of Children and Cooperation in Respect of Intercountry Adoption (Treaty Doc. 105–51), and S. 682, to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, after receiving testimony from Mary A. Ryan, Assistant Secretary of State, Bureau of Consular Affairs; Ronald S. Federici, Psychiatric and Neuropsychological Associates, Alexandria, Virginia; Barbara A. Holtan, Tressler Lutheran Services, York, Pennsylvania; Tomilee Harding, Christian World Adoption, Hendersonville, North Carolina, Mark T. McDermott, American Academy of Adoption Attorneys, Washington, D.C.; and Susan Soon-Keum Cox, Holt International Children's Services, Eugene, Oregon.

## AFRICA DEVELOPMENT ASSISTANCE

*Committee on Foreign Relations:* Subcommittee on African Affairs continued hearings to examine the effectiveness of United States development assistance to Africa and the implementation of United States foreign policy, receiving testimony from Nicholas N. Eberstadt, American Enterprise Institute for Public Policy Research, and Carol Lancaster, Georgetown University School of Foreign Service, both of Washington, D.C.

Hearings recessed subject to call.

ASBESTOS EXPOSURE LITIGATION

*Committee on the Judiciary:* Subcommittee on Administrative Oversight and the Courts concluded hearings on the S. 758, to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, after receiving testimony from Representatives Gekas, Moran, Cannon, and Scott; Christopher Edley, Jr, Harvard Law School, Boston, Massachusetts; Jonathan P. Hiatt, American Federation of Labor and Congress of Industrial Organizations, and Karen Kerrigan, Small Business Survival Committee, both of Washington, D.C.; former Michigan Supreme Court Chief Justice Conrad L. Mallet, Jr., Detroit, on behalf of the Coalition for Asbestos Resolution; Samuel J. Heyman, GAF Corporation, Wayne, New Jersey; Richard Middleton, Jr., Middleton, Mathis, Adams, and Tate, Savannah, Georgia, on behalf of the Association of Trial Lawyers of America; Michael Green, University of Iowa College of Law, Iowa City; Richard A. Nagareda, University of Georgia School of Law, Athens; and Paul R. Verkuil, Yeshiva University Benjamin N. Cardozo School of Law, New York, New York.

INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again tomorrow.

# House of Representatives

## *Chamber Action*

Bills Introduced: 17 public bills, H.R. 3011–3027; and 2 resolutions, H.J. Res. 70 and H. Con. Res. 192, were introduced. **Pages H9409–10**

Reports Filed: Reports were filed today as follows:

S. 452, a private bill for the relief of Belinda McGregor (H. Rept. 106–364);

H.R. 1497, to amend the Small Business Act with respect to the women's business center program, amended (H. Rept. 106–365); and

H. Res. 323, providing for the consideration of H.R. 2990, to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, and to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts and H.R. 2723, to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage (H. Rept. 106–366). **Page H9409**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Wilson to act as Speaker pro tempore for today. **Page H9305**

Recess: The House recessed at 9:27 a.m. and reconvened at 10:00 a.m. **Page H9308**

Committee on Transportation and Infrastructure: Chairman Shuster forwarded copies of resolutions approved by the Committee on August 5, 1999 and copies of resolutions adopted by the Committee on August 5, 1999—referred to the Committee on Appropriations. **Page H9312**

Suspensions: The House agreed to suspend the rules and pass the following measures:

*Designating the J.J. ''Jake'' Pickle Federal Building:* S. 559, to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''—clearing the measure for the President; **Pages H9334–38**

*National Medal of Honor Memorial Act:* H.R. 1663, amended, to designate as a national memorial the memorial being built at the Riverside National Cemetery in Riverside, California to honor recipients of the Medal of Honor (passed by a yea and nay vote of 424 yeas with none voting ''nay'', Roll No. 474). Agreed to amend the title; **Pages H9312–15, H9338–39**

*Commending the WWII Veterans Who Fought in the Battle of the Bulge:* H.J. Res. 65, amended, commending the World War II veterans who fought in the Battle of the Bulge (passed by a yea and nay vote of 422 yeas with none voting ''nay'', Roll No. 475); and **Pages H9315–28, H9339–40**

*Expressing Sympathy for the Victims of Hurricane Floyd:* H. Res. 322, expressing the sense of the House of Representatives in sympathy for the victims of Hurricane Floyd, which struck numerous

communities along the East Coast between September 14 and 17, 1999 (agreed to by a yea and nay vote of 417 yeas with none voting ''nay'' and one voting ''present'', Roll No. 476).

**Pages H9328–34, H9340**

Child Abuse Prevention and Enforcement Act: The House passed H.R. 764, to reduce the incidence of child abuse and neglect by a recorded vote of 425 ayes to 2 noes, Roll No. 479. **Pages H9349–64**

Agreed to:

The McCollum amendment in the nature of a substitute that revises the description of the grant program and funding set aside for child abuse victims under the Victims of Crime Act of 1984;

**Page H9357**

The Jackson-Lee of Texas amendment to the McCollum amendment that clarifies that child abuse includes child sexual abuse (agreed to by a recorded vote of 424 ayes with none voting ''no'', Roll No. 477); and **Pages H9358–61, H9362**

The Jones of Ohio amendment to the McCollum amendment that specifies that any increase in funding provided shall operate notwithstanding any limitation placed on the availability of the Crime Victims Fund (agreed to by a recorded vote of 389 ayes to 32 noes, Roll No. 478). **Pages H9361, H9362–63**

H. Res. 321, the rule that provided for consideration of the bill was agreed to by voice vote.

**Pages H9348–49**

Recess: The House recessed at 4:00 p.m. and reconvened at 4:36 p.m. **Page H9361**

Foreign Operations, Export Financing, and Related Agencies Appropriations: The House agreed to the conference report on H.R. 2606, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000 by a yea and nay vote of 214 yeas to 211 nays, Roll No. 480. **Pages H9364–78**

H. Res. 307, the rule that waived points of order against the conference report, was agreed to earlier by voice vote. **Pages H9340–48**

Referrals: S. 1255 was referred to the Committee on the Judiciary. **Page H9408**

Quorum Calls—Votes: Four yea and nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H9338–39, H9339–40, H9340, H9362, H9362–63, H9363–64, and H9377–78. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 11:21 p.m.

# *Committee Meetings*

## U.S. COMMISSION ON NATIONAL SECURITY/21ST CENTURY

*Committee on Armed Services:* Held a hearing on the U.S. Commission on National Security/21st Century. Testimony was heard from the following officials of the U.S. Commission on National Security/21st Century: Gary Hart, Co-Chair; Warren B. Rudman, Co-Chair; Norman Augustine and Andrew Young, both Commissioners.

## ELECTRICITY COMPETITION AND RELIABILITY ACT

*Committee on Commerce:* Subcommittee on Energy and Power held a hearing on H.R. 2944, Electricity Competition and Reliability Act of 1999. Testimony was heard from the following officials of the Department of Energy: T. J. Glauthier, Deputy Secretary; James Hoecker, Chairman, Vicky Bailey, Linda Key Breathitt, Curt Hebert and William Massey, all Commissioners, Federal Energy Regulatory Commission; and public witnesses.

Hearings continue tomorrow.

## SEND MORE DOLLARS TO THE CLASSROOM

*Committee on Education and the Workforce:* Began mark up of H.R. 2, to send more dollars to the classroom.

Will continue tomorrow.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Ordered reported the following: H.R. 2886, to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; H.R. 1520, Child Status Protection Act of 1999; H.R. 2961, International Patient Act; and two private relief bills.

## GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA AUTHORIZATION

*Committee on Resources:* Subcommittee on National Parks and Public Lands held a hearing on H.R. 2932, to authorize the Golden Spike/Crossroads of the West National Heritage Area. Testimony was heard from Katherine Stevenson, Associate Director, Cultural Resource Stewardship and Partnership, National Park Service, Department of the Interior; Glenn J. Mecham, Mayor, Ogden, Utah; and public witnesses.

BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT OF 1999;

QUALITY CARE FOR THE UNINSURED ACT OF 1999

*Committee on Rules:* Granted, by a vote of 9 to 3, a structured rule providing for consideration of H.R. 2990 and H.R. 2723. The rule provides two hours of debate in the House on H.R. 2990, Quality Care for the Uninsured Act of 1999, equally divided among and controlled by the chairmen and ranking minority members of the Committee on Commerce, the Committee on Education and the Workforce, and the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides one motion to recommit H.R. 2990.

The rule provides three hours of general debate on H.R. 2723, Bipartisan Consensus Managed Care Improvement Act of 1999, equally divided among and controlled by the chairmen and ranking minority members of the Committee on Commerce, the Committee on Education and the Workforce, and the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendments printed in part A of the Rules Committee report accompanying the resolution shall be considered as adopted upon adoption of the rule. The rule provides for consideration of only the amendments printed in part B of the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in part B of the Rules Committee report will be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment. The rule waives all points of order against the amendments printed in part B of the report except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment. The rule provides one motion to recommit H.R. 2723, with or without instructions. Finally, the rule provides that in the engrossment of H.R. 2990, the clerk shall add the text of H.R. 2723, as passed by the House, as a new matter at the end of H.R. 2990, and then lay H.R. 2723 on the table.

PLANT GENOME SCIENCE

*Committee on Science:* Subcommittee on Basic Research continued hearings on Plant Genome Science: From the Lab to the Field to the Market, Part 2. Testimony was heard from public witnesses.

FUELS FOR FUTURE

*Committee on Science:* Subcommittee on Energy and Environment held a hearing on Fuels for Future. Testimony was heard from Jay E. Hakes, Administrator, Energy Information Administration, Department of Energy; and public witnesses.

FATHERHOOD LEGISLATION

*Committee on Ways and Means:* Subcommittee on Human Resources held a hearing on fatherhood legislation. Testimony was heard from Senator Bayh; Representatives Shaw and Carson; Marilyn Ray Smith, Associate Deputy Commissioner and Chief Legal Counsel, Child Support Enforcement Division, Department of Revenue, State of Massachusetts; and public witnesses.

## COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 6, 1999

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product, 9 a.m., SR–328A.

*Committee on Armed Services:* to hold hearings on the national security implications of the Comprehensive Test Ban Treaty; to be followed by a closed hearing (SH–219), 9:30 a.m., SH–216.

*Committee on Commerce, Science, and Transportation:* to hold hearings on S. 1510, to revise the laws of the United States appertaining to United States cruise vessels, 9:30 a.m., SR–253.

*Committee on Environment and Public Works:* to hold hearings on the nomination of Glenn L. McCullough, Jr., of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority; the nomination of Skila Harris, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2005; the nomination of Gerald V. Poje, of Virginia, to be a Member of the Chemical Safety and Hazard Investigation Board; and S. 1323, to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, 3 p.m., SD–406.

*Committee on Foreign Relations:* to hold hearings to examine United States support for the peace process and antidrug efforts in Colombia, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the conduct of the NATO air campaign in Yugoslavia, 2:15 p.m., SD–419.

*Select Committee on Intelligence:* to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

*Committee on the Judiciary:* Subcommittee on Technology, Terrorism, and Government Information, to hold

hearings to examine fiber terrorism on computer infrastructure, 10 a.m., SD–226.

Full Committee, to hold hearings on S. 1455, to enhance protections against fraud in the offering of financial assistance for college education, 2 p.m., SD–226.

## House

*Committee on Agriculture,* hearing to review the USDA's Russian Food Aid Program, 10 a.m., 1300 Longworth.

*Committee on Commerce,* Subcommittee on Energy and Power, to continue hearings on H.R. 2944, Electricity Competition and Reliability Act of 1999, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to consider the authorization of subpoena(s) with respect to ongoing investigations by the Committee; followed by a continuation of hearings on Blood Safety and Availability, 10 a.m., 2322 Rayburn.

*Committee on Education and the Workforce,* to continue mark up of H.R. 2, to send more dollars to the classroom, and to mark up the following measures: H.R. 2300, Academic Achievement for All Act (Straight A's Act); and H. Res. 303, expressing the sense of the House of Representatives urging that 95 percent of Federal education dollars be spent in the classroom, 10:30 a.m., 2175 Rayburn.

*Committee on Government Reform,* Subcommittee on Government Management, Information, and Technology and the Subcommittee on Technology of the Committee on Science, joint hearing on State of the States: Will Y2K Disrupt Essential Services? 10 a.m., 2154 Rayburn.

Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs and the Subcommittee on Energy and Environment of the Committee on Science, joint hearing on Is $CO_2$ a Pollutant and Does EPA Have the Power to Regulate It? 2:30 p.m., 2247 Rayburn.

*Committee on International Relations,* hearing on U.S. Policy Toward Russia, Part I: Warnings and Dissent, 10 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on the First Annual State Department Report on International Religious Freedom, 2 p.m., 2172 Rayburn.

*Committee on Resources,* to consider the following bills: S. 278, to direct the Secretary of the Interior to convey certain lands to the County of Rio Arriba, New Mexico; S. 382, Minuteman Missile National Historic Site Establishment Act of 1999; H.R. 2496, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1999; H.R. 2669, Coastal Community Conservation Act of 1999; H.R. 2821, to amend the North American Wetlands Conservation Act to provide for appointment of 2 additional members of the North American Wetlands Conservation Council; H.R. 2970, Rongelap Resettlement Act of 1999; and the Resources Reports Restoration Act, 11 a.m., 1324 Longworth.

*Committee on Rules,* to consider a measure making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 20, 2000, 1:30 p.m., H–313 Capitol.

*Committee on Transportation and Infrastructure,* Subcommittee on Water Resources and Environment, hearing on H.R. 2332, Binational Great Lakes-Seaway Enhancement Act of 1999, 10 a.m., 2167 Rayburn.

*Next Meeting of the* SENATE

9:30 a.m., Wednesday, October 6

Senate Chamber

Program for Wednesday: Senate will resume consideration of S. 1650, Labor/HHS/Education Appropriations. Also, Senate will consider any conference reports when available.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 6

House Chamber

Program for Wednesday: Consideration of H.R. 2990, Quality Care for the Uninsured Act (structured rule, two hours of general debate); and

Consideration of H.R. 2723, Bipartisan Consensus Managed Care Improvement Act of 1999 (structured rule, three hours of general debate).

## Extensions of Remarks, as inserted in this issue

HOUSE



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