United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, MARCH 8, 2000 *No. 25*

House of Representatives

The House met at 10 a.m.

The Reverend Dr. Frank Richardson, Johns Hopkins University School of Medicine, Baltimore, Maryland, offered the following prayer:

In these moments of quiet reflection, help us, God, to discern Your will for us as representatives of this Nation, as citizens of the world, and as sons and daughters of Your universe. May the light of this new day not be darkened by past jealousies, hidden resentments or moments when privilege is sought and duty forgotten. Instead, may we be mindful of the holiness that resides within us. Encourage us to build bridges rather than barriers in our relationships. Dispense through us a compassionate concern for Your creation. Use our talents for the betterment of the global community. And, God, when night is near, may You be able to say to each Member of this House on the Hill, ''Well done, my faithful servant.'' Amen.

THE JOURNAL

The SPEAKER. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. CARDIN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARDIN 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.

CONFERENCE REPORT ON H.R. 1000, WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–513)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1000), to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Wendell H. Ford Aviation Investment and Reform Act for the 21st Century''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Definitions.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. AIP formula changes.
Sec. 105. Passenger facility fees.
Sec. 106. Funding for aviation programs.
Sec. 107. Adjustment to AIP program funding.
Sec. 108. Reprogramming notification requirement.

Subtitle B—Airport Development

Sec. 121. Runway incursion prevention devices and emergency call boxes.
Sec. 122. Windshear detection equipment and adjustable lighting extensions.
Sec. 123. Pavement maintenance.
Sec. 124. Enhanced vision technologies.
Sec. 125. Public notice before waiver with respect to land.
Sec. 126. Matching share.
Sec. 127. Letters of intent.
Sec. 128. Grants from small airport fund.
Sec. 129. Discretionary use of unused apportionments.
Sec. 130. Designating current and former military airports.
Sec. 131. Contract tower cost-sharing.
Sec. 132. Innovative use of airport grant funds.
Sec. 133. Inherently low-emission airport vehicle pilot program.
Sec. 134. Airport security program.
Sec. 135. Technical amendments.
Sec. 136. Conveyances of airport property for public airports.
Sec. 137. Intermodal connections.
Sec. 138. State block grant program.
Sec. 139. Design-build contracting.

Subtitle C—Miscellaneous

Sec. 151. Treatment of certain facilities as airport-related projects.
Sec. 152. Terminal development costs.
Sec. 153. Continuation of ILS inventory program.
Sec. 154. Aircraft noise primarily caused by military aircraft.
Sec. 155. Competition plans.
Sec. 156. Alaska rural aviation improvement.
Sec. 157. Use of recycled materials.
Sec. 158. Construction of runways.
Sec. 159. Notice of grants.
Sec. 160. Airfield pavement conditions.
Sec. 161. Report on efforts to implement capacity enhancements.
Sec. 162. Prioritization of discretionary projects.
Sec. 163. Continuation of reports.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

Sec. 201. Policy for air service to rural areas.
Sec. 202. Waiver of local contribution.
Sec. 203. Improved air carrier service to airports not receiving sufficient service.
Sec. 204. Preservation of essential air service at single carrier dominated hub airports.
Sec. 205. Determination of distance from hub airport.
Sec. 206. Report on essential air service.
Sec. 207. Marketing practices.

Printed on recycled paper.

Sec. 208. Definition of eligible place.
Sec. 209. Maintaining the integrity of the essential air service program.
Sec. 210. Regional jet service for small communities.

Subtitle B—Airline Customer Service

Sec. 221. Consumer notification of E-ticket expiration dates.
Sec. 222. Increased penalty for violation of aviation consumer protection laws.
Sec. 223. Funding of enforcement of airline consumer protections.
Sec. 224. Airline customer service reports.
Sec. 225. Increased financial responsibility for lost baggage.
Sec. 226. Comptroller General investigation.
Sec. 227. Airline service quality performance reports.
Sec. 228. National Commission To Ensure Consumer Information and Choice in the Airline Industry.

Subtitle C—Competition

Sec. 231. Changes in, and phase-out of, slot rules.

TITLE III—FAA MANAGEMENT REFORM

Sec. 301. Air traffic control system defined.
Sec. 302. Air traffic control oversight.
Sec. 303. Chief Operating Officer.
Sec. 304. Pilot program to permit cost-sharing of air traffic modernization projects.
Sec. 305. Clarification of regulatory approval process.
Sec. 306. Failure to meet rulemaking deadline.
Sec. 307. FAA personnel and acquisition management systems.
Sec. 308. Right to contest adverse personnel actions.
Sec. 309. Independent study of FAA costs and allocations.
Sec. 310. Environmental review of airport improvement projects.
Sec. 311. Cost allocation system.
Sec. 312. Report on modernization of oceanic ATC system.

TITLE IV—FAMILY ASSISTANCE

Sec. 401. Responsibilities of National Transportation Safety Board.
Sec. 402. Air carrier plans.
Sec. 403. Foreign air carrier plans.
Sec. 404. Death on the high seas.

TITLE V—SAFETY

Sec. 501. Airplane emergency locators.
Sec. 502. Cargo collision avoidance systems deadlines.
Sec. 503. Landfills interfering with air commerce.
Sec. 504. Life-limited aircraft parts.
Sec. 505. Counterfeit aircraft parts.
Sec. 506. Prevention of frauds involving aircraft or space vehicle parts in interstate or foreign air commerce.
Sec. 507. Transporting of hazardous material.
Sec. 508. Employment investigations and restrictions.
Sec. 509. Criminal penalty for pilots operating in air transportation without an airman's certificate.
Sec. 510. Flight operations quality assurance rules.
Sec. 511. Penalties for unruly passengers.
Sec. 512. Deputizing of State and local law enforcement officers.
Sec. 513. Air transportation oversight system.
Sec. 514. Runway safety areas.
Sec. 515. Precision approach path indicators.
Sec. 516. Aircraft dispatchers.
Sec. 517. Improved training for airframe and powerplant mechanics.
Sec. 518. Small airport certification.
Sec. 519. Protection of employees providing air safety information.
Sec. 520. Occupational injuries of airport workers.

TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

Sec. 601. Transfer of functions, powers, and duties.
Sec. 602. Transfer of office, personnel and funds.
Sec. 603. Amendment of title 49, United States Code.
Sec. 604. Savings provision.
Sec. 605. National ocean survey.
Sec. 606. Sale and distribution of nautical and aeronautical products by NOAA.
Sec. 607. Procurement of private enterprise mapping, charting, and geographic information systems.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Duties and powers of Administrator.
Sec. 702. Public aircraft.
Sec. 703. Prohibition on release of offeror proposals.
Sec. 704. FAA evaluation of long-term capital leasing.
Sec. 705. Severable services contracts for periods crossing fiscal years.
Sec. 706. Prohibitions on discrimination.
Sec. 707. Discrimination against handicapped individuals.
Sec. 708. Prohibitions against smoking on scheduled flights.
Sec. 709. Joint venture agreement.
Sec. 710. Reports by carriers on incidents involving animals during air transport.
Sec. 711. Extension of war risk insurance program.
Sec. 712. General facilities and personnel authority.
Sec. 713. Human factors program.
Sec. 714. Implementation of Article 83 bis of the Chicago Convention.
Sec. 715. Public availability of airmen records.
Sec. 716. Review process for emergency orders.
Sec. 717. Government and industry consortia.
Sec. 718. Passenger manifest.
Sec. 719. Cost recovery for foreign aviation services.
Sec. 720. Technical corrections to civil penalty provisions.
Sec. 721. Waiver under Airport Noise and Capacity Act.
Sec. 722. Land use compliance report.
Sec. 723. Charter airlines.
Sec. 724. Credit for emergency services provided.
Sec. 725. Passenger cabin air quality.
Sec. 726. Standards for aircraft and aircraft engines to reduce noise levels.
Sec. 727. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
Sec. 728. Automated surface observation system stations.
Sec. 729. Aircraft situational display data.
Sec. 730. Elimination of backlog of equal employment opportunity complaints.
Sec. 731. Grant of easement, Los Angeles, California.
Sec. 732. Regulation of Alaska guide pilots.
Sec. 733. National Transportation Data Center of Excellence.
Sec. 734. Aircraft repair and maintenance advisory panel.
Sec. 735. Operations of air taxi industry.
Sec. 736. National airspace redesign.
Sec. 737. Compliance with requirements.
Sec. 738. FAA consideration of certain State proposals.
Sec. 739. Cincinnati-Municipal Blue Ash Airport.
Sec. 740. Authority to sell aircraft and aircraft parts for use in responding to oil spills.
Sec. 741. Discriminatory practices by computer reservations systems outside the United States.
Sec. 742. Specialty metals consortium.
Sec. 743. Alkali silica reactivity distress.
Sec. 744. Rolling stock equipment.
Sec. 745. General Accounting Office airport noise study.
Sec. 746. Noise study of Sky Harbor Airport, Phoenix, Arizona.
Sec. 747. Nonmilitary helicopter noise.
Sec. 748. Newport News, Virginia.
Sec. 749. Authority to waive terms of deed of conveyance, Yavapai County, Arizona.
Sec. 750. Authority to waive terms of deed of conveyance, Pinal County, Arizona.
Sec. 751. Conveyance of airport property to an institution of higher education in Oklahoma.
Sec. 752. Former airfield lands, Grant Parish, Louisiana.
Sec. 753. Raleigh County, West Virginia, Memorial Airport.
Sec. 754. Iditarod area school district.
Sec. 755. Alternative power sources for flight data recorders and cockpit voice recorders.
Sec. 756. Terminal automated radar display and information system.
Sec. 757. Streamlining seat and restraint system certification process and dynamic testing requirements.
Sec. 758. Expressing the sense of the Senate concerning air traffic over northern Delaware.
Sec. 759. Post Free Flight Phase I activities.
Sec. 760. Sense of Congress regarding protecting the frequency spectrum used for aviation communication.
Sec. 761. Land exchanges, Fort Richardson and Elmendorf Air Force Base, Alaska.
Sec. 762. Bilateral relationship.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Air tour management plans for national parks.
Sec. 804. Quiet aircraft technology for Grand Canyon.
Sec. 805. Advisory group.
Sec. 806. Prohibition of commercial air tour operations over the Rocky Mountain National Park.
Sec. 807. Reports.
Sec. 808. Methodologies used to assess air tour noise.
Sec. 809. Alaska exemption.

TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 901. Authorization of appropriations.
Sec. 902. Integrated national aviation research plan.
Sec. 903. Internet availability of information.
Sec. 904. Research on nonstructural aircraft systems.
Sec. 905. Research program to improve airfield pavements.
Sec. 906. Evaluation of research funding techniques.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 1001. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

SEC. 4. DEFINITIONS.

Except as otherwise provided in this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended by striking ''shall be'' the last place it appears and all that follows and inserting the following: ''shall be—

''(1) $2,410,000,000 for fiscal year 1999;
''(2) $2,475,000,000 for fiscal year 2000;
''(3) $3,200,000,000 for fiscal year 2001;
''(4) $3,300,000,000 for fiscal year 2002; and
''(5) $3,400,000,000 for fiscal year 2003.

Such sums shall remain available until expended.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''After'' and all that follows through ''1999,'' and inserting ''After September 30, 2003,''.

(c) REIMBURSEMENT.—Upon enactment of this Act, amounts for administration funded by the appropriation for ''Federal Aviation Administration, Operations'', pursuant to the third proviso under the heading ''Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)'' in the Department of Transportation and Related Agencies Appropriations Act, 2000, may be reimbursed from funds limited under such heading.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) $2,131,000,000 for fiscal year 1999.
''(2) $2,689,000,000 for fiscal year 2000.
''(3) $2,656,765,000 for fiscal year 2001.
''(4) $2,914,000,000 for fiscal year 2002.
''(5) $2,981,022,000 for fiscal year 2003.''.

(b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is amended by adding at the end the following:

''(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $8,000,000 may be used for the voluntary purchase and installation of universal access systems.''.

(c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Section 48101 is further amended by adding at the end the following:

''(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $7,200,000 may be used by the Administrator of the Federal Aviation Administration for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.''.

(d) 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.''.

(e) LIFE-CYCLE COST ESTIMATES.—Section 48101 is further amended by adding at the end the following:

''(g) 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. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

''(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Transportation for operations of the Administration—

''(A) such sums as may be necessary for fiscal year 2000;
''(B) $6,592,235,000 for fiscal year 2001;
''(C) $6,886,000,000 for fiscal year 2002; and
''(D) $7,357,000,000 for fiscal year 2003.

Such sums shall remain available until expended.

''(2) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under paragraph (1), the following expenditures are authorized:

''(A) $450,000 for each of fiscal years 2000 through 2003 for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

''(B) $9,100,000 for the 3-fiscal-year period beginning with fiscal year 2001 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, except that funds under this subparagraph—

''(i) may not be used for the construction of a building or other facility; and
''(ii) may only be awarded on the basis of open competition.

''(C) Such sums as may be necessary for fiscal years 2000 through 2003 to support infrastructure systems development for both general aviation and the vertical flight industry.

''(D) Such sums as may be necessary for fiscal years 2000 through 2003 to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients.

''(E) Such sums as may be necessary for fiscal years 2000 through 2003 to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft.

''(F) $3,300,000 for fiscal year 2000 and $3,000,000 for each of fiscal years 2001 through 2003 to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration.

''(G) $9,100,000 for fiscal year 2001 to support air safety efforts through payment of United States membership obligations in the International Civil Aviation Organization, to be paid as soon as practicable.

''(H) Such sums as may be necessary for fiscal years 2000 through 2003 for the Secretary to hire additional inspectors in order to enhance air cargo security programs.

''(I) Such sums as may be necessary for fiscal years 2000 through 2003 to develop and improve training programs (including model training programs and curriculum) for security screening personnel at airports that will be used by airlines to meet regulatory requirements relating to the training and testing of such personnel.''.

(b) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary $4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.

SEC. 104. AIP FORMULA CHANGES.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Section 47114(c)(1) is amended—

(A) in subparagraph (B) by striking ''$500,000'' and inserting ''$650,000''; and

(B) by adding at the end the following:

''(C) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more—

''(i) the amount to be apportioned to a sponsor under subparagraph (A) shall be increased by doubling the amount that would otherwise be apportioned;

''(ii) the minimum apportionment to a sponsor under subparagraph (B) shall be $1,000,000 rather than $650,000; and

''(iii) the maximum apportionment to a sponsor under subparagraph (B) shall be $26,000,000 rather than $22,000,000.

''(D) NEW AIRPORTS.—Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) or (C), as appropriate, to the sponsor of such airport.

''(E) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Notwithstanding subparagraph (A), the Secretary may 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.''.

(2) CONFORMING AMENDMENTS.—Section 47114(c)(1) is amended—

(A) by striking ''(1)(A) The Secretary'' and inserting the following:

''(1) PRIMARY AIRPORTS.—

''(A) APPORTIONMENT.—The Secretary'';

(B) in subparagraph (B) by striking ''(B) Not less'' and inserting the following:

''(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—Not less''; and

(C) by aligning the left margin of subparagraph (A) (including clauses (i) through (v)) and subparagraph (B) with subparagraphs (C) and (D) (as added by paragraph (1)(B) of this subsection).

(b) CARGO ONLY AIRPORTS.—Section 47114(c)(2) is amended—

(1) in subparagraph (A) by striking ''2.5 percent'' and inserting ''3 percent''; and

(2) in subparagraph (C) by striking ''Not more than'' and inserting ''In any fiscal year in which the total amount made available under section 48103 is less than $3,200,000,000, not more than''.

(c) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Section 47114(d) is amended to read as follows:

''(d) AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) AREA.—The term 'area' includes land and water.

''(B) POPULATION.—The term 'population' means the population stated in the latest decennial census of the United States.

''(2) APPORTIONMENT.—Except as provided in paragraph (3), the Secretary shall apportion to the States 18.5 percent of the amount subject to apportionment for each fiscal year as follows:

''(A) 0.66 percent of the apportioned amount to Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

''(B) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the population of each of those States bears to the total population of all of those States.

''(C) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the area of each of those States bears to the total area of all of those States.

''(3) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, rather than making an apportionment under paragraph (2), the Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

''(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

''(i) $150,000; or

''(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) Any remaining amount to States as follows:

''(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

''(ii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

''(iii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.

''(4) AIRPORTS IN ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under paragraph (2) or (3) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.

''(5) USE OF STATE HIGHWAY SPECIFICATIONS.—

''(A) IN GENERAL.—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—

''(i) safety will not be negatively affected; and

''(ii) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

''(B) LIMITATION.—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 unless the Secretary determines that the rehabilitation or reconstruction is required for safety reasons.

''(6) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding any other provision of this subsection, funds made available under this subsection may be used for integrated airport system planning that encompasses one or more primary airports.''.

(d) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) in the subsection heading by striking ''ALTERNATIVE'' and inserting ''SUPPLEMENTAL'';

(2) in paragraph (1)—

(A) by striking ''Instead of apportioning amounts for airports in Alaska under'' and inserting ''IN GENERAL.—Notwithstanding''; and

(B) by striking ''those airports'' and inserting ''airports in Alaska'';

(3) in paragraph (2) by inserting ''AUTHORITY FOR DISCRETIONARY GRANTS.—'' before ''This subsection'';

(4) by striking paragraph (3) and inserting the following:

''(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.

''(4) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, the amount that may be apportioned for airports in Alaska under paragraph (1) shall be increased by doubling the amount that would otherwise be apportioned.''; and

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraphs (3) and (4) (as added by paragraph (4) of this subsection).

(e) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1)(A) is amended by striking ''31 percent'' each place it appears and inserting ''34 percent''.

(f) GRANTS FOR RELIEVER AIRPORTS.—Section 47117(e)(1) is amended by adding at the end the following:

''(C) In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, at least 2/3 of 1 percent for grants to sponsors of reliever airports which have—

''(i) more than 75,000 annual operations;

''(ii) a runway with a minimum usable landing distance of 5,000 feet;

''(iii) a precision instrument landing procedure;

''(iv) a minimum number of aircraft, to be determined by the Secretary, based at the airport; and

''(v) been designated by the Secretary as a reliever airport to an airport with 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.''.

(g) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) AUTHORITY TO IMPOSE HIGHER FEE.—Section 40117(b) is amended by adding at the end the following:

''(4) In lieu of authorizing a fee under paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee of $4.00 or $4.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

''(A) in the case of an airport that has more than .25 percent of the total number of annual boardings in the United States, that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport; and

''(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103.''.

(b) LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.—Section 40117(d) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) in the case of an application to impose a fee of more than $3.00 for an eligible surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.''.

(c) REDUCING APPORTIONMENTS.—Section 47114(f) is amended—

(1) by striking ''An amount'' and inserting ''(1) IN GENERAL.—Subject to paragraph (3), an amount'';

(2) by striking ''an amount equal to'' and all that follows through the period at the end and inserting the following: ''an amount equal to—

''(A) in the case of a fee of $3.00 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

''(B) in the case of a fee of more than $3.00, 75 percent of the projected revenues from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section.'';

(3) by adding at the end the following:

''(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.

''(3) SPECIAL RULE FOR TRANSITIONING AIRORTS.—

''(A) IN GENERAL.—Beginning with the fiscal year following the first calendar year in which the sponsor of an airport has more than .25 percent of the total number of boardings in the United States, the sum of the amount that would be apportioned under this section after application of paragraph (1) in a fiscal year to such sponsor and the projected revenues to be derived from the fee in such fiscal year shall not be less than the sum of the apportionment to such airport for the preceding fiscal year and the revenues derived from such fee in the preceding fiscal year.

''(B) EFFECTIVE PERIOD.—Subparagraph (A) shall be in effect for fiscal years 2000 through 2003.''; and

(4) by aligning paragraph (1) of such section (as designated by paragraph (1) of this section) with paragraph (2) of such section (as added by paragraph (3) of this section).

SEC. 106. FUNDING FOR AVIATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2003 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2003, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this Act and for which appropriations are provided pursuant to authorizations contained in this Act:

(A) 69–8106–0–7–402 (Grants in Aid for Airports).

(B) 69–8107–0–7–402 (Facilities and Equipment).

(C) 69–8108–0–7–402 (Research and Development).

(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—

(1) TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

(2) CAPITAL PRIORITY.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2003 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.

(d) CONFORMING AMENDMENT.—Section 48104 is amended—

(1) by striking ''Except as provided in this section,'' in subsection (a); and

(2) by striking subsections (b) and (c).

SEC. 107. ADJUSTMENT TO AIP PROGRAM FUNDING.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

''§ 48112. Adjustment to AIP program funding

''On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

''(1) the amount authorized to be appropriated under section 48101 for such fiscal year; exceeds

''(2) the amounts appropriated for programs funded under such section for such fiscal year. Any contract authority made available by this section shall be subject to an obligation limitation.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''48112. Adjustment to AIP program funding.''.

SEC. 108. REPROGRAMMING NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—Chapter 481 is further amended by adding at the end the following:

''§ 48113. Reprogramming notification requirement

''Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall transmit 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.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

''48113. Reprogramming notification requirement.''.

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES AND EMERGENCY CALL BOXES.

(a) 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 ''technology'' the first place it appears.

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(3) by adding at the end the following:

''(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.''.

(c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking ''and universal access systems,'' and inserting '', universal access systems, and emergency call boxes,''; and

(B) by inserting ''and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: '', including closed circuit weather surveillance equipment if the airport is located in Alaska''.

SEC. 122. WINDSHEAR DETECTION EQUIPMENT AND ADJUSTABLE LIGHTING EXTENSIONS.

Section 47102(3)(B) is amended—

(1) by striking ''and'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting a semicolon; and

(3) by adding at the end the following:

''(vii) windshear detection equipment that is certified by the Administrator of the Federal Aviation Administration;

''(viii) stainless steel adjustable lighting extensions approved by the Administrator; and''.

SEC. 123. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47132 is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Section 47102(3) is amended by adding at the end the following:

''(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at airports that are not primary airports, under guidelines issued by the Administrator of the Federal Aviation Administration.''.

SEC. 124. ENHANCED VISION TECHNOLOGIES.

(a) STUDY.—The Administrator shall enter into a cooperative research and development agreement to study the benefits of utilizing enhanced vision technologies to replace, enhance, or add to conventional airport approach and runway lighting systems.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a progress report on the work accomplished under the cooperative agreements detailing the evaluations performed to determine the potential of enhanced vision technology to meet the operational requirements of the intended application.

(c) CERTIFICATION.—Not later than 180 days after the conclusion of work under the research agreements, the Administrator shall transmit to Congress a report on the potential of enhanced vision technology to satisfy the operational requirements of the Federal Aviation Administration and a schedule for the development of performance standards for certification appropriate to the application of the enhanced vision technologies. If the Administrator certifies an enhanced vision technology as meeting such performance standards, the technology shall be treated as a navigation aid or other aid for purposes of section 47102(3)(B)(i) of title 49, United States Code.

SEC. 125. PUBLIC NOTICE BEFORE WAIVER WITH RESPECT TO LAND.

(a) WAIVER OF GRANT ASSURANCE.—Section 47107(h) is amended to read as follows:

''(h) MODIFYING ASSURANCES AND REQUIRING COMPLIANCE WITH ADDITIONAL ASSURANCES.—

''(1) IN GENERAL.—Subject to paragraph (2), before modifying an assurance required of a person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

''(A) publish notice of the proposed modification in the Federal Register; and

''(B) provide an opportunity for comment on the proposal.

''(2) PUBLIC NOTICE BEFORE WAIVER OF AERONAUTICAL LAND-USE ASSURANCE.—Before modifying an assurance under subsection (c)(2)(B) that requires any property to be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before making such modification.''.

(b) WAIVER OF CONDITION ON CONVEYANCE OF LAND.—Section 47125(a) is amended by adding at the end the following: ''Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.''.

(c) SURPLUS PROPERTY.—Section 47151 is amended by adding at the end the following:

''(d) WAIVER OF CONDITION.—Before the Secretary may waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such condition.''.

(d) WAIVER OF CERTAIN TERM.—Section 47153 is amended by adding at the end the following:

''(c) PUBLIC NOTICE BEFORE WAIVER.—Notwithstanding subsections (a) and (b), before the Secretary may waive any term imposed under this section that an interest in land be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such term.''.

(e) LIMITATION.—Nothing in any amendment made by this section shall be construed to authorize the Secretary to issue a waiver or make a modification referred to in such amendment.

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;''.

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

''(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly.''; and

(2) by striking paragraph (5) and inserting the following:

''(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.''.

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

(a) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—Section 47116 is amended by adding at the end the following:

''(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.''.

(b) NOTIFICATION OF SOURCE OF GRANT.—Section 47116 is further amended by adding at the end the following:

''(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.''.

(c) 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 paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(g) of this Act) is amended to read as follows:

''(f) DISCRETIONARY USE OF APPORTIONMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

''(2) RESTORATION OF APPORTIONMENTS.—

''(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

''(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment plus the number of fiscal years during which a sufficient amount was not available for the restoration.

''(3) NEWLY AVAILABLE AMOUNTS.—

''(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

''(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

''(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.''.

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a)—

(A) by striking ''12'' and inserting ''15''; and

(B) by striking paragraph (2) and inserting the following:

''(2) the airport is a military installation with both military and civil aircraft operations.'';

(2) by striking subsection (c) and inserting the following:

''(c) CONSIDERATIONS.—In carrying out this section, the Secretary shall consider only current or former military airports for designation under this section if a grant under section 47117(e)(1)(B) would—

''(1) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

''(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.'';

(3) in subsection (d)—

(A) by striking ''47117(e)(1)(E)'' and inserting ''47117(e)(1)(B)'';

(B) by striking ''5-fiscal-year periods'' and inserting ''periods, each not to exceed 5 fiscal years,''; and

(C) by striking ''each such subsequent 5-fiscal-year period'' and inserting ''each such subsequent period''; and

(4) by adding at the end the following:

''(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, 1 of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation closed or realigned under a section referred to in subsection (a)(1).''.

(b) TERMINAL BUILDING FACILITIES.—Section 47118(e) is amended by striking ''$5,000,000'' and inserting ''$7,000,000''.

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(f) is amended—

(1) in subsection heading by striking ''AND HANGARS'' and inserting ''HANGARS, AND AIR CARGO TERMINALS'';

(2) by striking ''$4,000,000'' and inserting ''$7,000,000''; and

(3) by inserting after ''hangars'' the following: ''and air cargo terminals of an area that is 50,000 square feet or less''.

SEC. 131. 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 Secretary, that do not qualify for the contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the 'Contract Tower Program').

''(B) PROGRAM COMPONENTS.—In carrying out the pilot program, the Secretary 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 Secretary; and

''(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 1-to-1 benefit-to-cost ratio using actual site-specific contract tower operating costs in any case in which there is an operating air traffic control tower, as required for eligibility under the Contract Tower Program.

''(C) PRIORITY.—In selecting facilities to participate in the pilot program, the Secretary shall give priority to the following facilities:

''(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 Secretary 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 Secretary 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 or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

''(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

''(vi) Air traffic control towers located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

''(vii) Air traffic control towers located at an airport at which the community has been operating the tower at its own expense.

''(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program 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 benefit.

''(E) FUNDING.—Subject to paragraph (4)(D), of the amounts appropriated pursuant to section 106(k), not more than $6,000,000 per fiscal year may be used to carry out this paragraph.

''(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subchapter, the Secretary may provide grants under this subchapter to not more than 2 airport sponsors for the construction of a low-level activity visual flight rule (level 1) air traffic control tower, as defined by the Secretary.

''(B) ELIGIBILITY.—A sponsor shall be eligible for a grant under this paragraph if—

''(i) the sponsor would otherwise be eligible to participate in the pilot program established under paragraph (3) except for the lack of the air traffic control tower proposed to be constructed under this subsection; and

''(ii) the sponsor agrees to fund not less than 25 percent of the costs of construction of the air traffic control tower.

''(C) PROJECT COSTS.—Grants under this paragraph shall be paid only from amounts apportioned to the sponsor under section 47114(c)(1).

''(D) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this paragraph may not exceed $1,100,000.''.

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47135. Innovative financing techniques

''(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 20 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports in the most recent calendar year for which data is available.

''(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

''(c) LIMITATIONS.—

''(1) NO GUARANTEES.—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.

''(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

''(A) payment of interest;

''(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

''(C) flexible non-Federal matching requirements; and

''(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of enactment of this section.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is amended by adding at the end the following:

''47135. Innovative financing techniques.''.

SEC. 133. 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:

''§ 47136. 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(2)).

''(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) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not more than 10 percent of the amounts made available for expenditure at the airport in a fiscal year 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 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).

''(g) MATERIALS IDENTIFYING BEST PRACTICES.—The Administrator may develop and make available materials identifying best practices for carrying out low-emission vehicle activities based on the projects carried out under the pilot program and other sources.

''(h) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, 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 in the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

''(i) 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 and 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 nonroad 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 such title 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 vehicles described in this subsection 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:

''47136. Inherently low-emission airport vehicle pilot program.''.

SEC. 134. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47137. 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 shall be 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 analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47137. Airport security program.''.

SEC. 135. TECHNICAL AMENDMENTS.

(a) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) in subparagraph (B) by striking ''and'' at the end; and

(2) by adding at the end the following:

''(D) on flights, including flight segments, between 2 or more points in Hawaii; and

''(E) in Alaska aboard an aircraft having a seating capacity of less than 60 passengers.''.

(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117 is amended—

(1) in subsection (i)(1) by striking ''and'' at the end;

(2) in subsection (i)(2)(D) by striking the period at the end and inserting ''; and'';

(3) by adding at the end of subsection (i) the following:

''(3) may permit an eligible 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.''; and

(4) by adding at the end the following:

''(j) LIMITATION ON CERTAIN ACTIONS.—A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.''.

(c) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

''(e) CHANGE IN AIRPORT STATUS.—

''(1) CHANGES TO NONPRIMARY 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 at the funding level and under the terms provided by the agreement, subject to the availability of funds.

''(2) CHANGES TO NONCOMMERCIAL SERVICE AIRPORT STATUS.—If the status of a commercial service airport changes to a noncommercial service airport at a time when a terminal development project under a phased-funding arrangement is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the arrangement subject to the availability of funds.''.

(d) REFERENCES TO GIFTS.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking ''give'' and inserting ''convey to''; and

(ii) in paragraph (2) by striking ''gift'' and inserting ''conveyance'';

(B) in subsection (b)—

(i) by striking ''giving'' and inserting ''conveying''; and

(ii) by striking ''gift'' and inserting ''conveyance''; and

(C) in subsection (c)—

(i) in the subsection heading by striking ''GIVEN'' and inserting ''CONVEYED''; and

(ii) by striking ''given'' and inserting ''conveyed'';

(2) in section 47152—

(A) in the section heading by striking ''***gifts***'' and inserting ''***conveyances***''; and

(B) in the matter preceding paragraph (1) by striking ''gift'' and inserting ''conveyance'';

(3) in section 47153(a)(1)—

(A) by striking ''gift'' each place it appears and inserting ''conveyance''; and

(B) by striking ''given'' and inserting ''conveyed''; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

''47152. Terms of conveyances.''.

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

Section 47151 (as amended by section 125(c) of this Act) is further amended by adding at the end the following:

''(e) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) (other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)) for use at a public airport.''.

SEC. 137. INTERMODAL CONNECTIONS.

(a) AIRPORT IMPROVEMENT POLICY.—Section 47101(a)(5) is amended to read as follows:

''(5) to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers and cargo efficiently and effectively and promote economic development;''.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) (as amended by section 123(b)) is further amended by adding at the end the following:

''(I) constructing, reconstructing, or improving an airport, or purchasing nonrevenue generating capital equipment to be owned by an airport, for the purpose of transferring passengers, cargo, or baggage between the aeronautical and ground transportation modes on airport property.''.

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking ''8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter'' and insert ''9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter''.

SEC. 139. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Administrator may establish a pilot program under which design-build contracts may be used to carry out up to 7 projects at airports in the United States with a grant awarded under section 47104 of title 49, United States Code. A sponsor of an airport may submit an application to the Administrator to carry out a project otherwise eligible for assistance under chapter 471 of such title under the pilot program.

(b) USE OF DESIGN-BUILD CONTRACTS.—Under the pilot program, the Administrator may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application using criteria established by the Administrator;

(2) the design-build contract is in a form that is approved by the Administrator;

(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

(4) use of a design-build contract will be cost effective and expedite the project;

(5) the Administrator is satisfied that there will be no conflict of interest; and

(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

(c) REIMBURSEMENT OF COSTS.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under chapter 471 of title 49, United States Code, if the project were carried out after a grant agreement had been executed.

(d) DESIGN-BUILD CONTRACT DEFINED.—In this section, the term ''design-build contract'' means an agreement that provides for both design and construction of a project by a contractor.

(e) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the pilot program under this section shall expire on September 30, 2003.

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a) is amended to read as follows:

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) AIRPORT, COMMERCIAL SERVICE AIRPORT, AND PUBLIC AGENCY.—The terms 'airport', 'commercial service airport', and 'public agency' have the meaning those terms have under section 47102.

''(2) ELIGIBLE AGENCY.—The term 'eligible agency' means a public agency that controls a commercial service airport.

''(3) ELIGIBLE AIRPORT-RELATED PROJECT.—The term 'eligible airport-related project' means any of the following projects:

''(A) A project for airport development or airport planning under subchapter I of chapter 471.

''(B) A project for terminal development described in section 47110(d).

''(C) A project for airport noise capability planning under section 47505.

''(D) A project to carry out noise compatibility measures eligible for assistance under section 47504, whether or not a program for those measures has been approved under section 47504.

''(E) A project for constructing gates and related areas at which passengers board or exit aircraft. In the case of a project required to enable additional air service by an air carrier with less than 50 percent of the annual passenger boardings at an airport, the project for constructing gates and related areas may include structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service), and aircraft fueling facilities adjacent to the gate.

''(4) PASSENGER FACILITY FEE.—The term 'passenger facility fee' means a fee imposed under this section.

''(5) PASSENGER FACILITY REVENUE.—The term 'passenger facility revenue' means revenue derived from a passenger facility fee.''.

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) WITH RESPECT TO PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997;''.

(b) NONPRIMARY COMMERCIAL SERVICE AIRPORTS.—Section 47119 is amended by adding at the end the following:

''(d) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORTS.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.''.

SEC. 153. CONTINUATION OF ILS INVENTORY PROGRAM.

Section 44502(a)(4)(B) is amended—

(1) by striking ''each of fiscal years 1995 and 1996'' and inserting ''each of fiscal years 2000 through 2002''; and

(2) by inserting ''under new or existing contracts'' after ''including acquisition''.

SEC. 154. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

''(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Secretary may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.''.

SEC. 155. COMPETITION PLANS.

(a) FINDINGS.—The Congress makes the following findings:

(1) 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) Consistent with air safety, spending at these airports must be directed at providing opportunities for carriers wishing to serve such facilities on a commercially viable basis.

(b) IN GENERAL.—Section 47106 is amended by adding at the end the following:

''(f) COMPETITION PLANS.—

''(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

''(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

''(3) COVERED AIRPORT DEFINED.—In this subsection, the term 'covered airport' means a commercial service airport—

''(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

''(B) at which one or two air carriers control more than 50 percent of the passenger boardings.''.

(c) CROSS REFERENCE.—Section 40117 (as amended by section 135(b) of this Act) is further amended by adding at the end the following:

''(k) COMPETITION PLANS.—

''(1) IN GENERAL.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility fee under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility fees in effect before the date of enactment of this subsection.

''(2) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under paragraph (1) to ensure that it meets the requirements of this section, and shall review its implementation from time to time to ensure that each covered airport successfully implements its plan.''.

(d) AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports (as defined in section 47106(f)(4) 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.

SEC. 156. ALASKA RURAL AVIATION IMPROVEMENT.

(a) APPLICATION OF FAA REGULATIONS.—Section 40113 is amended by adding at the end 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) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator 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 continue efforts to 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.

SEC. 157. USE OF RECYCLED MATERIALS.

(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long-term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) CONTRACTING.—The Administrator may carry out the study by entering into a contract with a university of higher education with expertise necessary to carry out the study.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study, together with recommendations concerning the use of recycled materials in aviation pavement.

(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, not to exceed $1,500,000 may be used to carry out this section.

SEC. 158. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 159. NOTICE OF GRANTS.

(a) TIMELY ANNOUNCEMENT.—The Secretary shall announce a grant to be made with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation concerning the grant from the Administrator.

(b) NOTICE TO COMMITTEES.—If the Secretary provides any committee of Congress advance notice of a grant to be made with funds made available under section 48103 of title 49, United States Code, the Secretary shall provide, on the same date, such notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 160. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator shall evaluate options for improving the quality of information available to the Federal Aviation 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.—Not later than 12 months after the date of enactment of this Act, the Administrator shall transmit a report containing an evaluation of the options described in subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 161. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report 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 timeframe for implementation of such enhancements and improvements.

SEC. 162. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In''; and

(2) by adding at the end 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. 163. CONTINUATION OF REPORTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 44501 of title 49, United States Code.

(2) Section 47103 of such title.

(3) Section 47131 of such title.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

SEC. 201. POLICY FOR AIR SERVICE TO RURAL AREAS.

Section 40101(a) is amended by adding at the end the following:

''(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.''.

SEC. 202. 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. 203. IMPROVED AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41743. Airports not receiving sufficient service

''(a) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.—The Secretary of Transportation shall establish a pilot program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

''(b) APPLICATION REQUIRED.—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

''(1) an assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

''(2) an analysis of the application of the criteria in subsection (c) to that community or consortium.

''(c) CRITERIA FOR PARTICIPATION.—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

''(1) SIZE.—For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport (as that term is defined in section 41731(a)(5)), and—

''(A) had insufficient air carrier service; or

''(B) had unreasonably high air fares.

''(2) CHARACTERISTICS.—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

''(3) STATE LIMIT.—No more than 4 communities or consortia of communities, or a combination thereof, may be located in the same State.

''(4) OVERALL LIMIT.—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program.

''(5) PRIORITIES.—The Secretary shall give priority to communities or consortia of communities where—

''(A) air fares are higher than the average air fares for all communities;

''(B) the community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;

''(C) the community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public; and

''(D) the assistance will provide material benefits to a broad segment of the travelling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited.

''(d) TYPES OF ASSISTANCE.—The Secretary may use amounts made available under this section—

''(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

''(2) to provide assistance to an underserved airport to obtain service to and from the underserved airport; and

''(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

''(e) AUTHORITY TO MAKE AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may make agreements to provide assistance under this section.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $20,000,000 for fiscal year 2001 and $27,500,000 for each of fiscal years 2002 and 2003 to carry out this section. Such sums shall remain available until expended.

''(f) ADDITIONAL ACTION.—Under the pilot program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint-fare arrangements consistent with normal industry practice.

''(g) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary shall designate an employee of the Department of Transportation—

''(1) to function as a facilitator between small communities and air carriers;

''(2) to carry out this section;

''(3) to ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

''(4) to 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

''(5) to provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

''(h) AIR SERVICE DEVELOPMENT ZONE.—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium 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.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

''41743. Airports not receiving sufficient service.''.

SEC. 204. PRESERVATION OF ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.

(a) IN GENERAL.—Subchapter II of chapter 417 (as amended by section 203 of this Act) is further amended by adding at the end the following:

''§ 41744. Preservation of basic essential air service at single carrier dominated hub airports

''(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, the Secretary may require an air carrier that has more than 60 percent of the total annual enplanements at the essential airport facility to take action to enable another air carrier to provide reliable essential air service to that community. Actions 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 60 percent of the total annual enplanements at that airport.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

''41744. Preservation of basic essential air service at single carrier dominated hub airports.''.

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary may provide assistance under subchapter II of chapter 417 of title 49, United States Code, with respect to a place that is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

SEC. 206. REPORT ON ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—The Secretary shall conduct an analysis of the difficulties faced by many smaller communities in retaining essential air service and shall develop a plan to facilitate the retention of such service.

(b) EXAMINATION OF NORTH DAKOTA COMMUNITIES.—In conducting the analysis and developing the plan under subsection (a), the Secretary shall pay particular attention to communities located in North Dakota.

(c) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall transmit to Congress a report containing the analysis and plan described in subsection (a).

SEC. 207. MARKETING PRACTICES.

(a) REVIEW OF MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Not later than 180 days after the date of enactment of this 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.

(b) REGULATIONS.—If the Secretary finds, after conducting the review, that marketing practices inhibit the availability of affordable air transportation services to small- and medium-sized communities, then, after public notice and an opportunity for comment, the Secretary may issue regulations that address the problem or take other appropriate action.

(c) STATUTORY CONSTRUCTION.—Nothing in this section expands the authority or jurisdiction of the Secretary to issue regulations under chapter 417 of title 49, United States Code, or under any other law.

SEC. 208. DEFINITION OF ELIGIBLE PLACE.

Section 41731(a)(1) is amended—

(1) by inserting ''(i)'' after ''(A)'';

(2) by striking ''(B)'' and inserting ''(ii)'';

(3) by striking ''(C)'' and inserting ''(iii)'';

(4) by striking ''subchapter.'' and inserting ''subchapter; or''; and

(5) by adding at the end the following:

''(B) determined, on or after October 1, 1988, and before the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, under this subchapter by the Secretary to be eligible to receive subsidized small community air service under section 41736(a).''.

SEC. 209. MAINTAINING THE INTEGRITY OF THE ESSENTIAL AIR SERVICE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATION.—Section 41742(a) is amended—

(1) by striking ''Out of'' and inserting the following:

''(1) AUTHORIZATION.—Out of'';

(2) by adding at the end the following:

''(2) ADDITIONAL FUNDS.—In addition to amounts authorized under paragraph (1), there is authorized to be appropriated $15,000,000 for each fiscal year to carry out the essential air service program under this subchapter.''; and

(3) by aligning paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) LIMITATION ON ADJUSTMENTS TO LEVELS OF SERVICE.—Section 41733(e) is amended by striking the period at the end and inserting ", to the extent such adjustments are to a level not less than the basic essential air service level established under subsection (a) for the airport that serves the community.".

(c) EFFECT ON CERTAIN ORDERS.—All orders issued by the Secretary after September 30, 1999, and before the date of enactment of this Act establishing, modifying, or revoking essential air service levels shall be null and void beginning on the 90th day following such date of enactment. During the 90-day period, the Secretary shall reconsider such orders and shall issue new orders consistent with the amendments made by this section.

SEC. 210. REGIONAL JET SERVICE FOR SMALL COMMUNITIES.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

"§ 41761. Purpose

"The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

"§ 41762. Definitions

"In this subchapter, the following definitions apply:

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

"(2) AIRCRAFT PURCHASE.—The term 'aircraft purchase' means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

"(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term 'capital reserve subsidy amount' means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(4) COMMUTER AIR CARRIER.—The term 'commuter air carrier' means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

"(5) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

"(6) FINANCIAL OBLIGATION.—The term 'financial obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

"(7) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(8) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

"(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(10) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier' means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

"(11) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

"(12) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(13) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a civil aircraft—

"(A) powered by jet propulsion; and

"(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

"(14) SECURED LOAN.—The term 'secured loan' means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

"(15) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

"(16) UNDERSERVED MARKET.—The term 'underserved market' means a passenger air transportation market (as defined by the Secretary) that—

"(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

"(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

"(C) the Secretary determines does not have sufficient air service.

"§ 41763. Federal credit instruments

"(a) IN GENERAL.—Subject to this section and section 41766, the Secretary of Transportation may enter into agreements with one or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

"(b) SECURED LOANS.—

"(1) TERMS AND LIMITATIONS.—

"(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

"(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

"(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

"(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

"(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

"(E) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(2) REPAYMENT.—

"(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from aircraft revenues and other repayment sources.

"(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

"(3) PREPAYMENT.—

"(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

"(c) LOAN GUARANTEES.—

"(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

"(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

"(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

"(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

"(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

"(3) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(d) LINES OF CREDIT.—

"(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to one or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

"(2) TERMS AND LIMITATIONS.—

"(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase

shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNT.—

''(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

''(ii) 1–YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

''(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

''(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

''(E) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

''(ii) ASSIGNMENT.—An obligor may assign the line of credit to one or more lenders or to a trustee on the lender's behalf.

''(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

''(G) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all of a portion of the administrative costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

''(3) REPAYMENT.—

''(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

''(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

''(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

''(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

''(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

''(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

''(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

''(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

''(i) to continue its operations as an air carrier; and

''(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

''(B) reasonable protection to the United States.

''(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

''(1) 50 percent of the cost of the aircraft purchase; or

''(2) $100,000,000 for any single obligor.

''(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

''(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

''§ 41764. Use of Federal facilities and assistance

''(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

''(1) with the consent of the appropriate Federal officials; and

''(2) on a reimbursable basis.

''(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

''(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

''§ 41765. Administrative expenses

''In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

''§ 41766. Funding.

''Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2003, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

''§ 41767. Termination

''(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

''(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

''SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

''Sec.
''41761. Purpose.
''41762. Definitions.
''41763. Federal credit instruments.
''41764. Use of Federal facilities and assistance.
''41765. Administrative expenses.
''41766. Funding.
''41767. Termination.''.

Subtitle B—Airline Customer Service

SEC. 221. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''On''; and

(2) by adding at the end the following:

''(b) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier, foreign air carrier, or ticket agent utilizing electronically transmitted tickets for air transportation to fail to notify the purchaser of such a ticket of its expiration date, if any.''.

SEC. 222. INCREASED PENALTY FOR VIOLATION OF AVIATION CONSUMER PROTECTION LAWS.

(a) IN GENERAL.—Section 46301(a) is amended by adding at the end the following:

''(7) CONSUMER PROTECTION.—Notwithstanding paragraphs (1) and (4), the maximum civil penalty for violating section 40127 or 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary that is intended to afford consumer protection to commercial air transportation passengers, shall be $2,500 for each violation.''.

(b) TECHNICAL AMENDMENT.—Paragraph (6) of section 46301(a) is amended—

(1) by inserting ''AIR SERVICE TERMINATION NOTICE.—'' before ''Notwithstanding''; and

(2) by aligning the left margin of such paragraph with paragraph (5) of such section.

SEC. 223. FUNDING OF ENFORCEMENT OF AIRLINE CONSUMER PROTECTIONS.

There are authorized to be appropriated to the Secretary for the purpose of ensuring compliance with, and enforcing, the rights of air travelers under sections 40127, 41705, and 41712 of title 49, United States Code—

(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

(4) $2,662,500 for fiscal year 2003.

SEC. 224. AIRLINE CUSTOMER SERVICE REPORTS.

(a) SECRETARY TO REPORT PLANS RECEIVED.—Not later than September 15, 1999, 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 (in this section referred to as the ''Airline Customer Service Commitment''), shall provide a copy of its individual customer service plan to the Secretary. Upon receipt of each individual plan, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of receipt of the plan, together with a copy of the plan.

(b) IMPLEMENTATION.—The Inspector General of the Department of Transportation shall monitor the implementation of any plan submitted by an air carrier to the Secretary under subsection (a) and evaluate the extent to which the

carrier has met its commitments under its plan. The 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 CONGRESS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than June 15, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the Inspector General's findings under subsection (b).

(B) CONTENTS.—The report shall include a status report on completion, publication, and implementation of the Airline Customer Service Commitment and the individual air carrier's plans to carry it out. The report shall also include a review of whether each air carrier described in subsection (a) 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.—Not later than December 31, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the effectiveness of the Airline Customer Service Commitment and the individual air carrier 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 include the following:

(i) An evaluation of each carrier's plan as to whether it is consistent with the voluntary commitments established by the Air Transport Association in the Airline Customer Service Commitment.

(ii) An evaluation of each carrier as to the extent to which, and the manner in which, it has performed in carrying out its plan.

(iii) A description, by air carrier, of how the air carrier has implemented each commitment covered by its plan.

(iv) An analysis, by air carrier, of the methods of meeting each such commitment and, in such analysis, provide information that allows consumers to make decisions on the quality of air transportation provided by such carriers.

(v) A comparison of each air carrier's plan and the implementation of that plan with the customer service provided by a representative sampling of other air carriers providing scheduled passenger air transportation with aircraft similar in size to the aircraft used by the carrier that submitted a plan so as to allow consumers to make decisions as to the relative quality of air transportation provided by each group of carriers. In making this comparison, the Inspector General shall give due regard to the differences in the fares charged and the size of the air carriers being compared.

SEC. 225. INCREASED FINANCIAL RESPONSIBILITY FOR LOST BAGGAGE.

Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking to increase the domestic baggage liability limit in part 254 of title 14, Code of Federal Regulations.

SEC. 226. COMPTROLLER GENERAL INVESTIGATION.

(a) STUDY.—The Comptroller General shall conduct a study on 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.

(b) REPORT.—Not later than June 15, 2000, the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

SEC. 227. AIRLINE SERVICE QUALITY PERFORMANCE REPORTS.

(a) MODIFICATION OF REPORTS.—In consultation with the task force to be established under subsection (b), the Secretary shall modify the regulations in part 234 of title 14, Code of Federal Regulations, relating to airline service quality performance reports, to disclose more fully to the public the nature and source of delays and cancellations experienced by air travelers.

(b) TASK FORCE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a task force including officials of the Federal Aviation Administration and representatives of airline consumers and air carriers to develop alternatives and criteria for the modifications to be made under subsection (a).

(c) USE OF CATEGORIES.—In making modifications under subsection (a), the Secretary shall—

(1) establish categories that reflect the reasons for delays and cancellations experienced by air travelers;

(2) require air carriers to use such categories in submitting information to be included in airline service quality performance reports; and

(3) use such categories in reports of the Department of Transportation on information received in airline service quality performance reports.

SEC. 228. 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) whether the financial condition of travel agents is declining and, if so, the effect that this will have on consumers; and

(B) whether there are impediments to information regarding the services and products offered by the airline industry and, if so, the effects of those impediments on travel agents, Internet-based distributors, and consumers.

(2) SMALL TRAVEL AGENTS.—In conducting the study, the Commission shall pay special attention to the condition of travel agencies with $1,000,000 or less in annual revenues.

(c) RECOMMENDATIONS.—Based on the results of the study under subsection (b), the Commission shall make such recommendations as it considers necessary to improve the condition of travel agents, especially travel agents described in subsection (b)(2), and to improve consumer access to travel information.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 9 members as follows:

(A) 3 members appointed by the Secretary.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 1 member appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 1 member appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) 1 member shall be a representative of the travel agent industry;

(B) 1 member shall be a representative of the airline industry; and

(C) 1 member shall be an individual who is not a representative of either of the industries referred to in subparagraphs (A) and (B).

(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 member appointed by the Secretary of Transportation under paragraph (2)(C) shall serve as the Chairperson of the Commission (referred to in this section as the ''Chairperson'').

(e) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of 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 (c).

(k) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (j).

(l) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

Subtitle C—Competition

SEC. 231. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.

(a) RULES THAT APPLY TO ALL SLOT EXEMPTION REQUESTS.—

(1) PROMPT CONSIDERATION OF REQUESTS.—Section 41714(i) is amended to read as follows:

''(i) 60-DAY APPLICATION PROCESS.—

''(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section or section 41716 or 41717 (other than subsection (c)) shall include—

''(A) the names of the airports to be served;

''(B) the times requested; and

''(C) such additional information as the Secretary may require.

''(2) ACTION ON REQUEST; FAILURE TO ACT.—Within 60 days after a slot exemption request under this section or section 41716 or 41717 (other than subsection (c)) is received by the Secretary, the Secretary shall—

''(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

''(B) return the request to the applicant for additional information relating to the request to provide air transportation; or

''(C) deny the request and state the reasons for its denial.

''(3) 60-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns under paragraph (2)(B) the request for additional information during the first 20 days after the request is filed, then the 60-day period under paragraph (2) shall be tolled until the date on which the additional information is filed with the Secretary.

''(4) FAILURE TO DETERMINE DEEMED APPROVAL.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under paragraph (2)(C) within the 60-day period beginning on the date the request is received, excepting any days during which the 60-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 61st day, after the request was filed with the Secretary.''.

(2) EXEMPTIONS MAY NOT BE TRANSFERRED.—Section 41714 is further amended by adding at the end the following:

''(j) EXEMPTIONS MAY NOT BE TRANSFERRED.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section or section 41716, 41717, or 41718 may be bought, sold, leased, or otherwise transferred by the carrier to which it is granted.''.

(3) EQUAL TREATMENT OF AFFILIATED CARRIERS.—Section 41714 (as amended by paragraph (2) of this subsection) is further amended by adding at the end the following:

''(k) AFFILIATED CARRIERS.—For purposes of this section and sections 41716, 41717, and 41718, an air carrier that operates under the same designator code, or has or enters into a code-share agreement, with any other air carrier shall not qualify for a new slot or slot exemption as a new entrant or limited incumbent air carrier at an airport if the total number of slots and slot exemptions held by the 2 carriers at the airport exceed 20 slots and slot exemptions.''.

(4) NEW ENTRANT SLOTS.—Section 41714(c) is amended—

(A) by striking the subsection designation and heading and ''(1) IN GENERAL.—If the Secretary'' and inserting the following:

''(c) SLOTS FOR NEW ENTRANTS.—If the Secretary'';

(B) by striking ''and the circumstances to be exceptional''; and

(C) by striking paragraph (2).

(5) DEFINITIONS.—Section 41714(h) is amended—

(A) by striking ''and section 41734(h)'' and inserting ''and sections 41715–41718 and 41734(h)'';

(B) in paragraph (3) by striking ''as defined'' and all that follows through ''Federal Regulations''; and

(C) by adding at the end the following:

''(5) 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—

''(A) '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h);

''(B) for purposes of such sections, the term 'slot' shall include 'slot exemptions'; and

''(C) for Ronald Reagan Washington National Airport, the Administrator shall not count, for the purposes of section 93.213(a)(5), slots currently held by an air carrier but leased out on a long-term basis by that carrier for use in foreign air transportation and renounced by the carrier for return to the Department of Transportation or the Federal Aviation Administration.

''(6) REGIONAL JET.—The term 'regional jet' means a passenger, turbofan-powered aircraft with a certificated maximum passenger seating capacity of less than 71.

''(7) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that had less than .05 percent of the total annual boardings in the United States as determined under the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997.

''(8) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that had at least .05 percent, but less than .25 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).

''(9) MEDIUM HUB AIRPORT.—The term 'medium hub airport' means an airport that each year has at least .25 percent, but less than 1.0 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).''.

(b) PHASE-OUT OF SLOT RULES.—Chapter 417 is amended—

(1) by redesignating sections 41715 and 41716 as sections 41719 and 41720; and

(2) by inserting after section 41714 the following:

''§41715. Phase-out of slot rules at certain airports

''(a) TERMINATION.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

''(1) after July 1, 2002, at Chicago O'Hare International Airport; and

''(2) after January 1, 2007, at LaGuardia Airport or John F. Kennedy International Airport.

''(b) STATUTORY CONSTRUCTION.—Nothing in this section and sections 41714 and 41716–41718 shall be construed—

''(1) as affecting the Federal Aviation Administration's authority for safety and the movement of air traffic; and

''(2) as affecting any other authority of the Secretary to grant exemptions under section 41714.

''(c) FACTORS TO CONSIDER.—

''(1) IN GENERAL.—Before the award of slot exemptions under sections 41714 and 41716–41718, the Secretary of Transportation may consider, among other determining factors, whether the petitioning air carrier's proposal provides the maximum benefit to the United States economy, including the number of United States jobs created by the air carrier, its suppliers, and related activities. The Secretary should give equal consideration to the consumer benefits associated with the award of such exemptions.

''(2) APPLICABILITY.—Paragraph (1) does not apply in any case in which the air carrier requesting the slot exemption is proposing to use under the exemption a type of aircraft for which there is not a competing United States manufacturer.''.

(c) SPECIAL RULES AFFECTING LAGUARDIA AIRPORT AND JOHN F. KENNEDY INTERNATIONAL AIRPORT.—Chapter 417 (as amended by subsection (b) of this section) is amended by inserting after section 41715 the following:

''§41716. Interim slot rules at New York airports

''(a) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between LaGuardia Airport or John F. Kennedy International Airport and a small hub airport or nonhub airport—

''(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

''(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

''(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

''(b) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—Subject to section 41714(i), the Secretary shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from LaGuardia Airport or John F. Kennedy International Airport if the number of slot exemptions granted under this subsection to such air carrier with respect to such airport when added to the slots and slot exemptions held by such air carrier with respect to such airport does not exceed 20.

''(c) 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).

''(d) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from LaGuardia Airport or John F. Kennedy International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation for that route before July 1, 2003, unless—

''(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

''(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during any 3 quarters of the year immediately preceding the date of submission of the notice.''.

(d) SPECIAL RULES AFFECTING CHICAGO O'HARE INTERNATIONAL AIRPORT.—

(1) NONSTOP REGIONAL JET, NEW ENTRANTS, AND LIMITED INCUMBENTS.—Chapter 417 (as amended by subsection (c) of this section) is further amended by inserting after section 41716 the following:

''§41717. Interim application of slot rules at Chicago O'Hare International Airport

''(a) SLOT OPERATING WINDOW NARROWED.—Effective July 1, 2001, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to aircraft operating before 2:45 post meridiem and after 8:14 post meridiem at Chicago O'Hare International Airport.

''(b) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Effective May 1, 2000, subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between Chicago O'Hare International Airport and a small hub or nonhub airport—

''(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

''(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

''(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

''(c) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—

''(1) IN GENERAL.—The Secretary shall grant, by order, 30 exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from Chicago O'Hare International Airport.

''(2) DEADLINE FOR GRANTING EXEMPTIONS.—The Secretary shall grant an exemption under paragraph (1) within 45 days of the date of the request for such exemption if the person making the request qualifies as a new entrant air carrier or limited incumbent air carrier.

''(d) SLOTS USED TO PROVIDE TURBOPROP SERVICE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a slot used to provide turboprop air transportation that is replaced with regional jet air transportation under subsection (b)(3) may not be used, sold, leased, or otherwise transferred after the date the slot exemption is granted to replace the turboprop air transportation.

''(2) TWO-FOR-ONE EXCEPTION.—An air carrier that otherwise could not use 2 slots as a result of paragraph (1) may use 1 of such slots to provide air transportation.

''(3) WITHDRAWAL OF SLOT.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation, the Secretary shall withdraw the slot that is being used under paragraph (2).

''(4) CONTINUATION.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation with a regional jet, the Secretary shall withdraw the slot being used by the air carrier under paragraph (2) but shall allow the air carrier to continue to hold the exemption granted to the air carrier under subsection (b)(3).

''(e) INTERNATIONAL SERVICE AT O'HARE AIRPORT.—

''(1) TERMINATION OF REQUIREMENTS.—Subject to paragraph (2), the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, shall be of no force and effect at Chicago O'Hare International Airport after May 1, 2000, with respect to any aircraft providing foreign air transportation.

''(2) EXCEPTION RELATING TO RECIPROCITY.—The Secretary may limit access to Chicago O'Hare International Airport with respect to foreign air transportation being provided by a foreign air carrier domiciled in a country to which an air carrier provides nonstop air transportation from the United States if the country in which that carrier is domiciled does not provide reciprocal airport access for air carriers.

''(f) 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).

''(g) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from Chicago O'Hare International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 1 year after the date on which those requirements cease to apply to such airport unless—

''(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

''(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.''.

(2) ELIMINATION OF BASIC ESSENTIAL AIR SERVICE EXEMPTION LIMIT.—Section 41714(a)(3) is amended by striking ''; except that'' and all that follows through ''132 slots''.

(3) PROHIBITION OF SLOT WITHDRAWALS.—Section 41714(b)(2) is amended—

(A) by inserting ''at Chicago O'Hare International Airport'' after ''a slot''; and

(B) by striking ''if the withdrawal'' and all that follows through ''1993''.

(4) CONVERSIONS.—Section 41714(b)(4) is amended to read as follows:

''(4) CONVERSIONS OF SLOTS.—Effective May 1, 2000, slots at Chicago O'Hare International Airport allocated to an air carrier as of November 1, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.''.

(5) RETURN OF WITHDRAWN SLOTS.—The Secretary shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, before the date of enactment of this Act, to that carrier on April 30, 2000.

(e) SPECIAL RULES AFFECTING REAGAN WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Chapter 417 (as amended by subsection (d) of this section) is further amended by inserting after section 41717 the following:

''§41718. Special rules for Ronald Reagan Washington National Airport

''(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 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 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 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; and

''(4) not result in meaningfully increased travel delays.

''(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 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 providing air transportation to airports that were designated as medium hub or smaller 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 paragraph in a manner that promotes air transportation—

''(1) by new entrant air carriers and limited incumbent air carriers;

''(2) to communities without existing nonstop air transportation to Ronald Reagan Washington National Airport;

''(3) to small communities;

''(4) that will provide competitive nonstop air transportation on a monopoly nonstop route to Ronald Reagan Washington National Airport; or

''(5) that will produce the maximum competitive benefits, including low fares.

''(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 be for operations between the hours of 10:00 p.m. and 7:00 a.m. and 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 2 operations.

''(3) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (b)—

''(A) 4 shall be for air transportation to small hub airports and nonhub airports; and

''(B) 8 shall be for air transportation to medium hub and smaller airports.

''(4) APPLICABILITY TO EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

''(d) APPLICATION PROCESS.—

''(1) DEADLINE FOR SUBMISSION.—All requests for exemptions under this section must be submitted to the Secretary not later than the 30th day following the date of enactment of this subsection.

''(2) DEADLINE FOR COMMENTS.—All comments with respect to any request for an exemption under this section must be submitted to the Secretary not later than the 45th day following the date of enactment of this subsection.

''(3) DEADLINE FOR FINAL DECISION.—Not later than the 90th day following the date of enactment of this Act, the Secretary shall make a decision regarding whether to approve or deny any request that is submitted to the Secretary in accordance with paragraph (1).

''(e) APPLICABILITY OF CERTAIN LAWS.—Neither the request for, nor the granting of an exemption, under this section shall be considered for purposes of any Federal law a major Federal action significantly affecting the quality of the human environment.''.

(2) 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 41718.''.

(3) MWAA NOISE-RELATED GRANT ASSURANCES.—

(A) 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 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 for use at Ronald Reagan Washington National Airport for fiscal year 2000 or any subsequent fiscal year—

(i) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under such chapter in an amount not less than 10 percent of the amount apportioned to the Ronald Reagan Washington National Airport under section 47114 of such title for that fiscal year; and

(ii) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(B) WAIVER.—The Secretary may waive the requirements of subparagraph (A) for any fiscal year for which the Secretary determines that the Authority is in compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(C) SUNSET.—This paragraph shall cease to be in effect 5 years after the date of enactment of this Act if on that date the Secretary certifies that the Authority has achieved compliance

with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Governments of Maryland, Virginia, and West Virginia, and the metropolitan planning organization for Washington, DC, 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.

(f) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

''(3) PRIORITY.—The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

''(A) Chicago O'Hare International Airport;

''(B) LaGuardia Airport;

''(C) John F. Kennedy International Airport; and

''(D) Ronald Reagan Washington National Airport.''.

(g) STUDY OF COMMUNITY NOISE LEVELS AROUND HIGH DENSITY AIRPORTS.—The Secretary shall study community noise levels in the areas surrounding the 4 high-density airports in fiscal year 2001 and compare those levels with the levels in such areas before 1991.

(h) EXTENSION OF APPLICATION APPROVALS.—Section 49108 is amended by striking ''2001'' and inserting ''2004''.

(i) ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(j) CONFORMING AMENDMENTS.—

(1) OPERATION LIMITATIONS.—Section 49111 is amended by striking subsection (e).

(2) CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 417 is amended—

(A) redesignating the items relating to sections 41715 and 41716 as items relating to sections 41719 and 41720, respectively; and

(B) by inserting after the item relating to section 41714 the following:

''41715. Phase-out of slot rules at certain airports.
''41716. Interim slot rules at New York airports.
''41717. Interim application of slot rules at Chicago O'Hare International Airport
''41718. Special Rules for Ronald Reagan Washington National Airport.''.

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended by adding at the end the following:

''(42) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

''(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

''(B) laws, regulations, orders, directives, agreements, and licenses;

''(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

''(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.''.

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT.

(a) AVIATION MANAGEMENT ADVISORY COUNCIL.—

(1) MEMBERSHIP.—Section 106(p)(2) is amended—

(A) by striking ''and'' at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

''(C) 10 members representing aviation interests, appointed by—

''(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

''(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation;

''(D) 1 member appointed, from among individuals who are the leaders of their respective unions of air traffic control system employees, by—

''(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

''(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and

''(E) 5 members appointed by the Secretary after consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(2) QUALIFICATIONS.—Section 106(p)(3) is amended—

(A) by inserting ''(A) NO FEDERAL OFFICER OR EMPLOYEE.—'' before ''No member'';

(B) by inserting ''or (2)(E)'' after ''paragraph (2)(C)'';

(C) by adding at the end the following:

''(B) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Members appointed under paragraph (2)(E) shall—

''(i) have a fiduciary responsibility to represent the public interest;

''(ii) be citizens of the United States; and

''(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas:

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI).

''(C) PROHIBITIONS ON MEMBERS OF SUBCOMMITTEE.—No member appointed under paragraph (2)(E) may—

''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) engage in another business related to aviation or aeronautics; or

''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.''; and

(D) by indenting subparagraph (A) (as designated by subparagraph (A) of this paragraph) and aligning it with subparagraph (B) of such section (as added by subparagraph (C) of this paragraph).

(b) TERMS OF MEMBERS.—Section 106(p)(6) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (J), (K), and (L), respectively; and

(2) by striking subparagraph (A) and inserting the following:

''(A) TERMS OF MEMBERS APPOINTED UNDER PARAGRAPH (2)(C).—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years. Of the members first appointed by the President under paragraph (2)(C)—

''(i) 3 shall be appointed for terms of 1 year;

''(ii) 4 shall be appointed for terms of 2 years; and

''(iii) 3 shall be appointed for terms of 3 years.

''(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

''(C) TERMS FOR AIR TRAFFIC SERVICES SUBCOMMITTEE MEMBERS.—The member appointed under paragraph (2)(E) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (2)(E)—

''(i) 2 members shall be appointed for a term of 3 years;

''(ii) 2 members shall be appointed for a term of 4 years; and

''(iii) 1 member shall be appointed for a term of 5 years.

''(D) REAPPOINTMENT.—An individual may not be appointed under paragraph (2)(E) to more than 2 5-year terms.

''(E) VACANCY.—Any vacancy on the Council shall be filled in the same manner as the original appointment, except that any vacancy caused by a member appointed by the President under paragraph (2)(C)(i) shall be filled by the Secretary in accordance with paragraph (2)(C)(ii). Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

''(F) CONTINUATION IN OFFICE.—A member whose term expires shall continue to serve until the date on which the member's successor takes office.

''(G) REMOVAL.—Any member of the Council appointed under paragraph (2)(D) may be removed for cause by the President or Secretary whoever makes the appointment. Any member of the Council appointed under paragraph (2)(E) may be removed for cause by the Secretary.

''(H) CLAIMS AGAINST MEMBERS OF SUBCOMMITTEE.—

''(i) IN GENERAL.—A member appointed under paragraph (2)(E) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Air Traffic Services Subcommittee.

''(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

''(I) to affect any other immunity or protection that may be available to a member of the Subcommittee under applicable law with respect to such transactions;

''(II) to affect any other right or remedy against the United States under applicable law; or

''(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(I) ETHICAL CONSIDERATIONS.—

''(i) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under paragraph (2)(E) is a member of the Subcommittee, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act; except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

''(ii) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual appointed under paragraph (2)(E) shall be treated as an employee referred to in section

207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Subcommittee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.''.

(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p) is amended by adding at the end the following:

''(7) AIR TRAFFIC SERVICES SUBCOMMITTEE.—

''(A) IN GENERAL.—The Management Advisory Council shall have an air traffic services subcommittee (in this paragraph referred to as the 'Subcommittee') composed of the 5 members appointed under paragraph (2)(E).

''(B) GENERAL RESPONSIBILITIES.—

''(i) OVERSIGHT.—The Subcommittee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

''(ii) CONFIDENTIALITY.—The Subcommittee shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

''(C) SPECIFIC RESPONSIBILITIES.—The Subcommittee shall have the following specific responsibilities:

''(i) STRATEGIC PLANS.—To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of—

''(I) a mission and objectives;

''(II) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

''(III) annual and long-range strategic plans.

''(ii) MODERNIZATION AND IMPROVEMENT.—To review and approve—

''(I) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

''(II) procurements of air traffic control equipment in excess of $100,000,000.

''(iii) OPERATIONAL PLANS.—To review the operational functions of the air traffic control system, including—

''(I) plans for modernization of the air traffic control system;

''(II) plans for increasing productivity or implementing cost-saving measures; and

''(III) plans for training and education.

''(iv) MANAGEMENT.—To—

''(I) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

''(II) review the Administrator's selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

''(III) review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

''(IV) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

''(V) review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

''(v) BUDGET.—To—

''(I) review and approve the budget request of the Administration related to the air traffic control system prepared by the Administrator;

''(II) submit such budget request to the Secretary; and

''(III) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in clause (v)(II) for any fiscal year to the President who shall transmit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

''(D) SUBCOMMITTEE PERSONNEL MATTERS.—

''(i) COMPENSATION OF MEMBERS.—Each member of the Subcommittee shall be compensated at a rate of $25,000 per year.

''(ii) COMPENSATION OF CHAIRPERSON.—Notwithstanding clause (i), the chairperson of the Subcommittee shall be compensated at a rate of $40,000 per year.

''(iii) STAFF.—The chairperson of the Subcommittee may appoint and terminate any personnel that may be necessary to enable the Subcommittee to perform its duties.

''(iv) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Subcommittee may procure temporary and intermittent services under section 3109(b) of title 5.

''(E) ADMINISTRATIVE MATTERS.—

''(i) TERM OF CHAIR.—The members of the Subcommittee shall elect for a 2-year term a chairperson from among the members of the Subcommittee.

''(ii) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Subcommittee, the powers of the chairperson shall include—

''(I) establishing committees;

''(II) setting meeting places and times;

''(III) establishing meeting agendas; and

''(IV) developing rules for the conduct of business.

''(iii) MEETINGS.—The Subcommittee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

''(iv) QUORUM.—Three members of the Subcommittee shall constitute a quorum. A majority of members present and voting shall be required for the Subcommittee to take action.

''(F) REPORTS.—

''(i) ANNUAL.—The Subcommittee shall each year report with respect to the conduct of its responsibilities under this title to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(ii) ADDITIONAL REPORT.—If a determination by the Subcommittee under subparagraph (B)(i) that the organization and operation of the air traffic control system are not allowing the Administration to carry out its mission, the Subcommittee shall report such determination to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(iii) ACTION OF ADMINISTRATOR ON REPORT.—Not later than 60 days after the date of a report of the Subcommittee under this subparagraph, the Administrator shall take action with respect to such report. If the Administrator overturns a recommendation of the Subcommittee, the Administrator shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

''(iv) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2003, the Comptroller General of the United States 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 on the success of the Subcommittee in improving the performance of the air traffic control system.

''(8) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this section, the term 'air traffic control system' has the meaning such term has under section 40102(a).''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) INITIAL NOMINATIONS TO AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Secretary shall make the initial appointments of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council not later than 3 months after the date of enactment of this Act.

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF SUBCOMMITTEE.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Services Subcommittee.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

''(r) CHIEF OPERATING OFFICER.—

''(1) IN GENERAL.—

''(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with the approval of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

''(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

''(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

''(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(2) COMPENSATION.—

''(A) IN GENERAL.—The Chief Operating Officer shall be paid at an annual rate of basic pay equal to the annual rate of basic pay of the Administrator. The Chief Operating Officer shall be subject to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

''(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Operating Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described paragraph (3).

''(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Subcommittee of the Aviation Management Advisory Committee, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

''(4) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and transmit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.

''(5) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Administration responsibilities, including the following:

''(A) STRATEGIC PLANS.—To develop a strategic plan of the Administration for the air traffic control system, including the establishment of—

''(i) a mission and objectives;

''(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

''(iii) annual and long-range strategic plans.

''(iv) methods of the Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

''(B) OPERATIONS.—To review the operational functions of the Administration, including—

''(i) modernization of the air traffic control system;

''(ii) increasing productivity or implementing cost-saving measures; and

''(iii) training and education.

''(C) BUDGET.—To—

''(i) develop a budget request of the Administration related to the air traffic control system prepared by the Administrator;

''(ii) submit such budget request to the Administrator and the Secretary of Transportation; and

''(iii) ensure that the budget request supports the annual and long-range strategic plans developed under subparagraph (A) of this subsection.''.

SEC. 304. PILOT PROGRAM TO PERMIT COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the Nation's air transportation system by encouraging non-Federal investment on a pilot program basis in critical air traffic control facilities and equipment.

(b) IN GENERAL.—Subject to the requirements of this section, the Secretary shall carry out a pilot program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects.

(c) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117 of title 49, United States Code.

(d) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $15,000,000 under the program.

(e) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) of title 49, United States Code, for fiscal years 2001 through 2003 to carry out the program.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT.—The term ''eligible project'' means a project relating to the Nation's air traffic control system that is certified or approved by the Administrator and that promotes safety, efficiency, or mobility. Such projects may include—

(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements, and control towers;

(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and offshore flight tracking.

(2) PROJECT SPONSOR.—The term ''project sponsor'' means a public-use airport or a joint venture between a public-use airport and 1 or more air carriers.

(g) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, project sponsors may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, and automation tools, the purchase of which was assisted by a grant made under this section. The Administration shall accept such facilities, equipment, and automation tools, which shall thereafter be operated and maintained by the Administration in accordance with criteria of the Administration.

(h) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue advisory guidelines on the implementation of the program.

SEC. 305. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking ''$100,000,000'' each place it appears and inserting ''$250,000,000'';

(2) by striking ''Air Traffic Management System Performance Improvement Act of 1996'' and inserting ''Wendell H. Ford Aviation Investment and Reform Act for the 21st Century'';

(3) in subclause (I)—

(A) by inserting ''substantial and'' before ''material''; and

(B) by inserting ''or'' after the semicolon at the end; and

(4) by striking subclauses (II), (III), and (IV) and inserting the following:

''(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.''.

SEC. 306. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: ''On February 1 and August 1 of each year the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a letter listing each deadline the Administrator missed under this subparagraph during the 6-month period ending on such date, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.''.

SEC. 307. FAA PERSONNEL AND ACQUISITION MANAGEMENT SYSTEMS.

(a) PERSONNEL MANAGEMENT SYSTEM.—Section 40122 is amended by adding at the end the following:

''(g) PERSONNEL MANAGEMENT SYSTEM.—

''(1) IN GENERAL.—In consultation with the employees of the Administration and such non-governmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5 and other Federal personnel laws, the Administrator shall develop and implement, not later than January 1, 1996, a personnel management system for the Administration that addresses the unique demands on the agency's workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

''(2) APPLICABILITY OF TITLE 5.—The provisions of title 5 shall not apply to the new personnel management system developed and implemented pursuant to paragraph (1), with the exception of—

''(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

''(B) sections 3308–3320, relating to veterans' preference;

''(C) chapter 71, relating to labor-management relations;

''(D) section 7204, relating to antidiscrimination;

''(E) chapter 73, relating to suitability, security, and conduct;

''(F) chapter 81, relating to compensation for work injury;

''(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage; and

''(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.

''(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under paragraph (1), an employee of the 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.

''(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.''.

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110 is amended by adding at the end the following:

''(d) ACQUISITION MANAGEMENT SYSTEM.—

''(1) IN GENERAL.—In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop and implement, not later than January 1, 1996, an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

''(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

''(A) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266).

''(B) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

''(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

''(D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

''(E) The Competition in Contracting Act.

''(F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.

''(G) The Brooks Automatic Data Processing Act (40 U.S.C. 759).

''(H) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (G) providing authority to promulgate regulations in the Federal Acquisition Regulation.

''(3) CERTAIN PROVISIONS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Notwithstanding paragraph (2)(B), 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 paragraph (1) with the following modifications:

''(A) Subsections (f) and (g) shall not apply.

''(B) Within 90 days after the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

''(C) 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.

''(D) 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.

''(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.''.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 106.—Section 106(l)(1) is amended by striking ''section 40122(a) of this title and section 347 of Public Law 104–50'' and inserting ''subsections (a) and (g) of section 40122''.

(2) SECTION 40121.—Section 40121(c)(2) is amended by striking ''section 348(b) of Public Law 104–50'' and inserting ''section 40110(d)(2) of this title''.

(3) FEDERAL AVIATION REAUTHORIZATION ACT OF 1996.—Section 274(b)(6)(A)(ii)(II) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 40101 note) is amended by striking ''sections 347 and 348 of Public Law 104–50'' and inserting ''sections 40110(d) and 40122(g) of title 49, United States Code''.

(d) REPEAL.—Sections 347 and 348 of Public Law 104–50 (109 Stat. 460–461; 49 U.S.C. 106 note; 49 U.S.C. 40110 note) are repealed.

SEC. 308. RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: ''The 60-day period shall not include any period during which Congress has adjourned sine die.''.

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 (as amended by section 307(a) of this Act) is further amended by adding at the end the following:

''(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

''(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

''(j) DEFINITION.—In this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.''.

SEC. 309. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Administration's cost input data, including the reliability of the Administration's source documents and the integrity and reliability of the Administration's data collection process.

(ii) The Administration's system for tracking assets.

(iii) The Administration's bases for establishing asset values and depreciation rates.

(iv) The Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Administration's definition of the services to which the Administration ultimately attributes its costs.

(vi) The cost pools used by the Administration and the rationale for and reliability of the bases which the Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Administration services or activities (called ''common and fixed costs'' in the Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 310. ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS.

(a) STUDY.—The Secretary shall conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects.

(b) CONTENTS.—In conducting the study, the Secretary, at a minimum, shall assess—

(1) the current level of coordination among Federal and State agencies in conducting environmental reviews in the planning and approval of airport improvement projects;

(2) the role of public involvement in the planning and approval of airport improvement projects;

(3) the staffing and other resources associated with conducting such environmental reviews; and

(4) the time line for conducting such environmental reviews.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with the Administrator, the heads of other appropriate Federal departments and agencies, airport sponsors, the heads of State aviation agencies, representatives of the design and construction industry, representatives of employee organizations, and representatives of public interest groups.

(d) REPORT.—Not later than 1 year after the date of enactment of this 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 on the results of the study, together with recommendations for streamlining, if appropriate, the environmental review process in the planning and approval of airport improvement projects.

SEC. 311. COST ALLOCATION SYSTEM.

(a) REPORT.—Not later than July 9, 2000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost allocation system currently under development by the Federal Aviation Administration.

(b) CONTENTS.—The report shall include a specific date for completion and implementation of the cost allocation system throughout the Administration and shall also include the timetable and plan for the implementation of a cost management system.

SEC. 312. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator shall report to 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.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking ''transportation,'' and inserting ''transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,'';

(B) by inserting after ''attorney'' the following: ''(including any associate, agent, employee, or other representative of an attorney)''; and

(C) by striking ''30th day'' and inserting ''45th day''.

(2) ENFORCEMENT.—Section 1151 is amended by inserting ''1136(g)(2),'' before ''or 1155(a)'' each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.''.

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

''(2) PASSENGER.—The term 'passenger' includes—

''(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

''(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.''.

(d) STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''.

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

''(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.''.

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

''(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.''.

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

''(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking ''Not later than 6 months after the date of enactment of this section, each air carrier'' and inserting ''Each air carrier''; and

(B) in subsection (c) by striking ''After the date that is 6 months after the date of the enactment of this section, the Secretary'' and inserting ''The Secretary''.

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting '', or in providing information concerning a preliminary passenger manifest,'' before ''pursuant to a plan''.

(c) STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

''(f) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.''.

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

''(2) PASSENGER.—The term 'passenger' has the meaning given such term by section 1136.''.

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking ''significant'' and inserting ''major''.

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

''(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.''.

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1).

SEC. 404. DEATH ON THE HIGH SEAS.

(a) RIGHT OF ACTION IN COMMERCIAL AVIATION ACCIDENTS.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the ''Death on the High Seas Act'') is amended—

(1) by inserting ''(a) subject to subsection (b),'' before ''whenever''; and

(2) by adding at the end the following:

''(b) In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas 12 nautical miles or closer to the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, this Act shall not apply and the rules applicable under Federal, State, and other appropriate law shall apply.''.

(b) COMPENSATION IN COMMERCIAL AVIATION ACCIDENTS.—Section 2 of such Act (46 U.S.C. App. 762) is amended—

(1) by inserting ''(a)'' before ''the recovery''; and

(2) by adding at the end the following:

''(b)(1) If the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable. Punitive damages are not recoverable.

''(2) In this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any death occurring after July 16, 1996.

TITLE V—SAFETY

SEC. 501. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712 is amended—

(1) in subsection (b) by striking ''Subsection (a) of this section'' and inserting ''Prior to January 1, 2002, subsection (a)'';

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

''(c) NONAPPLICATION BEGINNING ON JANUARY 1, 2002.—

''(1) IN GENERAL.—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

''(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

''(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

''(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

''(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

''(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

''(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

''(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

''(H) aircraft equipped to carry only one individual.

''(2) DELAY IN IMPLEMENTATION.—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

''(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

''(B) other safety objectives.

''(d) COMPLIANCE.—An aircraft meets 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).''.

(b) REGULATIONS.—The Secretary shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.

SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

Section 44716 is amended by adding at the end the following:

''(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

''(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

''(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

''(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

''(B) other safety or public interest objectives.

''(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term 'collision avoidance equipment' means equipment that provides protection from mid-air collisions using technology that provides—

''(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

''(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.''.

SEC. 503. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

''(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

''(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

''(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska

and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of enactment of this subsection.''.

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) 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 a semicolon; and

(3) by adding at the end the following:

''(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;''.

SEC. 504. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44725. Life-limited aircraft parts

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

''(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

''(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

''(2) The part may be permanently marked to indicate its used life status.

''(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

''(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

''(5) Any other method approved by the Administrator.

''(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking; and

''(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

''(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.''.

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 503(c) of this Act) is further amended by adding at the end the following:

''(D) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44725. Life-limited aircraft parts.''.

SEC. 505. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44726. 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), the Administrator of the Federal Aviation Administration may not issue a certificate under this chapter to any person—

''(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-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), 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 in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

''(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

''(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

''(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 the appeal, 'person' shall be substituted for 'individual' each place it appears.

''(e) ACQUITTAL OR REVERSAL.—

''(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly 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; and

''(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

''(ii) the conviction of the former holder or such 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) if—

''(1) a law enforcement official of the United States Government 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, and with intent to defraud, 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 analysis for such chapter is further amended by adding at the end the following:

''44726. Denial and revocation of certificate for counterfeit parts violations.''.

(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is amended by adding at the end the following:

''(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly 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 in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.''.

SEC. 506. 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 2000''.

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

''(a) DEFINITIONS.—In this chapter, the following definitions apply:

''(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, maintained, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including applicable regulations).

''(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.—Whoever, in or affecting interstate or foreign commerce, knowingly and with the intent to defraud—

''(1)(A) falsifies or conceals a material fact concerning any aircraft or space vehicle part;

''(B) makes any materially fraudulent representation concerning any aircraft or space vehicle part; 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 15 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 proximate cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365), a fine of not more than $1,000,000, imprisonment for not more than 20 years, or both.

''(3) FAILURE RESULTING IN DEATH.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

''(4) OTHER CIRCUMSTANCES.—In the case of an offense under subsection (a) not described in paragraph (1), (2), or (3) of this subsection, a fine under this title, imprisonment for not more than 10 years, or both.

''(5) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than—

''(A) $10,000,000 in the case of an offense described in paragraph (1) or (4); and

''(B) $20,000,000 in the case of an offense described in paragraph (2) or (3).

''(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 used to commit or facilitate the commission of the offense, 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 the dissolution or reorganization of any enterprise knowingly used to commit or facilitate the commission of an offense under this section 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 stop 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, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property on 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 also applies to conduct occurring outside the United States if—

''(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

''(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

''(3) an act in furtherance of the offense was committed in the United States.''.

(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),''.

SEC. 507. TRANSPORTING OF HAZARDOUS MATERIAL.

Section 46312 is amended—

(1) by inserting ''(a) GENERAL.—'' before ''A person''; and

(2) by adding at the end the following:

''(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.''.

SEC. 508. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.

(a) FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS.—Section 44936(a)(1)(C) is amended—

(1) in clause (iii) by striking ''or'';

(2) in clause (iv) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(v) the Administrator decides it is necessary to ensure air transportation security with respect to passenger, baggage, or property screening at airports.''.

(b) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting ''(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)'' after ''person'' the first place it appears;

(2) in paragraph (1)(B)(ii) by striking ''individual'' the first place it appears and inserting ''individual's performance as a pilot'';

(3) in paragraph (5) by striking the period at the end of the first sentence and inserting ''; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A).'';

(4) in paragraph (13)—

(A) by striking ''may'' and inserting ''shall''; and

(B) before the semicolon in subparagraph (A)(i) insert ''and disseminated under paragraph (15)'';

(5) in paragraph (14)(B) by inserting ''or from a foreign government or entity that employed the individual'' after ''exists''; and

(6) by adding at the end the following:

''(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.''.

SEC. 509. 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) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or 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

operating an aircraft in air transportation 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 to operate an aircraft in air transportation an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

''(b) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

''(1) CONTROLLED SUBSTANCES DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

''(2) CRIMINAL PENALTY.—An individual violating subsection (a) shall be fined under title 18 or 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) TERMS OF IMPRISONMENT.—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) CONFORMING AMENDMENT.—The analysis for 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.''.

SEC. 510. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 60 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 title 14, Code of Federal 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. 511. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 (as amended by section 509 of this Act) is further amended by adding at the end the following:

''§46318. Interference with cabin or flight crew

''(a) GENERAL RULE.—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 analysis for chapter 463 is further amended by adding at the end the following:

''46318. Interference with cabin or flight crew.''.

SEC. 512. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRCRAFT.—The term ''aircraft'' 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 such section.

(3) PROGRAM.—The term ''program'' means the program established under subsection (b)(1)(A).

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE 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 in air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program.

(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

(A) the United States Government (including the Administrator 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, 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 United States 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 United States Government established to provide training to law enforcement officers of the United States 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 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, 46318, 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 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 shall not—

(A) be considered to be an employee of the United States Government; or

(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under 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 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 officer's 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.

(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.

SEC. 513. AIR TRANSPORTATION OVERSIGHT SYSTEM.

(a) REPORT.—Not later than August 1, 2000, the Administrator 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 on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

(b) REQUIRED CONTENTS.—At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to continue to develop and implement the air transportation oversight system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

(c) UPDATE.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).

SEC. 514. RUNWAY SAFETY AREAS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by section 122 of this Act) is further amended by adding at the end the following:

''(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998, including any revision to the circular.''.

(b) SOLICITATION OF COMMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall solicit comments on the need for the improvement of runway safety areas through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

(c) GRANTS FOR ENGINEERED MATERIALS ARRESTING SYSTEMS.—In making grants under section 47104 of title 49, United States Code, for engineered materials arresting systems, the Secretary shall require the sponsor to demonstrate that the effects of jet blasts have been adequately considered.

(d) GRANTS FOR RUNWAY REHABILITATION.—In any case in which an airport's runways are constrained by physical conditions, the Secretary shall consider alternative means for ensuring runway safety (other than a safety overrun area) when prescribing conditions for grants for runway rehabilitation.

SEC. 515. PRECISION APPROACH PATH INDICATORS.

Not later than 6 months after the date of enactment of this Act, the Administrator shall solicit comments on the need for the installation of precision approach path indicators.

SEC. 516. AIRCRAFT DISPATCHERS.

(a) STUDY.—The Administrator shall conduct a study of the role of aircraft dispatchers in enhancing aviation safety.

(b) CONTENTS.—The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching functions, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry and labor to develop a model program to improve the curricula, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

SEC. 518. SMALL AIRPORT CERTIFICATION.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

''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 or otherwise discriminate against an 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 (with any knowledge of the employer) or cause to be provided to the employer or 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 (with any knowledge of the employer) 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 is about to 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 person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of 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. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, 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.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, 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 person 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 person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such 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 such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award 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, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), 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) CONFORMING AMENDMENT.—The 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.''.

(c) 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. 520. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

SEC. 601. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator 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. 602. TRANSFER OF OFFICE, PERSONNEL, AND FUNDS.

(a) TRANSFER OF OFFICE.—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) OTHER TRANSFERS.—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 title, 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 title 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 title.

SEC. 603. 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) PUBLICATION.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

''(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

''(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

''(1) prescribed by the Administrator;

''(2) depicted accurately on the map or chart; and

''(3) not obviously defective or deficient.

''(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise 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 note).

''(d) 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 may—

''(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

''(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

''(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

''(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

''(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

''(1) CONTRACTS.—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) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—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.

''(f) SPECIAL SERVICES AND PRODUCTS.—

''(1) IN GENERAL.—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) FEES.—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 Government by furthering public safety.

''(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

''(1) IN GENERAL.—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) MAXIMUM PRICE.—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) ADJUSTMENT OF PRICE.—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) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

''(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

''(3) DISTRIBUTION.—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 department or 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) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the 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 striking the item relating to section 44721 and inserting the following:

''44721. Aeronautical charts and related products and services.''.

SEC. 604. 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 Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this title; 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 of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

(1) IN GENERAL.—The provisions of this title 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 National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, 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 of the Federal Aviation Administration 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 of the Federal Aviation Administration, 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 title had not been enacted.

(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, 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 title.

(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 title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, 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 title 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 of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the 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 title 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 of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title 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. 605. NATIONAL OCEAN SURVEY.

(a) CHARTS AND PUBLICATIONS.—Section 2 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. 883b), is amended—

(1) by striking paragraphs (3) and (5), and redesignating paragraphs (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''.

(b) COOPERATIVE AND OTHER AGREEMENTS.—Section 5(1) of such Act (33 U.S.C. 883e(1)) is amended—

(1) by striking ''cooperative agreements'' and inserting ''cooperative agreements, or any other agreements,''; and

(2) in paragraph (2) by striking ''cooperative''.

SEC. 606. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.

(a) IN GENERAL.—Section 1307 of title 44, United States Code, is amended—

(1) in the section heading by striking ''***and aeronautical***''; and

(2) by striking ''and aeronautical'' and ''or aeronautical'' each place they appear.

(b) PRICES.—Section 1307(a)(2)(B) of such title is amended by striking ''aviation and''.

(c) FEES.—Section 1307(d) of such title 44 is amended by striking ''aeronautical and''.

(d) CONFORMING AMENDMENT.—The analysis for chapter 13 of title 44, United States Code, is amended in the item relating to section 1307 by striking ''and aeronautical''.

SEC. 607. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking ''40113(a), (c), and (d),'' and all that follows through ''45302–45304,'' and inserting ''40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(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''.

SEC. 702. PUBLIC AIRCRAFT.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(37) is amended to read as follows:

''(37) 'public aircraft' means any of the following:

''(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

''(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

''(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

''(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

''(E) An aircraft owned or operated by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(c).''.

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

''§ 40125. Qualifications for public aircraft status

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

''(2) GOVERNMENTAL FUNCTION.—The term 'governmental function' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

''(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft—

''(A) operated by the armed forces or an intelligence agency of the United States Government; or

''(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

''(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10.

''(b) AIRCRAFT OWNED BY GOVERNMENTS.—An aircraft described in subparagraph (A), (B), (C), or (D) of section 40102(a)(37) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified noncrewmember.

''(c) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—

''(1) IN GENERAL.—Subject to paragraph (2), an aircraft described in section 40102(a)(37)(E) qualifies as a public aircraft if—

''(A) the aircraft is operated in accordance with title 10;

''(B) the aircraft is operated in the performance of a governmental function under titles 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

''(C) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

''(2) LIMITATION.—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40125. Qualifications for public aircraft status.''.

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 (as amended by section 307(b) of this Act) is further amended by adding at the end the following:

''(e) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

''(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

''(3) PROPOSAL DEFINED.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.''.

SEC. 704. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

(a) IN GENERAL.—The Administrator may carry out a pilot program in fiscal years 2001 through 2003 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities.

(b) PERIOD OF CONTRACTS.—Notwithstanding any other provision of law, the Administrator may enter into a contract under the program to lease aviation equipment or facilities for a period of greater than 5 years.

(c) NUMBER OF CONTRACTS.—The Administrator may not enter into more that 10 contracts under the program.

(d) TYPES OF CONTRACTS.—The contracts to be evaluated under the program may include contracts for telecommunication services that are provided through the use of a satellite, requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

SEC. 705. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) IN GENERAL.—Chapter 401 (as amended by section 702(b) of this Act) is further amended by adding at the end the following:

''§ 40126. 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).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40126. Severable services contracts for periods crossing fiscal years.''.

SEC. 706. PROHIBITIONS ON DISCRIMINATION.

(a) IN GENERAL.—Chapter 401 (as amended by section 705 of this Act) is further amended by adding at the end the following:

''§ 40127. Prohibitions on discrimination

''(a) PERSONS IN AIR TRANSPORTATION.—An air carrier or foreign air carrier may not subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry.

''(b) USE OF PRIVATE AIRPORTS.—Notwithstanding any other provision of law, no State or local 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, color, national origin, religion, sex, or ancestry.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

''40127. Prohibitions on discrimination.''.

SEC. 707. DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—Section 41705 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In providing'';

(2) by striking ''carrier'' and inserting ''carrier, including (subject to section 40105(b)) any foreign air carrier,''; and

(3) by adding at the end the following:

''(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—For purposes of section 46301(a)(3)(E), a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

''(c) INVESTIGATION OF COMPLAINTS.—

''(1) IN GENERAL.—The Secretary shall investigate each complaint of a violation of subsection (a).

''(2) PUBLICATION OF DATA.—The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

''(3) REVIEW AND REPORT.—The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.

''(4) TECHNICAL ASSISTANCE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

''(A) implement a plan, in consultation with the Department of Justice, the 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 set forth in this section; and

''(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.''.

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 504(b) of this Act) is further amended by adding at the end the following:

''(E) a violation of section 41705, relating to discrimination against handicapped individuals.''.

(c) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—The Secretary shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.

SEC. 708. 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 in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.

''(c) LIMITATION ON APPLICABILITY.—

''(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall 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. 709. JOINT VENTURE AGREEMENT.

Section 41720, as redesignated by section 231(b)(1) of this Act, is amended by striking ''an agreement entered into by a major air carrier'' and inserting ''an agreement between 2 or more major air carriers''.

SEC. 710. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by section 231(b) of this Act) is further amended by adding at the end the following:

''§ 41721. Reports by carriers on incidents involving animals during air transport

''(a) IN GENERAL.—An air carrier that provides scheduled passenger air transportation shall submit monthly to the Secretary a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier. The report shall be in

such form and contain such information as the Secretary determines appropriate.

''(b) TRAINING OF AIR CARRIER EMPLOYEES.—The Secretary shall work with air carriers to improve the training of employees with respect to the air transport of animals and the notification of passengers of the conditions under which the air transport of animals is conducted.

''(c) SHARING OF INFORMATION.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding to ensure the sharing of information that the Secretary receives under subsection (a).

''(d) PUBLICATION OF DATA.—The Secretary shall publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport in a manner comparable to other consumer complaint and incident data.

''(e) AIR TRANSPORT.—For purposes of this section, the air transport of an animal includes the entire period during which an animal is in the custody of an air 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) CONFORMING AMENDMENT.—The analysis for such subchapter is further amended by adding at the end the following:

''41721. Reports by carriers on incidents involving animals during air transportation.''.

SEC. 711. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking ''after'' and all that follows and inserting ''after December 31, 2003.''.

SEC. 712. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is amended by adding at the end the following:

''(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

''(A) the improvements primarily benefit the Government;

''(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

''(C) the interest of the United States Government in the improvements is protected.''.

SEC. 713. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

''§ 44516. Human factors program

''(a) HUMAN FACTORS TRAINING.—

''(1) AIR TRAFFIC CONTROLLERS.—The Administrator of the Federal Aviation Administration 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 representatives of the aviation industry and appropriate aviation programs associated with universities to develop specific training curricula to address critical safety problems, including problems of pilots—

''(A) in recovering from loss of control of an 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.

''(b) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with air carriers to use model Jeppesen approach plates or other similar tools to improve precision-like landing approaches for aircraft.

''(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to encourage the adoption and implementation of advanced qualification programs for air carriers under this section.

''(d) ADVANCED QUALIFICATION PROGRAM DEFINED.—In 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.—Not later than 12 months after the date of enactment of this Act, the Administrator shall complete updating training practices for flight deck automation and associated training requirements.

(c) CONFORMING AMENDMENT.—The analysis for chapter 445 is further amended by adding at the end the following:

''44516. Human factors program.''.

SEC. 714. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

''(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

''(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—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) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

''(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

''(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

''(A) aircraft registered in the United States and 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; and

''(B) aircraft registered in a foreign country and 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.''.

SEC. 715. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PUBLIC INFORMATION.—

''(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, and ratings held shall be made available to the public after the 120th day following the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

''(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

''(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a 1-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.''.

SEC. 716. REVIEW PROCESS FOR EMERGENCY ORDERS.

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), 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 petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

''(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.''.

SEC. 717. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end 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. 718. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking ''shall'' and inserting ''should''.

SEC. 719. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.''; and

(2) by adding at the end the following:

''(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term 'production-certification related service' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.''.

SEC. 720. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking ''46302, 46303, or'';

(2) in subsection (d)(7)(A) by striking ''an individual'' the first place it appears and inserting ''a person''; and

(3) in subsection (g) by inserting ''or the Administrator'' after ''Secretary''.

SEC. 721. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) REPEAL.—Section 231 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, is repealed and the provisions of law amended by such section shall be read as if such section had not been enacted into law.

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) in subsection (a) by striking ''subsection (b)'' and inserting ''subsection (b) or (f)'';

(2) in subsection (e) by adding at the end 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 nonrevenue 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) by adding at the end 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.—Not later than 30 days after the date of enactment of this subsection, the Secretary shall establish and publish a procedure to implement paragraph (1) through the use of categorical waivers, ferry permits, or other means.

''(g) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on November 1, 1999.''.

(c) 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) REGULATIONS.—Regulations contained in title 14, Code of Federal Regulations, that implement section 47528 of title 49, United States Code, and related provisions shall be deemed to incorporate the amendment made by paragraph (1) on the date of enactment of this Act.

(d) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended—

(1) in the first sentence by inserting ''or foreign air carrier'' after ''air carrier''; and

(2) by inserting after ''January 1, 1999,'' the following: ''or, in the case of a foreign air carrier, the 15th day following the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century''.

SEC. 722. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by inserting ''(a) GENERAL RULE.—'' before ''Not later'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

''(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—The Secretary does not have to conduct an audit or make a final determination before including an airport on the list referred to in subsection (a)(5).''.

SEC. 723. CHARTER AIRLINES.

Section 41104 is amended—

(1) by redesignating subsections (b) and (c) as (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) SCHEDULED OPERATIONS.—

''(1) IN GENERAL.—An air carrier, including an indirect air carrier, which operates aircraft designed for more than 9 passenger seats, may not provide regularly scheduled 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 to or from an airport that is not located in Alaska and that does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations).

''(2) DEFINITION.—In this paragraph, the term 'regularly scheduled charter air transportation' does not include operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative.''.

SEC. 724. CREDIT FOR EMERGENCY SERVICES PROVIDED.

(a) STUDY.—The Administrator shall conduct a study of the appropriateness of allowing an airport that agrees to provide services to the Federal Emergency Management Agency or to a State or local agency in the event of an emergency a credit of the value of such services against the airport's local share under the airport improvement program.

(b) NOTIFICATION.—The Administrator shall notify nonhub and general aviation airports that the Administrator is conducting the study under subsection (a) and give them an opportunity to explain how the credit described in subsection (a) would benefit such airports.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a). The report shall identify, at a minimum, the airports that would be affected by providing the credit described in subsection (a), explain what sort of emergencies could qualify for such credit, and explain how the costs would be quantified to determine the credit against the local share.

SEC. 725. PASSENGER CABIN AIR QUALITY.

(a) STUDY OF AIR QUALITY IN PASSENGER CABINS IN COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall arrange for and provide necessary data to the National Academy of Sciences to conduct a 12-month, independent study of air quality in passenger cabins of aircraft used in air transportation and foreign air transportation, including the collection of new data, in coordination with the Federal Aviation Administration, to identify contaminants in the aircraft air and develop recommendations for means of reducing such contaminants.

(2) ALTERNATIVE AIR SUPPLY.—The study should examine whether contaminants would be reduced by the replacement of engine and auxiliary power unit bleed air with an alternative supply of air for the aircraft passengers and crew.

(3) SCOPE.—The study shall include an assessment and quantitative analysis of each of the following:

(A) Contaminants of concern, as determined by the National Academy of Sciences.

(B) The systems of air supply on aircraft, including the identification of means by which contaminants may enter such systems.

(C) The toxicological and health effects of the contaminants of concern, their byproducts, and the products of their degradation.

(D) Any contaminant used in the maintenance, operation, or treatment of aircraft, if a passenger or a member of the air crew may be directly exposed to the contaminant.

(E) Actual measurements of the contaminants of concern in the air of passenger cabins during actual flights in air transportation or foreign air transportation, along with comparisons of such measurements to actual measurements taken in public buildings.

(4) PROVISION OF CURRENT DATA.—The Administrator shall collect all data of the Federal Aviation Administration that is relevant to the study and make the data available to the National Academy of Sciences in order to complete the study.

(b) COLLECTION OF AIRCRAFT AIR QUALITY DATA.—

(1) IN GENERAL.—The Administrator may consider the feasibility of using the flight data recording system on aircraft to monitor and record appropriate data related to air inflow quality, including measurements of the exposure of persons aboard the aircraft to contaminants during normal aircraft operation and during incidents involving air quality problems.

(2) PASSENGER CABINS.—The Administrator may also consider the feasibility of using the flight data recording system to monitor and record data related to the air quality in passengers cabins of aircraft.

SEC. 726. STANDARDS FOR AIRCRAFT AND AIRCRAFT ENGINES TO REDUCE NOISE LEVELS.

(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary shall continue to work to develop through the International Civil Aviation Organization new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) GOALS TO BE CONSIDERED IN DEVELOPING NEW STANDARDS.—In negotiating standards under subsection (a), the Secretary shall give high priority to developing standards that—

(1) are performance based and can be achieved by use of a full range of certifiable noise reduction technologies;

(2) protect the useful economic value of existing Stage 3 aircraft in the United States fleet;

(3) ensure that United States air carriers and aircraft engine and hushkit manufacturers are not competitively disadvantaged;

(4) use dynamic economic modeling capable of determining impacts on all aircraft in service in the United States fleet; and

(5) continue the use of a balanced approach to address aircraft environmental issues, taking into account aircraft technology, land use planning, economic feasibility, and airspace operational improvements.

(c) ANNUAL REPORT.—Not later than July 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

SEC. 727. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Not later than 18 months after the date of enactment of this Act, the Administrator 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. In conducting the study, the Administrator shall determine whether itinerant general aviation aircraft should be exempt from any such requirement.

SEC. 728. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

(2) 60 days have passed since the report was transmitted to Congress.

SEC. 729. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that the 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.—Not later than 30 days after the date of enactment of this Act, the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).

SEC. 730. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2001, the Secretary may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2001.

SEC. 731. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The Department of Airports of the city of Los Angeles may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation, if the Department of Airports can document or provide analysis that granting the easement will benefit the Department of Airports or local airport development to an extent equal to the value of the easement being granted.

SEC. 732. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of 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.

(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

(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.

SEC. 733. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 734. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator—

(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 (in this section referred to as ''aircraft repair 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 increase safety by improving the oversight of aircraft repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 9 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 repair facilities;

(E) 1 representative of aircraft manufacturers;

(F) 1 representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) 1 representative of regional passenger air carriers;

(2) 1 representative from the Department of Commerce, designated by the Secretary of Commerce;

(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 the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(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, 2001.

(h) DEFINITIONS.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.

SEC. 735. OPERATIONS OF AIR TAXI INDUSTRY.

(a) STUDY.—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) CONTENTS.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 736. NATIONAL AIRSPACE REDESIGN.

(a) FINDINGS.—Congress makes the following findings:

(1) The national airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers, including more than 700 different sectors.

(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the national airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) REDESIGN.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system.

(c) REPORT.—Not later than December 31, 2000, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion.

(d) AUTHORIZATION.—There is authorized to be appropriated to the Administrator to carry out this section $12,000,000 for each of fiscal years 2000, 2001, and 2002.

SEC. 737. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 738. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

SEC. 739. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—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 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.

(b) TREATMENT OF PROCEEDS FROM SALE.—The Secretary and the Administrator are authorized to grant the city of Cincinnati an exemption from the provisions of sections 47107 and 47133 of title 49, United States Code, grant obligations of the city of Cincinnati, and regulations and policies of the Federal Aviation Administration, to the extent necessary to allow the city of Cincinnati to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Cincinnati.

SEC. 740. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) AUTHORITY.—

(1) SALE OF AIRCRAFT AND AIRCRAFT PARTS.—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 sell, during the period beginning on the date of enactment of this Act and ending September 30, 2002, 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) AIRCRAFT AND AIRCRAFT PARTS THAT MAY BE SOLD.—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 of Defense 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; and

(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) ISSUANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) CONTENTS.—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 operators 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 transmit to the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on National Security and Transportation and Infrastructure 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) STATUTORY CONSTRUCTION.—

(1) AUTHORITY OF ADMINISTRATOR.—Nothing in this section may be construed as affecting the

authority of the Administrator under any other provision of law.

(2) CERTIFICATION REQUIREMENTS.—Nothing in this section may be construed to waive, with respect to an aircraft sold under the authority of this section, any requirement to obtain a certificate from the Administrator to operate the aircraft for any purpose (other than oil spill spotting, observation, and dispersant delivery) for which such a certificate is required.

(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. 741. 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, or of a computer reservations system firm whose principal offices are located outside the United States, 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 whose principal offices are located inside the United States; or

''(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign 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.

SEC. 742. SPECIALTY METALS CONSORTIUM.

(a) IN GENERAL.—The Administrator 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.

(b) REPORT.—Not later than 6 months after entering into an agreement with a consortium described in subsection (a), the Administrator shall transmit to Congress a report on the goals and efforts of the consortium.

SEC. 743. ALKALI SILICA REACTIVITY DISTRESS.

(a) IN GENERAL.—The Administrator may conduct a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress. The study shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

(b) AUTHORITY TO MAKE GRANTS.—The Administrator may carry out the study by making a grant to, or entering into a cooperative agreement with, a nonprofit organization for the conduct of all or a part of the study.

(c) REPORT.—Not later than 18 months after the date of initiation of the study under subsection (a), the Administrator shall transmit to Congress a report on the results of the study.

SEC. 744. 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. 745. GENERAL ACCOUNTING OFFICE AIRPORT NOISE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on airport noise in the United States.

(b) CONTENTS OF STUDY.—In conducting the study, the Comptroller General shall examine—

(1) the selection of noise measurement methodologies used by the Administrator;

(2) the threshold of noise at which health begins to be affected;

(3) the effectiveness of noise abatement programs at airports located in the United States;

(4) the impacts of aircraft noise on communities, including schools;

(5) the noise assessment practices of the Federal Aviation Administration and whether such practices fairly and accurately reflect the burden of noise on communities; and

(6) the items requested to be examined by certain members of the House of Representatives in a letter relating to aircraft noise to the Comptroller General dated April 30, 1999.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 746. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) IN GENERAL.—The Administrator shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 747. NONMILITARY HELICOPTER NOISE.

(a) IN GENERAL.—The Secretary shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) FOCUS.—In conducting the study, the Secretary shall focus on air traffic control procedures to address helicopter noise problems and shall take into account the needs of law enforcement.

(c) CONSIDERATION OF VIEWS.—In conducting the study, the Secretary shall consider the views of representatives of the helicopter industry and organizations with an interest in reducing nonmilitary helicopter noise.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 748. NEWPORT NEWS, VIRGINIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary may, subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 749. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) IN GENERAL.—Notwithstanding the Federal Airport Act (as in effect on October 31, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated October 31, 1956, by which the United States conveyed lands to the county of Yavapai, Arizona, for use by the county for airport purposes.

(b) LIMITATION.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) CONDITION.—The county of Yavapai, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 750. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, PINAL COUNTY, ARIZONA.

(a) IN GENERAL.—Notwithstanding the Federal Airport Act (as in effect on June 3, 1952) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated June 3, 1952, by which the United States conveyed lands to the county of Pinal, Arizona, for use by the county for airport purposes.

(b) LIMITATION.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) CONDITION.—The county of Pinal, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 751. 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.), and subject to the requirements of this section, the Secretary (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 REVENUES.—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) CONDITION.—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(e) 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 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 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. 752. FORMER AIRFIELD LANDS, GRANT PARISH, LOUISIANA.

(a) IN GENERAL.—Subject to the requirements of this section, 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) CONDITIONS.—Any release under subsection (a) shall be subject to the following conditions:

(1) In leasing or conveying any interest in the land with respect to which releases are granted under subsection (a), the party owning the property after the releases shall receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Any amount so received may be used only for the development, improvement, operation, or maintenance of the airport.

SEC. 753. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary 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 which the release applies—

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

(b) CONDITION.—The proceeds of the sale of any property to which a release under subsection (a) applies shall be used for airport purposes.

SEC. 754. IDITAROD AREA SCHOOL DISTRICT.

Notwithstanding any other provision of law (including section 47125 of title 49, United States Code), the Administrator of the Federal Aviation Administration, or the Administrator of General Services, 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. 755. ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

(a) STUDY.—The Administrator shall conduct a study on the need for an alternative power source for on-board flight data recorders and cockpit voice recorders.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(c) COORDINATION WITH NTSB.—If, before submitting the report, the Administrator determines, after consultation with the National Transportation Safety Board, that the Board is preparing recommendations with respect to the matter to be studied under this section and will issue the recommendations within a reasonable period of time, the Administrator shall transmit to Congress a report containing the Administrator's comments on the Board's recommendations rather than conducting a separate study under this section.

SEC. 756. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

The Administrator shall 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. 757. STREAMLINING SEAT AND RESTRAINT SYSTEM CERTIFICATION PROCESS AND DYNAMIC TESTING REQUIREMENTS.

(a) WORKING GROUPS.—Not later than 3 months after the date of enactment of this Act, the Administrator shall form a working group comprised of both government and industry representatives to make recommendations for streamlining the seat and restraint system certification process and the 16g dynamic testing requirements under part 25 of title 14, Code of Federal Regulations, to focus on reducing both the cost and the length of time associated with certification of aircraft seats and restraints.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the working group.

SEC. 758. 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 should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14, 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.

SEC. 759. POST FREE FLIGHT PHASE I ACTIVITIES.

Not later than August 1, 2000, the Administrator 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. 760. SENSE OF CONGRESS REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.

It is the sense of Congress 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, working with appropriate Federal agencies and departments, 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. 761. LAND EXCHANGES, FORT RICHARDSON AND ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior and the Secretaries of the Army, Air Force, or such other military departments as may be necessary and appropriate may convey to the Alaska Railroad Corporation for purposes of track realignment all right, title, and interest of the United States in and to approximately 227 acres of land located on Fort Richardson and on Elmendorf Air Force Base, Alaska, in the vicinity of, and in exchange for all right, title and interest of the Alaska Railroad Corporation in, approximately 229 acres of railroad right-of-way located between railroad mileposts 117 and 129.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to each Secretary. The cost of the surveys shall be borne by the Alaska Railroad Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—Each Secretary may require as to the real property under his jurisdiction such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States. The interest conveyed by the Alaska Railroad Corporation to the United States under subsection (a) shall be the full title and interest received by the Corporation under the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The individual parcels of real property conveyed to the United States under this section shall be incorporated into the appropriate land withdrawals for the military installation in which they are situated or which surround them. The interest conveyed to the Corporation by each Secretary under subsection (a) shall be subject to the same reservations and limitations under the Alaska Railroad Transfer Act of 1982 as are currently applicable to the right-of-way for which the land is being exchanged.

(d) SAVINGS CLAUSE.—Nothing in this section affects the duties, responsibilities, and liability of the Federal Government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) concerning any lands exchanged under this section.

SEC. 762. BILATERAL RELATIONSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) The current agreement between the United States and the United Kingdom for operating rights between the 2 countries, known as Bermuda II, is one of the most restrictive bilateral agreements the United States has with a developed aviation power that provides substantially greater opportunities and has resulted in a disproportionate market share in favor of United Kingdom carriers over United States carriers.

(2) The United States has attempted in good faith to negotiate a new bilateral agreement, but the United Kingdom has been unwilling to accept or introduce reasonable proposals for a new agreement.

(3) Because of the United Kingdom's unwillingness to accept reasonable proposals advanced by the United States, the latest rounds of negotiations between the United States and the United Kingdom for new operating rights have failed to produce an agreement between the 2 countries.

(4) The Secretary has the discretionary authority to revoke the exemption held by British carriers to operate the Concorde aircraft into the United States.

(b) CONSIDERATION OF EXERCISING AUTHORITY.—The Secretary should immediately consider whether exercise of his authority to revoke

the Concorde exemption would be an appropriate and effective response to the present unsatisfactory situation.

(c) CONSIDERATION OF OTHER REMEDIES.—The Secretary should immediately consider whether it would be effective and appropriate to execute other remedies available to the United States Government, including—

(1) revoking all slots and slot exemptions held by British air carriers at all United States slot-restricted airports;

(2) rescinding current exemptions or permits under the Bermuda II bilateral to prohibit flights by British carriers to the United States; or

(3) renunciation of the current Bermuda II bilateral.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Parks Air Tour Management Act of 2000''.

SEC. 802. FINDINGS.

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 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, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 (as amended by section 706(a) of this Act) is further amended by adding at the end the following:

''§ 40128. 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 applicable air tour management plan for the park or 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 the park or tribal lands.

''(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the 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 operations over the 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 person submitting the proposal or pilots employed by the person;

''(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

''(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

''(iv) the financial capability of the person submitting the proposal;

''(v) any training programs for pilots provided by the person submitting the proposal; and

''(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

''(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations 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 operators, and the financial viability of each commercial air tour operation.

''(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall 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 make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

''(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

''(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the title 14, Code of Federal Regulations if—

''(A) such activity is permitted under part 119 of such title;

''(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 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 apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. 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. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

''(b) AIR TOUR MANAGEMENT PLANS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

''(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 tour operations upon the natural and cultural resources, 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 tour operations 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 tour operations if the plan includes a limitation on the number of commercial air tour operations for any time period; and

''(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

''(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

''(A) hold at least one public meeting with interested parties to develop the air tour management plan;

''(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 the regulations, the Federal Aviation Administration shall be 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 a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C).

''(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

''(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments 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 subsection to a commercial air tour operator for commercial air tour operations over 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 the commercial air tour operations within the 12-month period prior to the date of enactment of this section; or

''(ii) the average number of flights per 12-month period used by the operator to provide such operations 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 commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an 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 the park or tribal lands;

''(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

''(G) shall promote safe commercial air tour operations;

''(H) shall promote the adoption of quiet technology, as appropriate; and

''(I) shall allow for modifications of the interim operating authority 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 or tribal lands 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 tour operations over the park or 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 the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the 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 this section.

''(d) EXEMPTIONS.—This section shall not apply to—

''(1) the Grand Canyon National Park; or

''(2) tribal lands within or abutting the Grand Canyon National Park.

''(e) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

''(2) 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 tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

''(3) 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 or tribal lands; and

''(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

''(4) COMMERCIAL AIR TOUR OPERATION.—

''(A) IN GENERAL.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

''(i) 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); or

''(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

''(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation for purposes of this section, the Administrator may consider—

''(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

''(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

''(iii) the area of operation;

''(iv) the frequency of flights conducted by the person offering the flight;

''(v) the route of flight;

''(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

''(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

''(viii) any other factors that the Administrator and the Director consider appropriate.

''(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

''(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 (as amended by section 706(b) of this Act) is further amended by adding at the end the following:

''40128. Overflights of national parks.''.

(c) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(1) regulations issued by the Secretary of Transportation and the Administrator under section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note), and

(2) 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.

SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.

(a) QUIET TECHNOLOGY REQUIREMENTS.—Within 12 months after the date of enactment of this Act, the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section. If the Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation.

(b) ROUTES OR CORRIDORS.—In consultation with the Director and the advisory group established under section 805, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations (as defined in section 40126(e)(4) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(1) tours of the Grand Canyon originating in Clark County, Nevada; and

(2) ''local loop'' tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona,

provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.

(c) OPERATIONAL CAPS.—Commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

(d) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour operation 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 subsection (a), or is subsequently modified to meet the requirements designated under subsection (a), may be used for commercial air tour operations under the same terms and conditions as a replacement aircraft under subsection (c) without regard to whether it replaces an existing aircraft.

(e) MANDATE TO RESTORE NATURAL QUIET.—Nothing in this Act shall be construed to relieve or diminish—

(1) the statutory mandate imposed upon the Secretary of the Interior and the Administrator of the Federal Aviation Administration under Public Law 100–91 (16 U.S.C. 1a–1 note) to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park; and

(2) the obligations of the Secretary and the Administrator to promulgate forthwith regulations to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park.

SEC. 805. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations 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 (or the designee of the Administrator) and the Director (or the designee of 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 and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, 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) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

(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, 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.

SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPERATIONS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour operation may be conducted 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.

SEC. 807. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation 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 any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 809. ALASKA EXEMPTION.

The provisions of this title and section 40128 of title 49, United States Code, as added by section 803(a), do not apply to any land or waters located in Alaska.

TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) 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 a semicolon; and

(3) by adding at the end the following:

''(6) for fiscal year 2000, $224,000,000, including—

''(A) $17,269,000 for system development and infrastructure projects and activities;

''(B) $33,042,500 for capacity and air traffic management technology projects and activities;

''(C) $11,265,400 for communications, navigation, and surveillance projects and activities;

''(D) $19,300,000 for weather projects and activities;

''(E) $6,358,200 for airport technology projects and activities;

''(F) $44,457,000 for aircraft safety technology projects and activities;

''(G) $53,218,000 for system security technology projects and activities;

''(H) $26,207,000 for human factors and aviation medicine projects and activities;

''(I) $3,481,000 for environment and energy projects and activities; and

''(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h);

''(7) for fiscal year 2001, $237,000,000; and

''(8) for fiscal year 2002, $249,000,000.''.

SEC. 902. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.

(a) IN GENERAL.—Section 44501(c) amended—

(1) in paragraph (2)(B)—

(A) by striking ''and'' at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

''(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;''

(C) by striking the period at the end of clause (v) (as so redesignated) and inserting in lieu thereof ''; and''; and

(D) by adding at the end the following:

''(vi) 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.'' after ''effect for the prior fiscal year.''.

(b) REQUIREMENT.—Not later than October 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. 903. INTERNET AVAILABILITY OF INFORMATION.

The Administrator 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. 904. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of is amended by inserting '', including nonstructural aircraft systems,'' after ''life of aircraft''.

SEC. 905. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator 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 pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 906. EVALUATION OF RESEARCH FUNDING TECHNIQUES.

(a) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences and representatives of airports, shall evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program to the research needs of airports.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the evaluation conducted under this section.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 1998'' and inserting ''October 1, 2003''; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: ''or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act, Public Law 106–59, or the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century''.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

''(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund

on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

''(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.''.

And the Senate agree to the same.

BUD SHUSTER,
DON YOUNG,
THOMAS E. PETRI,
JOHN J. DUNCAN, Jr.,
THOMAS W. EWING,
STEPHEN HORN,
JACK QUINN,
VERNON J. EHLERS,
CHARLES F. BASS,
EDWARD A. PEASE,
JOHN E. SWEENEY,
JAMES L. OBERSTAR,
NICK RAHALL,
WILLIAM O. LIPINSKI,
PETER DEFAZIO,
JERRY F. COSTELLO,
PAT DANNER,
EDDIE BERNICE JOHNSON,
JUANITA MILLENDER-MCDONALD,

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
CHARLES B. RANGEL,

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

CONNIE MORELLA,
RALPH M. HALL,

Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

TED STEVENS,
CONRAD BURNS,
SLADE GORTON,
TRENT LOTT,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,

From the Committee on the Budget:

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
KENT CONRAD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

House Bill

Section 1: Aviation Investment and Reform Act for the 21st Century

Senate Amendment

Section 1(a): Air Transportation Improvement Act.

Conference Substitute

Section 1: Wendell H. Ford Aviation Investment and Reform Act for the 21st Century

2. LENGTH OF AUTHORIZATION

House Bill

The remainder of 1999 plus 5 years.

Senate Amendment

The rest of 1999 plus 2000, 2001, 2002.

Conference Substitute

Except for research title, the length of the authorization is 4 years—2000 through 2003.

3. AIP AUTHORIZATION

House Bill

Section 101: $2.41 billion in FY 99, $2.475 billion in FY 2000, $4 billion in 2001, $4.1 billion in 2002, $4.25 billion in 2003, $4.35 billion in 2004. Amends section 47104(c) in order to continue program.

Senate Amendment

Section 103: FY2000–$2.475 billion, FY2001–$2.410 billion, FY2002–$2.410 billion.

Also amends sections 47104(c) to allow DOT to make grants.

Conference Substitute

Section 101 of the conference substitute: $2.475 in 2000, $3.2 billion in 2001 increasing $100 million each year thereafter. Amends section 47104(c). Subsection (c) allows the FAA's operations account to be reimbursed from the AIP program for money spent to operate the airport office.

4. F & E AUTHORIZATION

House Bill

Section 102: Such sums as may be necessary in fiscal year 2000. $2.5 billion in fiscal year 2001. $3 billion in fiscal year 2002. $3 billion in fiscal year 2003. $3 billion in fiscal year 2004.

Senate Amendment

Section 102: FY1999–$2.131 billion, FY2000–$2.689 billion, FY2001–$2.799 billion, FY2002–$2.914 billion. Requires the establishment of life cycle cost estimates of ATC modernization projects where life cycle cost estimate equals or exceeds $50 million.

Conference Substitute

Section 102: Senate amounts in 2000, $2.66 billion in 2001, $2.914 billion in 2002, and $2.981 billion in 2003.

Section 102(e): Life cycle cost estimates from Senate bill.

The managers do not intend that the amounts authorized for fiscal year 2001 through 2003 by section 48101 of Title 49 be used for any programs, projects, or activities that were funded in fiscal year 2000 solely in accounts other than the Facilities and Equipment Account (Treasury identification number 69–8107–0–7–402.

5. UNIVERSAL ACCESS SYSTEMS (UAS)

House Bill

Section 102(b): Authorizes $8 million for the voluntary purchase and installation of UAS.

Senate Amendment

No Provision.

Conference Substitute

Section 102(b). Same as House bill. FAA is directed to work with organizations representing airports and airline pilots to rapidly deploy the continuously-updated data needed on approved flight crew members that will allow universal access systems to properly operate. Existing systems that currently deliver data and other information to airport computer systems should be used if they will achieve rapid deployment and provide the best cost, benefit, and security of standard data. The FAA should partner with industry to develop the universal data and standards needed to make such security systems quickly available, and utilize digital networks that are designed for airport sponsors and therefore maximize the incentives to deploy universal security systems on a voluntary basis.

6. ALASKA NATIONAL AIRSPACE INTER-FACILITY COMMUNICATIONS SYSTEM (ANICS)

House Bill

Section 102(c): Authorizes $7.2 million from the F&E account for this system.

ANICS is an Air Traffic Satellite Network that provides a state-of-the-art-inter-facility communications system for the Federal Aviation Administration (FAA) Alaska region. The network consists of four hub earth stations and up to 160 remote sites located throughout Alaska. Capable of providing critical air traffic control and safety in one of the harshest environments on earth, ANICS replaces an aging legacy system that is expensive to operate, limited in range, subject to failure, and lacking an existing backup.

Senate Amendment

No Provision.

Conference Substitute

Section 102(c). Same as House bill.

7. AUTOMATED SURFACE OBSERVATION SYSTEM & AUTOMATED WEATHER OBSERVING SYSTEM

House Bill

Section 102(d): Authorizes such sums as may be necessary from the F&E account for upgrades to these systems if the upgrade is successfully demonstrated.

Section 740: Directs FAA to contract with National Academy of Sciences (NAS) to study the effectiveness of automated weather forecasting systems at flight service stations where there is no human weather observer.

Senate Amendment

Section 106: Prohibits FAA from terminating human weather observers for ASOS stations until 60 days after DOT determines that the system provides consistent reporting of changing weather and notifies Congress in writing of that determination.

Section 446: Authorizes such sums as may be necessary out of F&E account for upgrades to AWOS/ASOS systems, if the upgrade is successfully demonstrated.

No provision on NAS study.

Conference Substitute

Sections 102(d) and 728: Senate.

8. FAA OPERATIONS AUTHORIZATION

House Bill

Section 103: Authorizes such sums as may be necessary in 2000. $6.45 billion in fiscal year 2001. $6.886 billion in fiscal year 2002. $7.357 billion in fiscal year 2003. $7.86 billion in fiscal year 2004.

Senate Amendment

Section 101: FY1999—$5.632 billion, FY2000—$5.784 billion, at least $9.1 million of which shall be used to support air safety efforts through payment of U.S. membership

obligations. FY2001—$6.073 billion. FY2002—$6.377 billion.

Conference Substitute

Section 103: $6.6 billion in 2001 and the House Operations authorization levels in subsequent years with Senate $9.1 million payment for ICAO from Senate bill.

9. WILDLIFE HAZARD MITIGATION

House Bill

Section 103(a)(2)(A): Authorizes $450,000 per year from the Operations account for wildlife hazard mitigation measures and management of FAA wildlife strike database.

Senate Amendment

Section 101: Same provision.

Conference Substitute

Section 103(a): House & Senate.

10. UNIVERSITY CONSORTIUM

House Bill

Authorizes $2 million per year from the operations account for a university consortium to provide an air safety and security certificate management program except that the money may not be used to construct a building and must be awarded competitively.

Senate Amendment

Section 101: Authorizes $9.1 million for 3 fiscal years (starting with FY2000) for the same purpose and with the same restrictions.

Conference Substitute

Section 103(a): Senate provision, beginning in 2001.

11. GENERAL AVIATION & TILT-ROTOR AIRCRAFT

House Bill

Section 103(a)(3): Subparagraph (B) authorizes a general aviation and vertical flight office in FAA. Subparagraph (C) authorizes such sums to revise air traffic control procedures to accommodate tilt-rotor aircraft.

Senate Amendment

No Provision.

Conference Substitute

Section 103(a): Revise subparagraph (B) of House bill, now Subparagraph (C), to read: Such sums as may be necessary to support infrastructure systems development for both general aviation and the vertical flight industry. Section 103(a): House Subparagraph (C).

12. RUNWAY INCURSIONS

House Bill

Section 103(a)(2)(E): Authorizes $3 million per year to implement the 1998 airport surface operations safety plan.

Section 121 makes runway incursion prevention devices eligible for AIP grants and directs that these devices be considered safety devices for the purposes of funding priorities.

Senate Amendment

Section 205(m): Specifies that ''integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices'' are considered safety devices for purposes of airport development, making them AIP eligible.

Conference Substitute

Section 103(a): House provision but authorizes $3.3 million in 2000 & $3 million thereafter.

Section 121: Runway incursion devices as in House and Senate bills.

13. EMERGENCY MEDICAL SERVICE (EMS)

House Bill

Section 103(a)(2)(D): Authorizes such sums as may be necessary for a helicopter infrastructure to accommodate EMS flights to hospitals.

Senate Amendment

No Provision.

Conference Substitute

Section 103(a). Same as House bill.

14. AIR CARGO SECURITY

House Bill

Section 103(a): Authorizes such sums as may be necessary to hire additional inspectors to enhance air cargo security.

Senate Amendment

No provision.

Conference Substitute

House.

15. SECURITY SCREENERS

House Bill

Section 103(a)(2)(G): Authorizes such sums as may be necessary to develop or improve training programs for security screeners at airports.

Senate Amendment

No provision.

Conference Substitute

Section 103(a): House bill but with revised language.

16. OFFICE OF AIRLINE INFORMATION

House bill

Section 103(d): Authorizes $4 million per year from the Trust fund beginning in fiscal year 2001 to fund the Office of Airline Information in DOT's Bureau of Transportation Statistics.

Senate Amendment

No provision.

Conference Substitute

Section 103(b): House.

17. FLOOR AND CAP ON AIP DISCRETIONARY FUND

House Bill

Section 104(a): Eliminates cap on discretionary fund. Floor would be the amount needed to ensure letters of intent are funded.

Senate Amendment

Section 201: Eliminates $300 mil cap on discretionary fund.

Conference Substitute

No provision. The cap on the discretionary fund was eliminated by section 5 of Public Law 106–6, 113 Stat. 10.

18. ENTITLEMENT FORMULA

House Bill

Section 104(b): Beginning in fiscal year 2001, triples primary airport entitlement, triples the $500,000 minimum entitlement, and eliminates the $22 million entitlement cap.

Senate Amendment

Section 205(i): Increases the minimum entitlement from $500,000 to $650,000 beginning in FY2000.

Conference Substitute

Section 104: In any fiscal year in which the amounts actually available for AIP are at least $3.2 billion, the minimum entitlement for primary airports is increased to $1 million, all other entitlements for primary airports are doubled and the primary airport entitlement cap is raised to $26 million. If the amount actually made available for AIP were less than $3.2 billion, the Senate provision (increasing the minimum entitlement to $650,000) would apply, for that fiscal year.

19. ENTITLEMENT FOR PRIMARY AIRPORTS THAT HAD EXPERIENCED A TEMPORARY BUT SIGNIFICANT INTERRUPTION IN AIR SERVICE

House Bill

Section 104(b)(2): FAA shall allow these primary airports to get their previous year entitlement if the interruption in air service there caused passenger traffic to fall below 10,000.

Senate Amendment

Section 205(k): Similar provision. Uses ''may'' rather than ''shall.'' Interruptions due to ''an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.''

Conference Substitute

Senate.

20. ENTITLEMENT FOR NEW AIRPORTS

House Bill

Section 104(b)(2): Allows new primary airports to get at least the minimum entitlement.

Senate Amendment

No provision.

Conference Substitute

House. Section 104(a).

21. CARGO AIRPORTS

House Bill

Section 104(c): Increases the cargo airport entitlement from 2.5% to 3% of AIP.

Senate Amendment

Section 205(j): Same entitlement increase. Removes the 8-percent limitation on the amount that any one airport can receive from the cargo apportionment.

Conference Substitute

Section 104(b): Senate except the 8% limitation is removed only in years when the amount available for AIP is at least $3.2 billion.

22. STATE ENTITLEMENT

House Bill

Section 104(d): Increased from 18.5% to 20% beginning in fiscal year 2001 with corresponding changes in the portion going to the territories and possessions. Provides an annual entitlement for each general aviation that is equal to ⅕ of the 5-year cost estimate for airport improvements for that airport as listed in the NPIAS, to a maximum of $200,000 per year.

Senate Amendment

No provision.

Conference Substitute

Section 104(c): No change in existing law except in those years when the amount available for AIP is at least $3.2 billion. In those cases, the House entitlement provision is adopted but the maximum entitlement for general aviation airports is reduced to $150,000.

23. ALASKA, PUERTO RICO, HAWAII

House Bill

Section 104(e): Allows state entitlement money to be used at any public airport in those states, not just general aviation airports.

Senate Amendment

Section 205(a): Same provision.

Conference Substitute

Section 104(c). House and Senate.

24. AIRFIELD PAVEMENT

House Bill

Section 104(g): Allows the use of State highway construction standards for airfield pavement at non-primary airports served by small aircraft (less than 60,000 pounds gross weight) is that will not adversely affect safety or the life of the pavement.

Section 124: Makes pavement maintenance at general aviation and small commercial service airports eligible for AIP grants.

Senate Amendment

Section 205(l): Similar provision except limited to airports with runways that are 5,000 feet or less. An airport taking advantage of this provision cannot apply for AIP funds for runway rehab or reconstruction for 10 years.

Senate section 1306: Directs FAA to consider awards to non-profit research foundations to study airfield pavement.

Conference Substitute

Section 104(c): Senate section 205 but allow an airport taking advantage of this provision to apply and receive an AIP grant if the FAA determines the rehabilitation or reconstruction is necessary for safety.

Section 123: Adopts House section 124.

Section 905: Adopts Senate section 1306.

25. PLANNING

House Bill

Section 104(f): Allows state entitlement money to be used for system planning.

Senate Amendment

No provision.

Conference Substitute

Section 104(c): House.

26. ALASKA

House Bill

Section 104(i): is similar to section 205(b) of the Senate bill and section 104(j) is similar to section 205(c) of the Senate bill. Both make technical changes suggested by FAA. Also, triples the Alaska AIP supplemental entitlement.

Senate Amendment

Section 205(b): In addition to entitlements and state apportionment, clarifies that Alaska is entitled to a ''supplemental'' apportionment (vs. alternative), available to all airports.

Section 205(c): Removes requirement that FAA can't make a grant to an Alaska airport that exceeds 110 percent of the Alaska supplemental apportionment in a given year.

Section 408(d): Permits 12 acres at Lake Minchumina, Alaska to be conveyed to Iditarod Area School District.

Conference Substitute

Section 104(c) and (d): House & Senate.

Section 104(d): Doubles the Alaska supplemental entitlement if the amount available under section 48103 for AIP is at least $3.2 billion.

Section 754: Adopts Senate section 408(d).

27. NOISE

House Bill

Section 104(h): Increases noise set-aside from 31% to 34% of the discretionary fund. Makes noise mitigation projects approved in an environmental record of decision eligible for AIP grants.

Section 157: Allows FAA to make AIP grants for noise abatement even if the noise is caused primarily by military aircraft.

Senate Amendment

Section 204: Increases noise set-aside from the discretionary fund to 35%.

Section 212: If any discretionary money is left over at the end of the year, it could be used for noise abatement activities.

Section 461: Requires EPA study of aircraft noise, to include recommendations for new noise mitigation efforts in communities around airports. Sec. 1103 requires similar study by GAO.

Section 506(e)(2): Requires DOT report 3 years following the use of the first of the new 30 slot exemptions at O'Hare on impact of additional slot exemptions on safety, environment, noise, access to underserved markets, and competition at O'Hare.

Section 506(f)(1): Requires DOT to assess impact of DCA slot exemptions on safety, noise levels, and the environment, to include an environmental assessment with a public meeting.

Section 506(f)(3): For MWAA to get an AIP grant, it must submit written assurance that at least 10 percent of its grants will be used for eligible noise compatibility planning and programs (as long as funds aren't diverted from high priority safety projects). DOT may waive if MWAA in compliance with Part 150 program. Sunsets in 5 years if MWAA in compliance with Part 150 program.

Section 506(f)(4): DOT required to certify biannually that at DCA, noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to small and medium hubs within perimeter have been maintained at appropriate levels.

Section 506(g): Priority for noise set-aside funds given to projects at and around LaGuardia, JFK and DCA.

Section 506(f): Requires DOT study on community noise levels around 4 high density airports, comparing pre-1991 noise levels to noise levels when all Stage 3 requirements are in effect.

Section 1101: DOT required to collect and publish air carrier information regarding carrier's operating practices that encourage pilots to follow FAA guidelines on noise abatement.

Section 1102: Requires GAO report on FAA aircraft engine noise assessment, including recommendations on new measures for FAA to ensure consistent measurement of aircraft engine noise.

Section 1503: Requires DOT study and report to Congress on aspects of transition to Stage 4 noise requirement.

Conference Substitute

Section 104(e): Increases noise set-aside to 34 percent.

Section 154 of conference substitute adopts section 157 from House bill.

Section 745: In lieu of sections 461 and 1103 of the Senate bill, directs GAO to do a study that encompasses the items requested by the House in a letter to GAO on 4/30/99 as well as the items listed in section 461(b) and the second sentence of 1103(a). Study due in one year.

Section 231(e)–(g): Adopts several noise related provisions from the Senate bill involving the four high-density airports.

28. GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER (GAMAR) AIRPORT GRANT FUND

House Bill

No provision.

Senate Amendment

Section 460: DOT required to set up a new apportionment category and set aside 5 percent of AIP grant funds for general aviation metropolitan access and reliever airports, which are defined as airports with annual operations exceeding 75,000, 5,000-feet runways, precision instrument landing procedure, a minimum of 150 based aircraft, and where the air carrier airports experiences at least 20,000 hours of annual delays. The apportionment is distributed to states on a pro rata basis, according to the number of operations at its GAMAR airports.

Conference Substitute

Section 104(f): Set aside two-thirds of 1 percent of the discretionary fund for reliever airports if AIP is at least $3.2 billion in a year. The reliever airports that qualify are the same as those specified in the Senate bill except the minimum number of based aircraft is to be determined by the FAA rather than set at 150 as specified in the Senate bill.

29. REPROGRAMMING

House Bill

No provision.

Seante Amendment

Section 104: DOT shall submit explanation of proposed reprogramming to authorizing Committees when required to submit them to Appropriations Committees.

Conference Substitute

Section 105(a): Senate.

30. BUDGET SUBMISSION

House Bill

Section 106: FAA shall submit its annual budget estimates to the authorizing Committees at the same time it submits them to the Appropriations Committees.

Senate Amendment

Section 906: Requires DOT to submit the FAA-prepared budget request to the President, who then transmits it unchanged to the House and Senate authorizing and appropriating committees, along with the President's own annual budget request for the FAA.

Conference Substitute

No provision as this is already covered by section 48109. However, the Managers expect the submission under that section to include the line item justification called for in the Senate bill.

31. AIP ELIGIBLE ITEMS

House Bill

Sections 122 & 124: Makes emergency call boxes, universal access systems, pavement maintenance at non-primary airports, closed circuit weather surveillance equipment, and windshear detection equipment eligible to be paid for with AIP funds. Directs that the runway incursion prevention devices be considered safety devices for the purposes of funding priorities.

Senate Amendment

No provision.

Conference Substitute

Sections 121, 122 of Conference Substitute: House section 122 to the extent these items are certificated or approved by the FAA, Makes FAA-approved stainless steel adjustable lighting extensions AIP eligible.

Section 139 adds a provision permitting the establishment of a pilot program under which design-build contracts may be used at airports.

If certified by the Administrator, the Conferees urge the Administrator to evaluate the effectiveness of the Light Detection and Ranging Technology (LIDAR) which measures windshear.

The Conferees recognize that airports experience considerable runway downtime during new construction and runway maintenance projects; the Conferees urge the Administrator to evaluate whether or not utilizing stainless steel adjustable lighting-extensions is effective and if it will minimize runway shutdowns.

32. ENHANCED VISION TECHNOLOGIES

House Bill

Section 123: Mandates a FAA study of laser, ultraviolet, infrared, and cold cathode technologies within 180 days. Makes them eligible for AIP funds. Requires FAA to transmit to Congress a certification schedule for them within 180 days.

Senate Amendment

No provision.

Conference Substitute

Section 124: House but with revised language.

33. CONVEYANCES OF AIRPORT PROPERTY

House Bill

Section 136: Gives airports priority for receiving surplus government property. Requires public notice and comment before FAA waives restrictions on the use of airport property. Decision must be published in Federal Register and interests of users must be taken into account. Also changes references to ''gifts''.

Senate Amendment

Section 205(h)(1): Similar provision. Also changes references to ''gifts''.

Section 208: Requires 30 days notice before FAA waives an assurance that property will be used for aeronautical purposes.

Section 408. Rewrites section 47125(a). Authorizes the FAA to waive deed restrictions

on airport property if the property is not needed for airport purposes, the property will be used solely to generate revenue for the airport, the FAA gives 30 days notice to the original owner of the property, provides public notice, justifies the release, and determines that it will benefit civil aviation.

Conference Substitute

Section 125: Adopts section 208 of the Senate bill insofar as it requires notice to the public 30 days in advance and is effective for any waiver issued on or after the date of enactment. The provision is extended to cover FAA actions under section 47125 or 47153 of Title 49. After the FAA gives notice under this section, it should consider any comments it receives.

Section 135(d) & Section 136: House & Senate on priority for receiving surplus property and on references to gifts. This section does not apply to surplus property transfers covered by the BRAC process based on advice from the FAA that current law excludes them.

Section 749 & 750: In lieu of section 408 of the Senate bill, adopt two specific deed restriction removals, one for Pinal and the other for Yavapai, both in Arizona.

34. MATCHING SHARE

House Bill

Section 126: Allows for a Federal share of less than 90% at general aviation airports receiving grants under the state block grant program.

Allows for a Federal share of 100% at general aviation and non-hub airports in the first year (FY 2001) that the higher funding levels are in effect.

Senate Amendment

Section 203: Allows for a Federal share of less than 90% at any general aviation airport.

Conference Substitute

Section 126: House with respect to its provision on the 90% Federal share.

35. LETTERS OF INTENT (LOIS)

House Bill

Section 127. The requirement that the project must significantly enhance system capacity is limited to LOIs for medium or large hub airports.

Makes clear that an airport need not impose a PFC in order to get a letter of intent.

Senate Amendment

Section 434: Makes clear that an airport need not impose a PFC in order to obtain an LOI.

Conference Substitute

Section 127: House.

36. SMALL AIRPORT FUND SET-ASIDE

House Bill

Section 128: Sets aside $15 million or 20%, whichever is less, of the non-hub portion of the small airport fund to help these airports meet the new small airport certification standards. This set-aside lasts 5 years unless FAA determines that all airports have met the certification standards.

Senate Amendment

No provision.

Conference Substitute

Section 128(a): House.

37. NOTIFICATION OF SOURCE OF GRANT

House Bill

Section 128(b): Requires airports receiving grants from the small airport fund to be notified that that is the source of the grant.

Senate Bill

No provision.

Conference Substitute

House. Section 128(b)

38. TURBINE POWERED AIRCRAFT

House Bill

Section 128(c): In making grants from the general aviation airport portion of the small airport fund, the FAA shall give priority to projects that support operations by jet aircraft as long as the local share will be at least 40%.

Senate Amendment

Section 205(n): Same provision.

Conference Substitute

Section 128(c): House and Senate.

39. DISCRETIONARY USE OF UNUSED ENTITLEMENTS

House Bill

Section 129: In situations where an airport cannot use its entitlement funds during the current fiscal year, this section specifies how long the funds are available and changes the current law so that the FAA does not have to have additional contract authority available at all times to cover the carry-over entitlement amount.

Senate Amendment

No provision.

Conference Substitute

Section 129: House. The purpose of this provision is to allow the temporary conversion of unused AIP entitlement money as discretionary money, whether or not, at the time of the conversion, the AIP program has already been authorized for the following fiscal year.

Paragraph (1) states that if FAA learns that an airport will not use its entitlement money in the current fiscal year, FAA may make a discretionary AIP grant to any other airport. In effect, this permits a temporary conversion of entitlement money into discretionary money.

Paragraph (2)(A) provides that if FAA makes a discretionary grant under paragraph (1), and the current fiscal year is the last year of availability of the converted entitlement (i.e., the 3rd or 4th year of the term of availability under §47117(b)), the original airport will lose that entitlement money. That is, the conversion does not extend the entitlement term. However, if the current fiscal year is not the last year of that entitlement, the airport will get that entitlement money back, when funds become available under an authorization.

Paragraph (2)(B) determines how long that entitlement will remain in effect. If the restored entitlement money becomes available (under an authorization) in the same fiscal year as the fiscal year in which the conversion occurred, or in the following fiscal year, there is no change to the entitlement term. That is, it remains available to the original airport for a total of three or four fiscal years, as provided in 49 USC 47117(b). But if the money does not become available (under an authorization) until a still later fiscal year, then the original entitlement term is extended by the number of complete fiscal years during which there was no money, that is, the number of complete fiscal years in the authorization lapse.

Paragraph 3(A) provides that when new money is provided under a reauthorization and this new money is used to restore an entitlement, the amount that can be used for new discretionary grants is reduced by that amount. This is to reflect the fact that prior discretionary grants have already been made using that amount.

Paragraph 3(B) allows an amount that has been restored to an entitlement to be used again for a discretionary grant if the airport associated with the entitlement is still not ready to use the entitlement money.

Paragraph (4) provides that these provisions do not create grant authority above that made available under section 48103.

40. MILITARY AIRPORTS

House Bill

Section 130: Increases number of military airports from 12 to 15 in 2000 and to 20 thereafter. Requires that at least one be a general aviation airport in 2000 and at least three thereafter. Allows subsequent designation periods to be less than 5 years. Increases the amount that can be spent on terminal buildings from $5 million to $7 million. Adds air cargo terminals of less than 50,000 square feet to the section on eligibility of hangars and increases the amount they are eligible to receive from $4 million to $7 million.

Section 104(h): makes technical change in military airport program.

Senate Amendment

Section 438: Increases number of military airports eligible for grants from 12 to 15. Allows subsequent designation periods to be shorter than 5 years.

Section 453: Increases number of military airports eligible for grants from 12 to 15. Allows at least one to be a general aviation airport.

Conference Substitute

Section 130: House but limited to 15 airports, only one of which may be a general aviation airport. Makes clear that joint use airports are eligible by inserting ''the airport is used jointly by military and civil aircraft'' at the beginning of paragraph (a)(2) of section 47118 of Title 49. Also, makes the designation of the general aviation airport permissive by changing ''shall'' to ''may'' in the subsection on designation of general aviation airport.

41. CONTRACT TOWER PROGRAM

House Bill

Section 131: Expands the current program by requiring the establishment of a program to contract for air traffic control services at Level I towers that would not otherwise qualify for the contract tower program. Lists factors to be used in choosing towers for participation including that the benefit to cost ratio is at least .85 and that the tower is at an airport where air service is subsidized under the essential air service (EAS) program. Requires participating airports to share in the cost. Authorizes $6 million per year from the FAA's Operations account under section 106(k) of Title 49 for this program.

Senate Amendment

Section 213: Establishes a pilot program to contract for air traffic control services at Level 1 towers that would otherwise not qualify for the contract tower program. Lists different factors for participation including that the benefit to cost ratio is at least 0.5. Allows up to $1.1 million for tower construction at not more than 2 airports. Authorizes $6 million per fiscal year.

Conference Substitute

Section 131: Adopts 0.5 standard from Senate bill. Adopts essential air service provision from House bill.

Takes the money from section 106(k) as in the House bill.

Authorizes grants of not more than $1.1 million each to two airports for tower construction. These grants would have to come from the airports passenger entitlement. The Federal share would be limited to 75% of the cost of construction.

42. INNOVATIVE FINANCING

House Bill

Section 132. Permits Secretary to approve 25 innovative financing projects at small hubs or non-hubs limited to the following types of projects:

(1) payment of interest.

(2) commercial bond insurance.

(3) flexible non-federal share.

These cannot give rise to a direct or indirect guarantee of any airport debt.

Senate Amendment

Section 202: Similar provision.

Limited to 20 projects but not limited to only small hubs and non-hubs. Includes, but is not limited to the three types of projects in the House bill.

Conference Substitute

Section 132: House bill limited to 20 projects. A fourth type of project is added. It would allow entitlement funds to be used to pay off debt incurred before the date of enactment on a terminal development project.

43. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM

House Bill

Section 134: Directs the Secretary to carry out a pilot program at not more than 10 airports using AIP funds to pay for the construction of facilities needed by low-emission vehicles, the additional cost of purchasing a low emission vehicle, and the acquisition of equipment needed for the use of such vehicles. Specifies the type of airports that would qualify and the criteria to be used in selecting them. Allows a participating airport to use 10% of its funds for technical assistance. The Federal share is 50%. No airport may receive more than $2 million. A report to Congress is required within 18 months.

Senate Amendment

Section 444: Similar provision but if not enough applications in the non-attainment area, projects can be done outside that area. Requires not less than 10% of funds to be used for technical assistance. $500,000 for best practices by a western regional consortium.

Conference Substitute

Section 133: Senate provisions except include the House provision on 10% for technical assistance and delete the $500,000 for the western regional consortium. Add language authorizing the FAA to develop materials for dissemination of best practices obtained from pilot project and other sources for carrying out low-emission vehicle activities.

This provision authorizes a pilot program under which FAA is to issue grants to 10 airports for the acquisition of low emission vehicles and support infrastructure. Unlike other AIP grants, the Federal share is 50%. Grant selection should be targeted to airports submitting plans that would achieve the greatest emissions reductions per dollar of funds provided. Qualifying airports should be located in areas not attaining federal air quality standards. Grants of up to $2 million per airport could be made.

Grants are designed to assist airports in procuring clean vehicles which meet ultra low emission vehicle and Inherently Low Emission Vehicle standards and with building the fueling infrastructure for these vehicles. It is expected that the vehicles will be primarily natural gas or electric. The infrastructure and related equipment eligible for funding is intended to be primarily alternative fuel stations and vehicle charging stations.

44. AIRPORT SECURITY PROGRAM

House Bill

Section 133: Requires Secretary to carry out at least one project to test and evaluate innovative aviation security systems. Specifies who qualifies, which projects get priority, and the Federal share. Authorizes $5 million per year.

Senate Amendment

Section 105: Similar provision.

Conference Substitute

Section 134. Senate provision.

45. PFC WAIVERS

House Bill

Section 135(b): Allows an airport to request that the PFC be waived (A) for passengers enplaned by a class of airlines if the number of enplanements by the airlines in the class constitute less than 1% of the total number of passengers at the airport and (B) for passengers flying to an airport that has less than 2,500 passengers per year and is in a community that has less than 10,000 people and is not connected to the National Highway System.

Senate Amendment

Section 205(g): Similar provision except that (B) makes waiver permissible for passengers flying to an airport that has fewer than 2,500 passengers per year OR is in a community that has fewer than 10,000 people and is not connected to the National Highway System or vehicular way.

Section 205(f): Prohibits PFC on flights or flight segments between 2 or more points in Hawaii.

Conference Substitute

Section 135: Senate with modifications including adding a provision as follows: A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.

46. TERMINAL DEVELOPMENT AT FORMER PRIMARY AIRPORTS

House Bill

Section 135(a): Allows an airport to continue to get grants for terminal development under a multiyear agreement even if it falls below 10,000 annual enplanements.

Senate Amendment

Section 205(d): Allows a primary airport to get grants from discretionary fund according to a multiyear agreement, even if the airport becomes a nonprimary airport.

Conference Substitute

Section 135(c). Senate. Adds a provision providing the same treatment for commercial service airports that become non-commercial service airports.

47. INTERMODAL CONNECTIONS

House Bill

Section 137: Encourages the development of intermodal connections and makes airport construction or the purchase of capital equipment for intermodal connections eligible for AIP grants.

Senate Amendment

No provision.

Conference Substitute

Section 137: House with revised language.

48. STATE BLOCK GRANT PROGRAM

House Bill

Section 138: Increases the number of state block grant states from 9 to 10.

Senate Amendment

No provision.

Conference Substitute

Section 138: House but not effective until October 1, 2001.

49. ELIGIBILITY FOR PFC FUNDING

House Bill

Section 151: Treats the shell of the building and fueling facilities as ''related'' to gates so that the shell and fueling facilities are eligible to be built using PFCs.

Senate Amendment

Section 210: Allows an airport to use passenger facility charges (PFC's) to fund the shell of a terminal building and adjacent fueling if that would enable additional air service to be provided by a carrier that has less than 50% of the passengers at the airport.

Conference Substitute

Section 151: Similar to House and Senate provisions but with revised language.

50. TERMINAL DEVELOPMENT COSTS

House Bill

Section 152: (1) Allows non-hub and small hub airports that carried out terminal development after August 1, 1986 to use PFC money to repay the costs if passenger levels declined 16% between 1989 and 1997.

(2) Allows non-hub and small hub airports that carried out terminal development between the specified dates to use entitlement funds to help pay off the debt incurred for such development.

(3) Directs the Secretary to make the determination of whether an airport is a commercial service airport (for the purpose of eligibility for discretionary grants for terminal development) on the basis of the type of air service and number of passenger in the current year or preceding year, whichever is most beneficial to the airport.

Senate Amendment

No provision.

Conference Substitute

Section 152: Adopts the House on (1) and (3) only. Provision number (2) is addressed in section 132, the innovative financing provision, which is described in item 42 above.

51. ILS INVENTORY

House Bill

Section 153(a): Requires $30 million to be used for instrument landing systems (ILS's) from 2000 to 2002.

Senate Amendment

Section 102(b): Requires that at least $30 million be spent annually out of F&E account to purchase and install ILS's on an expedited basis, fiscal years 1999 through 2002.

Conference Substitute

Section 153 adopts House provision.

52. LORAN—C AND WIDE AREA AUGMENTATION SYSTEM (WAAS)

House Bill

Section 153(b): Requires Loran—C to be maintained and upgraded.

Senate Amendment

Section 410: FAA shall develop WAAS to provide navigation and landing approach capabilities for civilian use. Until FAA certifies that WAAS is a sole means navigation system, backup system must be maintained.

Conference Substitute

No Provision.

53. COMPETITION PLANS

House Bill

Section 125: Beginning in fiscal year 2001, requires medium and large hub airports that are dominated by 1 or 2 airlines to file competition plans before they can get AIP grants or approval for new PFCs.

Senate Amendment

No provision.

Conference Substitute

Section 155: House with revisions. Beginning in 2001, certain airports cannot get approval for a new passenger facility charge (PFC) or receive an AIP grant unless the airport has submitted a competition plan to the Secretary. Lists the contents of that plan. the airports affected by this requirement are

medium and large hub airports at which one or two carriers have more than half of the passenger enplanements. The underlying purpose of the competition plan is for the airport to demonstrate how it will provide for new entrant access and expansion by incumbent carriers. By forcing the airport to consider this, it would be more likely to direct its AIP or PFC money to that end. It is not the Managers intent that the competition plan be challenged in court in order to slow down or stop an airport improvement project. Nor should competition projects take precedence over safety or security ones. However, within the class of non-safety projects, those that would enhance competition should usually be given priority.

54. RURAL AVIATION IMPROVEMENT IN ALASKA

House Bill

No provision.

Senate Amendment

Section 412: (1) When changing its rules affecting intrastate aviation in Alaska, FAA shall consider the extent to which Alaska relies on aviation and shall establish the appropriate regulatory distinctions.

(2) Authorizes $2 million and directs the FAA to install closed circuit weather surveillance equipment at no less than 15 rural Alaskan airports and provides for the dissemination of this information to pilots.

(3) Requires the development and implementation of a ''mike-in-hand'' weather observation program in Alaska under which near real time weather information will be provided to pilots.

(4) Authorizes $4 million for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

Conference Substitute

Section 156: Includes rulemaking directive & ''mike-in-hand'' provisions ((1) and (3)) from the Senate bill.

55. PAVEMENT CONDITIONS REPORT

House Bill

Section 735: Requires a report within 18 months on the impact of alkali Silica reactivity distress on airport runways and taxiways and on ways to mitigate and prevent that distress.

Section 156: Directs FAA to study the use of recycled materials in airport pavement. One year and $1.5 million is provided for the study.

Senate Amendment

Section 211: FAA shall evaluate options for improving the information available on pavement conditions and report to Congress in 12 months.

Section 443: Authorizes FAA study on extent of alkali silica reactivity-induced pavement distress in concrete runways, taxiways and aprons.

Section 1308: Requires DOT study on the applicability of techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program, to the research needs of airports.

Conference Substitute

Section 157 of the Conference substitute adopts House section 156.

Section 160 adopts Senate section 211.

Section 743: House and Senate provisions on Alkali Silica.

Section 906 adopts Senate section 1308 but requires DOT to consult with the National Academy of Sciences and appropriate industry organizations.

56. CONSTRUCTION OF RUNWAYS

House Bill

Section 155: Allows AIP grants for construction of runways notwithstanding any other provision of law.

Senate Amendment

No provision.

Conference Substitute

Section 158 adopts House provision.

57. TIMELY ANNOUNCEMENT OF GRANTS

House Bill

Section 158: Requires DOT to announce AIP grants in a timely fashion after receiving the necessary documents from FAA.

Senate Amendment

No provision.

Conference Substitute

Section 159(a) adopts House provision.

Section 159(b) adds a provision stating that if any Committee of Congress is given advance notice of an AIP grant, House Transportation & Infrastructure Committee and Senate Commerce Committee must get the same notice at the same time.

58. CAPACITY ENHANCEMENTS

House Bill

No provision.

Senate Amendment

Section 206: DOT must report in 9 months on efforts to implement, and time frame for implementation, of capacity enhancements, both technical and procedural, such as precision runway monitoring systems.

Conference Substitute

Section 161 adopts Senate provision.

59. DISCRETIONARY GRANTS

House Bill

No provision.

Senate Amendment

Section 207: FAA should give lower priority to requests for discretionary grants from airports that have used entitlement grants for projects that have a lower priority than the projects for which discretionary funds are sought.

Conference Substitute

Section 162: Senate.

60. PASSENGER FACILITY CHARGE (PFC) INCREASE

House Bill

Section 105: Allows FAA to approve a PFC up to $6 if the higher PFC will pay for a project that will make a significant contribution to safety, security, increased competition, reduced congestion, or reduced noise and that project cannot be expected to be paid for from AIP. Airports can utilize the higher PFC for surface or terminal projects only if the airside needs of the airport are being paid for. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

Entitlement reductions occur in the first fiscal year following the year in which the collection of the PFC began.

Senate Amendment

No provision.

Conference Substitute

Section 105: House but allow FAA to approve a PFC only up to $4.50.

The section also holds harmless an airport that moves from a small hub to medium hub status. It states that such an airport should not receive less in AIP entitlement and PFC revenue as a medium hub that it received in such revenue as a small hub. This could occur because, as a medium hub, it would have to turn back half its entitlement. This provision would reduce the amount of its turn-back to ensure that it does not end up with less money.

Under the law governing passenger facility charges, FAA is directed to prescribe regulations which establish the portion of a FPC which the airlines may retain to reimburse them for their necessary and reasonable expenses in collecting and handling the fees. The law specifically requires that the airline fee be net of any interest accruing to the airline after the collection and before remittance of the fee to the airport. A number of air carriers have communicated to the conferees their views that the cost of collection allowed by current FAA regulations, $.08, is to low. While the Conferees did not evaluate the correctness of these claims, we believe that the airlines should be given the opportunity to demonstrate their correctness in a rulemaking proceeding. As soon as the airline submit the evidence necessary for evaluation of their claim the FAA shall make its final decision within 189 days.

61. POLICY FOR AIR SERVICE TO RURAL AREAS

House Bill

Section 204: Adds to the list of policies—ensuring that consumers in all regions including small communities and rural and remote areas have access to affordable scheduled air service.

Senate Amendment

No provision.

Conference Substitute

Section 201. Adopts section 204 of House bill.

62. WAIVER OF LOCAL CONTRIBUTION

House Bill

Section 203: Permits 2 small communities to receive subsidized essential air service without having to pay a local share.

Senate Amendment

Section 503(c): Similar provision (applies to Dickinson, ND, and Fergus Falls, MN).

Conference Substitute

Section 202: House & Senate.

63. AIR SERVICE DEVELOPMENT PROGRAM

House Bill

Section 202: Provides $25 million in contract authority from the Trust Fund for grants to underserved airports (defined as nonhubs or small hubs with insufficient air service or unreasonably high air fares (more than 19 cents per mile)) to help them market and promote their air service. In making grants priority should be given airports that put up a local share from non-aviation revenue sources.

Senate Amendment

Sections 501–504: DOT shall establish a 4-year program administered by a program director who shall work with communities and carriers, ensure that data is collected, provide an annual report to Congress, select up to 40 communities to participate in an 480 million program to improve air service at small communities. This program is limited to communities where a public-private partnership exists and that are willing to put up at least 25% of the cost. The program director may make grants of not more than $500,000 per year to small communities (no more than 4 in one state) to assist communities improve their air service. The program director also may help ensure that gates are available and facilitate joint fare arrangements. $80 million is authorized for this program.

Conference Substitute

Section 203: Subsection (a) requires DOT to establish a pilot program to help improve air service to airports not receiving sufficient air service. Subsection (b) sets forth the application requirements for a community or group of communities that want to participate in the program. The application should include information justifying the community's need to participate in the program. Subsection (c) describes the criteria for participation. In order to participate, a community must be a non-hub or small hub with insufficient air service or unreasonably high

airfares. The total number of communities or groups of communities that can participate is limited to no more than 4 in any one state and no more than 40 overall. Priority should be given to communities that have high air fares, will provide a local share of the cost, will establish a public-private partner ship to facilitate airline service, and where assistance will provide material benefits to a broad segment of the traveling public. The local share should not come from airport revenues. DOT and the communities are given flexibility as to the types of programs that will best serve to improve service at the local airport. Marketing and promotion of air service is encouraged. Any direct subsidy to an air carrier is limited to 3 years. DOT should designate an official responsible for this program. DOT should take action to ensure that interested communities and Members of Congress are aware of the name and title of the official so designated.

64. EAS PRESERVATION AT DOMINATED HUBS

House Bill

No provision.

Senate Amendment

Section 465: If reliable and competitive EAS service is jeopardized at a large hub where one carrier has more than 50 percent of the annual enplanements, DOT is authorized to require the dominant air carrier to take action to enable the EAS provider to offer reliable and competitive service. Action includes interline agreements, ground services, subleasing of gates.

Conference Substitute

Section 204: Similar to the Senate provision but limited to service to large hubs where one carrier has more than 60 percent of the total annual enplanements.

65. MANDATORY INTERLINING

House Bill

No provision.

Senate Amendment

Section 310: Requires a major airline that interlines with any carrier at a large hub in the 48 States where it (Or another airline) carries 50% of the passengers, to interline within 30 days of a request with carriers offering service to a community in the section 41743 program (air service program for small communities) and that meet certain requirements. DOT must review any agreement and the agreement may be terminated if the other party fails to meet its terms.

Conference Substitute

No provision.

66. DETERMINATION OF DISTANCE FROM HUB AIRPORT

House Bill

Section 205: In making a determination as to whether a community is eligible for essential air service under the distance criteria, DOT shall measure the distance using the most commonly used highway route between the community and the hub airport.

Senate Amendment

No provision.

Conference Substitute

Section 205 adopts House provision with modified language.

67. SENSE OF SENATE, EAS

House Bill

No provision.

Senate Amendment

Section 462: Sense of the Senate that retaining EAS service in small communities is difficult, FAA should consider relieving Dickinson (ND) of its EAS match requirement. Requires DOT report on retaining EAS, to focus on North Dakota.

Conference Substitute

Section 206: Senate.

68. STUDY OF MARKETING PRACTICES

House Bill

No provision.

Senate Amendment

Section 505: With 180 days, DOT shall review the marketing practices of air carriers that may inhibit the availability of air service to small and medium communities. If DOT finds marketing practices that inhibit service, DOT may issue rules to address the problem.

Conference Substitute

Section 207: Senate.

69. AIRLINE MARKETING DISCLOSURE

House Bill.

No provision.

Senate Amendment

Section 430: Requires DOT to issue a rule in 90 days to provide better notice of the actual name of the airline providing the transportation. The Secretary may take into account the proposed rules previously issued.

Conference Substitute

No provision. This issue has already been addressed by a DOT rulemaking at 64 FR 12838, March 15, 1999.

70. E-TICKETS

House Bill

No provision.

Senate Amendment

Section 507: Airlines must notify passengers of the expiration of their electronic tickets.

Conference Substitute

Section 221: Senate. it is the intention of the Manager that oral notice at time of purchase is sufficient notification.

71. AIRLINE CUSTOMER SERVICE

House Bill

No provision.

Senate Amendment

Title XIV: Airline customer service plans to be submitted to DOT. DOT to transmit a copy of each plan to authorizing committees. DOT IG to monitor the implementation of each plan, and evaluate and report on how each airline is living up to its commitment. IG status report due 6/15/00. Final report due 12/31/00. Directs DOT to initiate rulemaking within 30 days of enactment to increase domestic baggage liability limit. Penalty for violations of aviation consumer laws and regulations increased from $1,100 to $2,500 per violation. GAO directed to study ''hidden city'' and ''back-to-back'' ticketing to determine the effect of allowing these practices on consumers and small communities. Authorizes annual appropriations from the trust fund of between $2.3 and $2.6 mil (FY00–FY03) for the DOT to enforce airline consumer protections.

Conference Substitute

Section 222–226: Senate, but don't specify that the money for the DOT consumer office is to come out of the Trust Fund. Also add a reference to section 41705 (preventing discrimination against the handicapped) as one of the responsibilities of the DOT consumer office. The final report due at the end of the year should also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans. DOT's recent action raising the baggage liability limit could satisfy the directive in section 225.

72. AIRLINE QUALITY SERVICE REPORTS

House Bill

No provision.

Senate Amendment

Section 463: DOT required to modify Airline Service Quality Performance Reports (14 CFR Part 234) to disclose more accurately the reasons for air travel delays and cancellations. The categories and reporting requirements to be determined by FAA, in consultation with airline passengers, air carriers, and airport operators.

Conference Substitute

Section 227: Senate but revised to direct the Secretary to modify the airline service quality performance reports required under 14 CFR 234 to more fully disclose to the public the nature and source of delays and cancellations experienced by air travelers. The Secretary is directed to establish a task force within 90 days of the date of enactment of this Acting including FAA officials and representatives of airline consumers and air carriers to develop alternatives and criteria for such change. Such modifications shall include a means for DOT a report, and a requirement that air carriers submit information, on delays and cancellations in categories that reflect the reasons for such delays and cancellations.

73. COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY

House Bill

No provision.

Senate Amendment

Title XII: Commission to study consumer access to information about the products and services of the airline industry, the effect on the marketplace of the emergence of new means of distributing such products and services, the effect on consumers of the declining financial condition of travel agents, and the impediments imposed by the airline industry on distributors. The study shall include policy recommendations to help consumers. Prescribes membership on commission. Initial report 6 months after appointments, commission disbanded 30 days after final report.

Title XVI: Duplicate provision.

Conference Substitute

Section 228: Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effect this will have on consumers, if any, and what, if anything, should be done about it.

74. LOAN GUARANTEES

House Bill

Section 211: Authorizes funding for loan guarantees and other credit instruments for the purchase of regional jets to serve underserved communities.

Senate Amendment

Section 508: Study of such a loan guarantee program within 2 years.

Conference Substitute

Section 210: House.

75. DEREGULATION COMMISSION

House Bill

No provision.

Senate Amendment

Section 454: Establishes a commission to study the impact of airline deregulation on small communities. 15 members, 5 appointed by President (one from rural area), 3 by Senate Majority Leader, 2 by Senate Minority Leader, 3 by House Speaker, and 2 by House Minority Leader. 2 of House appointees from rural area, 2 of Senate appointees from rural area. Appointment 60 days after enactment, 1st meeting within 30 days later. $950,000 authorized for FY 2000. Commission disbanded

90 days after report, which is due 18 months after enactment.

Conference Substitute

No provision.

76. SLOTS IN NEW YORK

House Bill

Section 210(a):

(a) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 70 or fewer seats.

(b) Effective January 1, 2007, slot restrictions are eliminated entirely.

Senate Amendment

Section 506: Eliminates the high density rule (HDR) at LaGuardia and JFK, effective 2007.

Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the ''exceptional circumstances'' criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot exemptions or slots issued for specific-city service, until 2 years after the HDR lifted at LaGuardia and JFK. Doesn't apply if carrier can demonstrate loss on the route to DOT.

Regional jets would be eligible for slot exemptions for service to airports with fewer than two million annual enplanements. In addition, (1) there could be no more than 1 carrier already providing nonstop service to that airport from LaGuardia/JFK; and (2) exemption would only be available for new service in the market (carrier adding a frequency, or upgrading from turboprop to regional jet).

Section 509: DOT to require FAA to provide commercially reasonable times for new entrant/limited incumbent and regional jet slot exemptions granted at LaGuardia and JFK.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: General provisions. DOT must act on slot exemption requests within 60 days. If additional information is requested by DOT, the 60 days is tolled until the information is received. If DOT fails to act within 60 days, the exemption is granted. Exemptions may not be bought, sold, leased, or otherwise transferred. For the purpose of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The limitation in current law allowing the grant of slot exemptions to new entrants only in exceptional circumstances is deleted. The maximum number of slots or slot exemptions that an airline can have and still qualify as a limited incumbent is raised from 12 to 20. Nothing in the slot exemption sections of this bill should be construed as affecting the FAA's authority to act to further its safety mission or air traffic control responsibilities. To the extent that DOT has discretion over the award of slot exemptions, it may consider whether the airline seeking the exemption will be using U.S. manufactured aircraft. This would not apply where the airline is proposing to use a type of aircraft for which there is not a competing U.S. manufacturer.

New York specific provisions. Slot restrictions at New York are eliminated after January 1, 2007. In the interim, DOT is directed to provide exemptions from the slot rules to any airline flying to the two New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up a slot for service to another community. DOT is also directed to grant exemptions to new entrants and limited incumbents for service to New York. Exemptions can be granted only for operations with Stage 3 aircraft. Airlines that have been flying to New York from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route.

77. SLOTS AT CHICAGO

House Bill

Section 201:

(a) Effective immediately, 20 slot exemptions per day shall be granted for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)

(b) Effective immediately, 30 slot exemptions shall be granted for new entrants (those with less than 20 slots).

(c) If within 180 days, there are insufficient applications for the 50 slot exemptions above, the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.

(d) Effective immediately, slots cannot be taken away from a U.S. airline and given to any other airline to provide international service.

(e) Effective on March 1, 2000, slot restrictions are eliminated for international air service and U.S. airlines can convert their international slots to domestic service.

(f) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 80 or fewer seats.

(g) Effective March 1, 2001, slot restrictions are eliminated except between 2:15 p.m. and 8:15 p.m.

(h) Slot restrictions are eliminated entirely on March 1, 2002.

Senate Amendment

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the ''exceptional circumstances'' criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot exemptions or slots issued for specific-city service, until four years after the HDR lifted at O'Hare. Doesn't apply if carrier can demonstrate loss on the route to DOT.

DOT required to grant 30 slot exemptions over a 3-year period. Stage 3 aircraft must be used. 18 exemptions must be used for underserved airports (non-hub or small hub), of which at least 6 shall be used for commuter purposes. 12 exemptions shall be used by air carriers. Before granting the exemptions, DOT must do an environmental review, determine whether capacity is available and can be used safely, give 30 days notice and consult with local officials.

132 slot cap on EAS slots at O'Hare doesn't apply to new slot exemptions made available at O'Hare.

Secton 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: The general provisions described above for New York also apply at Chicago. In addition, slot restrictions at Chicago are eliminated after July 1, 2002. On July 1, 2001, slot restrictions will apply only between 2:45 p.m. and 8:14 p.m. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up one slot for service to another community for every 2 exemptions granted and used. This slot that is freed up by the regional jet replacement must be taken away if the airline drops the regional jet service or replaces it with a prop plane. DOT is also directed to grant 30 exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days. Slots will no longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international service can be converted to domestic use. Airlines that have been flying to Chicago from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route. Exemptions can be granted only for operations with Stage 3 aircraft.

78. SLOTS AND PERIMETER AT REAGAN NATIONAL

House Bill

Section 201(b):

(a) Effective immediately, 6 slot exemptions shall be granted per day for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)

(b) If within 180 days, there are insufficient applications for the 50 slot exemptions above, the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.

Senate Amendment

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

12 slot exemptions shall be granted inside the perimeter to airlines serving medium hub or smaller airports. Exemptions shall be distributed in a manner consistent with the promotion of air transportation by (1) new entrants and limited incumbents, (2) to communities without service to DCA, (3) to small communities, or by (4) providing competitive service on a monopoly route to DCA.

12 perimeter rule/slot exemptions established for service beyond the 1,250-mile perimeter. To qualify, carriers would have to demonstrate that proposed service provides domestic network benefits or increases competition by new entrant air carriers.

Stage 3 aircraft must be used and no more than 2 exemptions per hour can be granted.

Section 456: These new slot exemptions at DCA can't increase operations at DCA between 10:00 p.m. and 7:00 a.m.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: DOT is directed to grant 12 slot exemptions within the perimeter. It is also directed to grant 12 slot exemptions outside the perimeter based on certain specified findings. These slots could go to more than one airline. Stage 3 aircraft must be used. The exemptions must be for flights between 7 a.m. and 10 p.m. There can be no more than 2 additional flights per hour. Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small, or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. Fifteen days are allowed to comment on the requests. After that, 45 days are allowed for DOT to make a decision. Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, under section 41714(h)(5), slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

79. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

House Bill

Section 718: Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also, eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

Senate Amendment

Title X: Eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

Conference Substitute

Section 231(h) and (i) adopt the House and Senate provisions.

80. AIR TRAFFIC CONTROL OVERSIGHT BOARD

House Bill

Section 301 to 303: Establishes a 9-member Board to review and approve FAA's air traffic control (ATC) modernization program (including procurements over $100 million), the appointment of a Chief Operating Officer and senior executives of the ATC system, any ATC reorganization, any cost accounting and financial management structure, the performance of employees, and the ATC budget. The 9 members shall be composed of 6 non-Federal members appointed for 5 years plus the DOT Secretary, the FAA Administrator, and an air traffic employee union head. The Chief Operating Officer would be appointed for a 5-year term.

Section 304. Allows initial appointments to be made by the president, but requires all subsequent appointments to be made by the DOT Secretary.

Senate Amendment

Section 907(c): Chairman of the Management Advisory Council (MAC) to establish an Air Traffic Services Subcommittee to review and comment on: the performance of COO and senior managers within FAA air traffic organization, long range and strategic plans for air traffic services, Administrator's selection and compensation of senior air traffic executives, any major FAA reorganization, FAA cost allocation system and financial management, and performance of managers responsible for major acquisition projects.

Section 906(a): Administrator to appoint COO for a 5-year term. COO is eligible for a 50 percent-of-pay bonus at Administrator's discretion.

Section 907(a), (b): Similar provision on MAC.

Section 908: Secretary may give FAA Administrator a 50 percent-of-pay bonus.

Conference Substitute

Section 301–304: The Management Advisory Council (MAC) is retained. Initial appointments of 10 aviation industry representatives and one union leader will be made by the President and confirmed by the Senate. After that, appointments will be made by the Secretary of Transportation. They are appointed for 3 years except the union leader who is appointed only while head of the union.

There will be five additional members appointed by the Secretary within 3 months of the date of enactment of this Act. These 5 members should represent the public and not have an interest in or be involved in an aviation business. They would have to meet the public interest criteria of the House bill. They should have a background in management, customer service, information technology, organizational development, or labor relations. They are appointed for 5 years and can only be reappointed once. These 5 members will form the Air Traffic Services Subcommittee. This Subcommittee will oversee the air traffic control system. It will be responsible for reviewing and approving certain actions, plans, appointments (including the FAA Administrator's appointment of a Chief Operating Officer), budget requests, salaries, and large contracts. The Subcommittee shall select its Chairman who shall serve a 2-year term. It shall meet at least quarterly and shall file an annual report. If the Subcommittee identifies a problem in the air traffic control system that is not being adequately addressed, it shall report the matter to the FAA Administrator, the MAC, and the Congress. If the Administrator agrees with the report, action shall be taken on it within 60 days. If the Administrator disagrees, a report to that effect must be filed with the president and the Congress. GAO shall report to Congress on whether this new management structure is improving the performance of the air traffic control system.

Neither the Secretary nor the Administrator is on the MAC or the Subcommittee. The union member described in the House bill is on the MAC but not the ATC Subcommittee.

The FAA Administrator appoints a Chief Operating Officer (COO) for a 5-year term with the approval of the Air Traffic Services Subcommittee. The COO reports to the Administrator and can receive the same salary as the Administrator plus a possible 30% performance bonus. This bonus shall be based on how well the COO meets the performance goals that are established by the Administrator and COO in consultation with the Air Traffic Services Subcommittee. Includes COO's authority from Senate bill.

81. AIR TRAFFIC MODERNIZATION PILOT PROGRAM

House Bill

No provision.

Senate Amendment

Section 911: Authorizes a FAA-industry joint venture pilot program to accelerate investment in ATC facilities and equipment. The nonprofit Air Traffic Modernization Association to help airports arrange lease and debt financing of eligible projects. Prescribes an executive panel for the Association. Association can borrow and lend funds, $500 mil total capitalization for FY2000–2002. No single project can exceed $50 mil. Authorizes FAA payments to Association. Allows airports to use Association payments to meet local matching requirements of airport grants. Report to authorizing committees within 3 years of Association's establishment. FAA authorized $1.5 million for its share of Association's organizational and administrative costs.

Conference Substitute

Section 304: Agree to a 10 project pilot cost-sharing program to encourage non-federal investment in air traffic control modernization programs. Limits FAA participation to one-third of project costs and $15 million per project.

82. REGULATORY APPROVAL PROCESS

House Bill

Section 306: Raises from $100 million to $250 million the threshold that would trigger Secretarial review of a FAA regulation. It also limits the type of regulations that would be considered significant enough to justify Secretarial review.

Senate Amendment

No provision.

Conference Substitute

Section 305 adopts House provision.

83. FAILURE TO MEET RULEMAKING DEADLINE

House Bill

Section 308: Requires FAA to notify Congress if it misses the deadline in the law for

responding to a rulemaking petition, issuing a notice of proposed rulemaking, or issuing a final rule.

Senate Amendment

No provision.

Conference Substitute

Section 306: In lieu of House provision, require FAA to write a letter to the authorizing Committees on February 1 and August 1 of each year with the information described by the House bill.

84. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES

House Bill

Section 503: Adds the enforcement procedures in 5 U.S.C. Chapter 12.

Senate Amendment

Section 419(b): The same provision with slightly different wording.

Conference Substitute

Section 307: House. Also moves the personnel and procurement reform sections from the Appropriations Act into Title 49.

85. PROCUREMENT INTEGRITY ACT

House Bill

Section 309: Imposes section of Procurement Integrity Act (with certain adjustments) that restricts the conduct of business and information disclosed between Federal employees and government contractors. Penalties can be imposed if contractor bid and proposal information or source selection information is exchanged for anything of value or results in an unfair competitive advantage.

Senate Amendment

Section 415: Same or similar provision.

Conference Substitute

Section 307(b): Senate

86. PERSONNEL REFORM

House Bill

Section 705(a): Provides that the 60-day period for congressional resolution of a dispute between the FAA and one of its unions does not include a period during which Congress has adjourned sine die.

Senate Amendment

No provision.

Conference Substitute

Section 308(a): House.

87. MERIT SYSTEMS PROTECTION BOARD (MSPB)

House Bill

Section 705: Permits an FAA employee subject to an adverse personnel action to contest it either through contractual grievance procedures, FAA internal procedures, or by appeal to the MSPB.

Senate Amendment

Section 424: Permits appeals to the MSPB.

Conference Substitute

Section 308(b): House & Senate.

88. STUDY OF FAA COST ALLOCATION

House Bill

Section 307: Requires the DOT inspector general (IG) to conduct an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Requires annual reports for 5 years starting on 12/31/00. Authorizes $1.5 million.

Senate Amendment

Section 414: Requires the DOT inspector general (IG) to conduct or contract out an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Final report due in 300 days of contract award. Authorizes such sums as may be necessary.

Section 910: By 7/9/00, FAA must report to authorizing committees on its cost allocation system now under development, to include specific dates for completion and implementation. DOT IG to assess the cost allocation system with own staff, or contract it out, and also assess FAA's cost and performance management. Updated report from IG by 12/31/00. FAA is required to include information in its annual financial report that would allow users to judge FAA's progress in increasing productivity.

Conference Substitute

Section 309: House includes the general authorization in the Senate amendment rather than the specific authorization in the House bill.

Section 311 adopts section 910(a) of the Senate bill. It requires a report on the FAA's cost allocation system.

89. ENVIRONMENTAL STREAMLINING

House Bill

Section 305: Requires DOT to develop and implement a more expedited environmental review process similar to the one in TEA 21.

Senate Amendment

No provision.

Conference Substitute

Section 310: Requires DOT to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects. The purpose of the study would be to determine if there are ways to streamline the environmental review process for such projects. A report is due in one year.

90. OCEANIC ATC SYSTEM

House Bill

No provision.

Senate Amendment

Section 416: Requires FAA to report on plans to modernize the oceanic air traffic control system.

Conference Substitute

Section 312: Senate but put in management reform Title.

91. TECHNICAL CLARIFICATIONS TO EXISTING BAN ON LAWYER SOLICITATION OF FAMILIES

House Bill

Section 401(a): Extends the ban to accidents involving foreign airlines in the U.S. Extends ban to associates, agents, employees or other representative of a lawyer.

Extends ban from 30 to 45 days.

Includes enforcement provision.

Senate Amendment

No provision.

Conference Substitute

Section 401(a): House.

92. COUNSELING SERVICES AFTER ACCIDENTS

House Bill

Section 401(b): Prohibits states from preventing out of state mental health workers of the designated organization from providing counseling services for 30 days (which can be extended for an additional 30 days after accident.

Senate Amendment

No provision.

Conference Substitute

Section 401(b): House.

93. NON-REVENUE PASSENGERS

House Bill

Section 401(c) and 403(a): Extends protections of Family Assistance Act to people aboard aircraft who are not paying passengers.

Senate Amendment

No provision.

Conference Substitute

Section 401(c) and 403(a): House

94. TECHNICAL CHANGE TO FAMILY ASSISTANCE ACT

House Bill

Section 401(d) and 402(c): Moves a free-standing provision into Title 49.

Senate Amendment

No provision.

Conference Substitute

Section 401(d) and 402(c): House

95. U.S. AIRLINE DISASTER ASSISTANCE PLANS

House Bill

Section 402(a): Requires U.S. airlines to update their plans by adding—

Assurance that they will inform family whether relative had reservation on the flight;

Assurance that airline employees will receive adequate training in disaster assistance.

Assurance that if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S., it will consult with the NTSB and the State Department.

Senate Amendment

No provision.

Conference Substitute

Section 402(a): House.

96. LIMITATION ON LIABILITY

House Bill

Section 402(b): Protects U.S. airlines from liability if they inadvertently give inaccurate information to a family about a flight reservation.

Senate Amendment

No provision.

Conference Substitute

Section 402(b): House but replaces the term ''flight reservation'' with the term ''preliminary passenger manifest''. The terms have essentially the same meaning but preliminary passenger manifest is the term already used in new section 4113(b)(14) of Title 49.

97. FOREIGN AIRLINE DISASTER ASSISTANCE PLANS

House Bill

Section 403: Requires foreign airlines to update their plans by adding an assurance that their employees will receive adequate training in disaster assistance and will consult with the NTSB and the State Department if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S.

Senate Amendment

No provision.

Conference Substitute

Section 403: House

98. DEATH ON THE HIGH SEAS ACT (DOHSA)

House Bill

Section 404: Amends Title 49 to make DOHSA inapplicable to airline accidents. This applies to any lawsuit that has not been decided by a court or settled.

Senate Amendment

Section 431: Amends DOHSA in the event of a commercial aviation accident to allow recovery of nonpecuniary damages for wrongful death (loss of care, comfort and companionship). For all beneficiaries of the decedent either (1) up to $750,000 adjusted for inflation in the case of commercial aviation accidents, or (2) the pecuniary loss sustained, whichever is greater. No punitive damages. Includes inflation adjustment. Applies to any death after July 16, 1996.

Conference Substitute

Consistent with Executive Order 5928, December 27, 1988, the territorial sea for aviation accidents is extended from a marine

league to 12 miles. The effect of this is that the Death on the High Seas Act will not apply to planes that crash into the ocean within 12 miles from the shore of the United States. The law governing accidents that occur between a marine league and 12 miles from land will be the same as those that now occur less than a marine league from land. For those accidents that occur more than 12 miles from land, the Death on the High Seas Act will continue to apply. However, in those cases the Act is modified as in the Senate bill except that there is no $750,000 cap on damages.

99. EMERGENCY LOCATOR TRANSMITTERS (ELTS)

House Bill

Under current law, ELTs are required on turboprop aircraft with certain exceptions.

House Bill: Section 510—Requires ELTs on small turbojet aircraft with the following exceptions (similar to those in current law)—

Aircraft used in scheduled flights by certificated scheduled airlines;

Aircraft used in training operations within 50 miles of the airport;

Aircraft used for design, testing, manufacture, preparation and delivery;

Aircraft used in R&D if the aircraft holds the necessary certificate;

Aircraft used for showing compliance, crew training, exhibition, air racing, and market surveys;

Aircraft used for agricultural spraying;

Aircraft with a maximum payload capacity of more than 7,500 pounds when used for commercial passenger or cargo air service.

Aircraft capable of carrying only one person such as ultra-light aircraft.

Specifies the type of ELT that must be used and directs the issuance of regulations and the effective date of those regulations as 1/1/2002.

Senate Amendment

Section 404: The following exceptions to current ELT requirements are eliminated: turbojet-powered aircraft, aircraft holding R&D certificates, aircraft when used for crew training and market surveys. ELT requirements would apply to these aircraft.

States what kind of ELTs would meet requirements. Requires FAA rule by 2002.

Conference Substitute

House, but increase the payload capacity (which is defined in section 119.3 of the FAA rules) to 18,000 pounds. This would cover aircraft up to about 60 seats. FAA is required to issue rules implementing this change by January 1, 2001. These rules should take effect on January 1, 2002. However, FAA may extend the effective date by 2 years to ensure a safe and orderly transition or for other safety reasons. The effect is to require business jets and small air charters to equip with ELTs so they can be located after a crash.

100. CARGO TCAS

House Bill

Section 501: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that provides protection from mid-air collisions and resolution advisory capability that is at least as good as TCAS–II. FAA may extend this deadline by 2 years if that would promote safety.

Senate Amendment

Section 402: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that is TCAS II equipment or a similar system approved by the FAA for collision avoidance. FAA may extend the deadline for 2 years if that would promote an orderly transition or other safety or public interest objectives.

Conference Substitute

Section 502: House.

In 1997, the FAA announced that it expected to establish a date for final recommendations for installation of collision avoidance systems in cargo aircraft. Three years later, the FAA still has not acted. Therefore, the conferees have mandated that FAA require a collision avoidance system in cargo planes by a date certain. The Managers urge the FAA to act expeditiously on this.

101. LANDFILLS

House Bill

Section 511: Prohibits new landfills within 6 miles of a small airport unless the State aviation director requests an exemption from the FAA and the FAA determines that the landfill would not adversely affect air safety.

Senate Amendment

No provision.

Conference Substitute

Section 503: House with modifications. The limitation on the construction of landfills, does not apply to the expansion of existing municipal solid waste landfills.

Alaska has more than 250 villages and small towns; most of these communities are densely packed with only one main dirt road through town, unconnected to any other road system. The vast majority of these townsites are no larger than 2 square miles. Wilderness or other state or federal conservation land surrounds many of these villages. Most of the airstrips serving these communities are immediately adjacent to the villages. A provision requiring any landfill to be at least 6 miles from the airport would be unworkable in Alaska because of these constraints, the harsh arctic environment, and the enormous capital expenditures necessary to build roads and secure federal permits to establish landfills in wilderness or refuge lands. Therefore, this provision does not apply in Alaska. There are many other similar exceptions for Alaska in title 49.

102. MARKING OF LIFE-LIMITED PARTS

House Bill

Sections 507: Requires FAA to issue rules to determine the best way to ensure the safe disposition of life-limited civil aviation parts. Provides 180 days for the proposed rule and 180 days for the final rule. Also provides for civil penalties for failure to mark.

Senate Amendment

No provision.

Conference Substitute

Section 504: House.

103. BOGUS PARTS AND CERTIFICATE REVOCATION

House Bill

No provision.

Senate Amendment

Section 405: Prohibits the certification or hiring of a person (individual or company) that has been convicted of a violation of a law relating to counterfeit parts, or the certification of a company that is subject to a controlling or ownership interest of a convicted individual. FAA required to revoke certificates on the same basis, with appeal procedures built in. FAA can waive revocation if a law enforcement official requests it, and it will facilitate law enforcement. Certificates can be amended to limit convicted individuals' controlling interest.

Conference substitute

Section 505: Senate with modifications.

104. BOGUS PARTS AND CRIMINAL PENALTIES

House Bill

No provision.

Senate Amendment

Section 464: Applies to a person who knowingly engages in interstate commerce concerning any aircraft or space vehicle part, and who conducts this business fraudulently. If the fraudulent part is installed in aircraft or space vehicle, fine of up to $500,000 and up to 25 years in prison. If the fraudulent part results in serious bodily injury or death, fine of up to $1,000,000 and up to life in prison. If an organization commits the offense, fine of up to $25 mil. Otherwise, fine under Title 18 U.S.C. and up to 15 years in prison. District courts empowered to divest interest in and destroy parts inventories, impose restrictions on future employment in same field, and to dissolve or reorganize the related enterprise. Property and proceeds derived from enterprise to be forfeited.

Conference Substitute

Section 506: Senate with modifications. It is intended that the penalties for the failure of parts to operate as represented in (b) (2) and (3) only applies to aircraft and space vehicle parts.

105. HAZMAT

House Bill

Section 512: Makes clear that ignorance of the law is no excuse with respect to hazmat regulations but may be considered in mitigation of the penalty.

Senate Amendment

Section 435: Directs FAA to make elimination of the backlog of hazardous materials enforcement cases a priority and that the laws in this area are carried out in a consistent manner. FAA shall report quarterly to the Senate Commerce Committee on its progress.

Conference Substitute

Section 507: House.

106. CRIMINAL HISTORY RECORD CHECKS

House Bill

No provision.

Senate Amendment

Section 306(1): Permits criminal history record check for security screeners.

Conference Substitute

Section 508(a): Senate

107. PILOT RECORD SHARING

House Bill

Section 502: Exempts the military from the requirement to provide records. Limits the records that must be provided to those that involve the individual's performance as a pilot. Allows an airline to hire a pilot even if it has not received records from a foreign entity if it has made a good faith effort to obtain them. FAA may allow designated individuals to have electronic access to pilot record database.

Senate Amendment

Section 306: The same provision with respect to individual's performance as a pilot and records from foreign entities. No provision on military records or on allowing designated individuals to have access to the records.

Conference Substitute

Section 508(b): House with privacy terms to ensure that information from database is only obtained by person who needs info for hiring decision and that information is only used for that purpose.

108. CRIMINAL PENALTIES FOR AIRLINE PILOTS FLYING WITHOUT A LICENSE

House Bill

No provision.

Senate Amendment

Section 309: Provides for fines and maximum 3 years imprisonment for airline pilots who fly without a license and for individuals, but not companies, that hire them. Fines and prison terms increase if the individual is

smuggling drugs or aiding in a drug violation.

Conference Substitute

Section 509: Senate.

109. FLIGHT OPERATIONS QUALITY ASSURANCE (FOQA) RULES

House Bill

Section 505: Requires FAA to issue a proposed rule within 30 days protecting airlines and airline employees from civil enforcement actions for disclosures made under FOQA. The Final rule is due 1 year after the comment period closes.

Senate Amendment

Section 409: Same provision except 90 days is allowed for the issuance of the proposed rule and it applies to all enforcement actions for violation of the FARs that are reported or discovered as a result of voluntary reporting programs (such as FOQA and ASAP), other than criminal or deliberate acts. No requirement on final rule.

Conference Substitute

Section 510: Senate; except that 60 days is allowed for the issuance of the proposed rule.

110. UNRULY PASSENGERS

House Bill

Section 508: Subjects unruly passengers to fine of $25,000 and a possible ban on commercial air travel for one year.

Senate Amendment

Section 406: Imposes fine of $10,000 on person who interferes with the crew or poses a threat to the safety of the aircraft.

Title XV: Imposes fine of $25,000 on person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Attorney General may set up a program to deputize state and local airport law enforcement officials as deputy U.S. marshals for enforcement purposes.

Conference Substitute

Section 511: Senate. $25,000 fine. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

111. AIR TRANSPORTATION OVERSIGHT SYSTEM

House Bill

Section 509: Requires FAA to submit an annual report for the next 5 years on its progress in implementing its new airline inspection system.

Senate Amendment

Section 417: Beginning in 2000, FAA shall report biannually on the air transportation oversight system (inspector training) announced on May 13, 1998.

Conference Substitute

Section 513: Requires reports on August 1, 2000 and August 1, 2002. Takes elements of report contents from both bills.

112. RUNWAY SAFETY AREAS

House Bill

Section 139: Makes arrester beds described in a FAA circular eligible for AIP grants and directs FAA to do a rulemaking to improve runway safety through arrestor beds, longer runways, or other means.

Senate Amendment

Section 403: Requires FAA, within 6 months, to ''solicit comments on the need for'' improvement of runway safety areas and installation of precision approach path indicators.

Conference

Section 514: Adopts Senate ''solicit comments'' language in lieu of House rule-making language. Adds limitation stating that in making grants for Engineered Materials Arresting Systems the Secretary shall require that the sponsor demonstrate that the effects of jet blast have been adequately considered.

Also adds a provision to cover situations where an airport's runways are constrained by physical conditions. In those situations, the FAA is directed to consider alternative means for ensuring runway safety when prescribing conditions for runway rehabilitation grants.

Section 515: Senate provision on precision approach path indicators.

The conferees urge the Administrator to encourage all civil airport certified under FAR Part 139 CFR to have standard runway safety areas in accordance with the most cost effective and efficient method described in FAA circulars in the numbered 150 series.

113. AIRCRAFT DISPATCHERS

House Bill

Section 516: Within one year, FAA shall study the role of aircraft dispatchers including an assessment of whether dispatchers should be required for cargo and commuter airlines and whether FAA inspectors should be assigned to oversee dispatchers.

Senate Amendment

No provision.

Conference Substitute

Section 516: House.

114. TRAINING FOR MECHANICS

House Bill

Section 517: FAA and industry shall develop a model program to improve training for mechanics.

Senate Amendment

No provision.

Conference Substitute

Section 517: House.

115. SMALL AIRPORT CERTIFICATION

House Bill

Section 506: Requires FAA to issue proposed small airport certification standards within 60 days after enactment and Final rules within 1 year of the close of the comment period.

Senate Amendment

No provision.

Conference Substitute

House

116. FIRE AND RESCUE PERSONNEL

House Bill

Section 513: Directs FAA to conduct a rulemaking on the mission of rescue personnel, rescue response times, and needed extinguishing equipment taking into account the need for different requirements for airports of different sizes.

Senate Amendment

Section 450: Requires FAA study within 6 months on current and future airport safety needs, focusing on rescue personnel, response time, and extinguishing equipment. If FAA recommends revisions to part 139, study must include a cost-benefit analysis.

Conference Substitute

No provision.

117. MAINTENANCE IMPLEMENTATION PROCEDURES (MIPS)

House Bill

Section 514: Prohibits FAA from entering into a MIP unless the foreign nation is inspecting repair stations to ensure their compliance with FAA standards.

Senate Amendment

No provision.

Conference Substitute

No provision.

118. INJURIES TO AIRPORT WORKERS

House Bill

Section 515: Directs FAA to study, within one year, the number of workers injured or killed as a result of being struck by moving vehicle on the airport tarmac.

Senate Amendment

No provision.

Conference Substitute

House.

119. SAFETY RISK MITIGATION PROGRAM

House Bill

Section 504: Requires FAA to issue guidelines encouraging safety risk mitigation programs such as self-disclosure programs.

Senate Amendment

No provision.

Conference Substitute

No provision.

120. AERONAUTICAL CHARTING TRANSFER

House Bill

Section 736: The FAA shall consider procuring mapping and charting services from the private sector if that would further the mission of the FAA and be cost effective.

Senate Amendment

Title VIII: Transfers to FAA the Department of Commerce responsibilities and offices for aeronautical charting.

Conference Substitute

Title VI: Senate provisions except that (1) the current special VFR route provision in section 44721 is retained and (2) the authority to conduct aerial and field surveys is not transferred.

Section 607 adopts the provision from the House bill.

121. DUTIES AND POWERS OF THE ADMINISTRATOR

House Bill

Section 701: Lists FAA duties.

Senate Amendment

Section 701: Technical corrections. The sections listed should be the same as the House's.

Conference Substitute

Section 701: House and Senate.

122. PUBLIC AIRCRAFT

House Bill

Section 702: Restates the definition of public aircraft in a way that is intended to have fewer double negatives and be more understandable. It also permits a military aircraft to carry passengers for reimbursement without losing its public aircraft status when Federal law requires that reimbursement. The Provision clarifies that carriage of prisoners is considered part of the law enforcement function and therefore can be performed by public aircraft. Permits public aircraft to fly charters for DOD if DOD designates the flight as being in the national interest. Requires NTSB to do a study comparing the safety of public and civil aircraft.

Senate Amendment

Section 209: Permits public aircraft to be used to transport passengers if those passengers are involved in prisoner transport.

Conference Substitute

Section 702: Revises the title of subsection (a) since there are some substantive changes in the law. Inserts ''regulation or directive on November 1, 1999'' after ''Federal law'' in new section 40125(a)(1) because an OMB circular may be the basis for the requirement that reimbursement be paid. Makes clear in new section 40125(c)(2) that an aircraft of the

National Guard of a state, territory, Puerto Rico, or the District of Columbia can operate as a public aircraft only when it is operated under the direct control of the United States Department of Defense. Paragraph (c)(1)(B) of new section 40125 takes account of the other missions that military aircraft may be called upon to provide and allows a military aircraft to operate as public aircraft if it is performing a governmental function and operating under the titles specified in that paragraph.

Two of these changes have been of concern to commercial helicopter operators. One would allow a military aircraft to be operated under the more lenient rules governing public aircraft if it was used in the performance of a governmental function. The other change would allow a government aircraft to retain its public aircraft status even when receiving compensation for the flight as long as a Federal law or directive required the compensation on the date of enactment.

With respect to the first concern, the conference substitute limits the qualifying governmental function to those performed under titles 14, 31, 32, or 50 of the U.S. code.

With respect to the second concern, the conference substitute limits the law or directive to those in effect last year. This will prevent the military or other Federal agency from issuing rules now to take advantage of this new exception.

With these changes, the managers believe that they have achieved a balance between the needs of the military and the legitimate interests of commercial aircraft operators.

123. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

House Bill

Section 703: Exempts bid submissions from the Freedom of Information Act except for certain unsuccessful bids.

Senate Amendment

No provision.

Conference Substitute

Section 703: House.

124. MULTIYEAR PROCUREMENT CONTRACT

House Bill

Section 704: Allows 10-year contracts for telecommunication services using satellites if that would be cost beneficial.

Senate Amendment

Section 436: Authorizes FAA to establish a pilot program (FY2001–2004) to test long-term contracts for leasing aviation equipment and facilities. No more than 10 contracts, each at least 5 years. Many include requirements related to oceanic and ATC, air-to-ground radio communications, ATC tower construction.

Conference Substitute

Section 704: Senate. Reference to telecommunications satellites as in the House bill. Contracts may enter into in fiscal years 2001 through 2003 but the terms of the contracts are not limited to those 3 years.

125. SEVERABLE SERVICES CONTRACTS

House Bill

Section 719: Amends procurement reform provision in the Appropriations Act. Notwithstanding the Federal Acquisition Streamlining Act, FAA may enter into contracts for services that begin in one year and end in another.

Senate Amendment

Section 301: Amends Title 49. FAA may enter into contracts for services that begin in one year and end in another, and obligations of funds for one fiscal year may carry over.

Conference Substitute

Section 705: Senate.

126. PROHIBITION ON RACIAL DISCRIMINATION IN AIRLINE TRAVEL

House Bill

Section 706: Prohibits racial discrimination.

Senate Amendment

Section 455: Prohibits discrimination at airports.

Conference Substitute

Section 706: House And Senate.

127. PROHIBITION ON DISCRIMINATION IN USE OF PRIVATE AIRPORTS

House Bill

No provision.

Senate Amendment

Section 455: Prohibits a state, county, city or municipal government from restricting the full enjoyment of a private airport on the basis of a person's race, creed, color, national origin, sex or ancestry.

Conference Substitute

Section 706: Senate

128. INTERNATIONAL STANDARDS FOR HANDICAPPED ACCESS

House Bill

Section 706(c): Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating to the U.S. subject to bilateral obligations under section 40105(b). Imposes a penalty of $10,000 for violations.

Senate Amendment

Section 407: Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that codeshare with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating in U.S. Each act of discrimination constitutes a separate violation. Each complaint shall be investigated and complaint statistics shall be publicly reported. Annual report to Congress. The government shall provide technical assistance to airlines and disabled people. Adds the section prohibiting discrimination against the handicapped to those subject to the $1,000 civil penalty. If the carrier that discriminated does not provide a credit or voucher to the passenger in the specified amounts, then the penalty will be that specified amount. Attorney's fees may be awarded if the court deems it appropriate.

Conference Substitute

Section 707: Senate provision insofar as it (1) directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers; (2) extends the existing prohibition on discrimination of foreign airlines operating to the U.S.; (3) states that each act of discrimination constitutes a separate violation; (4) requires that each complaint be investigated and complaint statistics be publicly reported; (5) mandates an annual report to Congress; and (6) requires that technical assistance be provided to airlines and disabled people. Civil penalties for violations are increased to $10,000. The extension of the prohibition on discrimination to foreign airlines is made subject to U.S. bilateral obligations as in the House bill.

129. SMOKING PROHIBITION, INTERNATIONAL FLIGHTS

House Bill

No provision.

Senate Amendment

Section 437: Extends the smoking restriction on domestic flights to segments of international flights that arrive in or depart from the U.S. Procedures established if foreign government objects to extraterritorial application of U.S. law.

Conference Substitute

Section 708: Senate.

130. JOINT VENTURES/ALLIANCES

House Bill

Section 707: Makes clear that the provision requiring notice of certain joint venture and alliance agreements apply only to those agreements where both parties are major airlines.

Senate Amendment

No provision.

Confernece Substitute

Section 709: House

131. ANIMAL TRANSPORTATION

House Bill

No provision.

Senate Amendment

Title XVII: Within 2 years of enactment, DOT will require each air carrier to submit to DOT details on animals on each flight. Any serious incident involving an animal must be reported to Department of Agriculture (DOA) and DOT. This information will be included in Air Travel Consumer Reports. Consumer complaints involving animals must be reported within 15 days by DOT to DOA. Annual reports under the Animal Welfare Act. Each air carrier to amend contract of carriage to lay out procedures for safe transport of animals. Civil penalty up to $5,000 for each incident involving the loss, injury or death of an animal during transport. If carrier at fault, carrier liable to owner for at least twice the liability for mishandled baggage, plus costs of animal treatment within 1 year of the incident. DOT to require carriers to upgrade cargo containers to provide airflow, and heating and cooling. After 1/1/00, carrier cannot carry animals unless it's made this upgrade. 3/31/02 report to Congress.

Conference Substitute

Section 710: The Managers have heard from animal rights activists and citizens who use airlines to transport animals. They have sharply differing views over the extent of the problem and the appropriate remedy. Accordingly, the Conference Report modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants stronger legislative remedies. Toward this end, scheduled U.S. airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry. DOT and the Department of Agriculture must enter into a MOU to ensure that the Agriculture Department receives this information. DOT must publish data on incidents and complaints involving animals in its monthly consumer reports or other similar publication. In the meantime, DOT is directed to work with airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

132. WAR RISK INSURANCE

Hosue Bill

Section 708: Extends the program until December 31, 2004.

Senate Amendment

Section 307: Extends the program until December 31, 2003.

Conference Substitute

Section 71: Senate.

133. IMPROVEMENTS TO LEASED PROPERTY

House Bill

Section 709: Allows FAA to pay for improvements to leased property even if the costs of the improvements exceed the costs of the lease if the cost of the lease is nominal and certain other conditions are met.

Senate Amendment

Section 420: Similar provision. No requirement that the cost of the lease be nominal.

Conference Substitute

Section 712: House.

134. HUMAN FACTORS PROGRAM

House Bill

No provision.

Senate Amendment

Section 413: Requires FAA to report on the Advanced Qualification Program, and its adoption among air carriers. FAA must address the concerns of the National Research Council on problems associated with human interface with ATC automation. FAA must work with the aviation industry to develop training curricula for the listed safety problems. FAA, with NTSB and the industry, must establish a process to assess human factors training as part of accident investigations. FAA must establish a test program to use model Jeppesen approach plates to improve nonprecision landing approaches. Training practices associated with flight deck automation must be updated within 12 months.

Conference Substitute

Section 713: Senate but delete Senate subsection (c) and change ''improve nonprecision landing approaches'' in Senate subsection (d), now subsection (b), to ''allow for precision-like approaches''. The FAA is directed to work with the representatives of the aviation industry and appropriate aviation programs associated with universities on this human factors program. The appropriate aviation programs could include a nonprofit Corporation involving academia. The Managers note that the State University of New York at Buffalo is already conducting this research.

135. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION

House Bill

Section 710: FAA may trade responsibilities with another country for the regulation of aircraft registered in each other's country. However, a country that does not meet ICAO standards could not be given responsibility for U.S. aircraft.

Senate Amendment

Section 304: Similar provision except there is not a specific prohibition on transferring responsibility to a country that does not meet ICAO standards.

Conference Substitute

Section 714: House.

136. PUBLIC RELEASE OF AIRMEN RECORDS

House Bill

Section 711: Requires airman records (name, address, and ratings) be made available to the public 120 days after enactment. Before making the address available, the airman shall be given the opportunity to have it withheld. A one-time written notification of one's right to withhold public release of this information shall be developed and implemented, in cooperation with the aviation industry, within 60 days.

Senate Amendment

No provision.

Conference substitute

Section 715: House but modified to ensure that new pilots are notified of their option to withhold this information from the public. The FAA and organizations representing pilots and other airmen should use their web pages and other appropriate means to notify airmen that they can elect not to have the information about them publicly released.

137. EMERGENCY REVOCATION OF CERTIFICATES

House Bill

Section 712: Gives a holder of a FAA certificate the right to appeal an emergency revocation of that certificate to the NTSB. If 2 Board Members determine that there was not an emergency, the certificate is restored, subject to review by the full Board within 15 days.

Senate Amendment

Section 311: Gives the holder of an FAA certificate the right to appeal the immediate nature of an emergency revocation of that certificate to the NTSB. Certificate holder must request review within 48 hours of the emergency revocation. NTSB has 5 days from the review filing to determine whether immediate certificate revocation should be stayed.

Conference Substitute

Section 716: Senate except the 48-hour period to file an appeal begins to run after receipt of the emergency order by the person rather than when it becomes effective. Also, the standard of review is modified.

138. GOVERNMENT AND INDUSTRY CONSORTIA

House Bill

Section 713: Permits FAA to establish consortia at airports to advise on security and safety matters. Such consortia shall not be considered Federal advisory committees.

Senate Amendment

Section 303: Similar provision.

Conference Substitute

Section 717: Senate.

139. PASSENGER MANIFEST

House Bill

Section 714: Changes ''shall'' to ''should'' in section 44909(a)(2).

Senate Amendment

Section 402: The same or similar provision. Relaxes passenger manifest requirements to say that full name, passport number, and emergency contact name and number should be included.

Conference Substitute

Section 718: House and Senate.

140. FEES FOR SERVICE TO FOREIGN ENTITIES

House Bill

Section 715: Permits fees to be collected for inspection, certification and similar services performed outside the U.S. except for fees for production-certification related services performed outside the U.S. pertaining to aeronautical products manufactured there.

Senate Amendment

Section 305: Similar provision.

Conference Substitute

Section 719: House.

141. CIVIL PENALTIES

House Bill

Section 716: Makes technical corrections.

Senate Amendment

Section 308: Same or similar provision.

Conference Substitute

Section 720: House and Senate.

142. WAIVERS FROM NOISE ACT

House Bill

Section 717: Gives foreign airlines the same right to seek waivers from the stage 3 compliance schedule as U.S. airlines. Also, allows stage 1 or stage 2 aircraft to be brought into the U.S. to sell the aircraft outside the U.S., to sell the aircraft for scrap, or to modify the aircraft to meet Stage 3 standards. Also, allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance.

Senate Amendment

Section 302: Requires DOT to allow stage 2 aircraft to be brought into the U.S. to sell, lease or use the aircraft outside the U.S., to scrap the aircraft, to modify the aircraft to meet Stage 3 standards, to perform scheduled heavy maintenance or significant modifications on the aircraft, to exchange the aircraft between the lessor and the lessee, to prepare or store the aircraft for any of the above activities, or to divert the aircraft to alternative airports for safety or ATC reasons in conducting any of the above flights. DOT required to establish procedure within 30 days for waivers or ferry permits. Allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance (including major alterations) or preventative maintenance. Exempts experimental aircraft from the stage 3 requirements.

Conference Substitute

Section 721. Adopts House section 717(a) giving foreign airlines the right to seek waivers similar to U.S. airlines.

Adopts the Senate provision with an addition stating that nothing in this section shall be construed as interfering with or otherwise nullifying determinations made or to be made under pending applications on November 1, 1999 by the Federal Aviation Administration pursaunt to Title 14, part 161 of the Code of Federal Regulations. Any waivers granted by public law 106–113 shall not be adversely affected by this provision and shall continue in effect.

143. LAND USE COMPLIANCE REPORT

House Bill

Section 737: Directs FAA to add a section to its annual report listing airports that are not in compliance with grant assurances with respect to airport land and explaining the corrective action that will be taken to address the problem.

Senate Amendment

No provision.

Conference Substitute

Section 722. House, but modified to make clear that FAA would list only those airports that it believes are not in compliance. It would not have to audit them or make a final determination before putting them on the list.

144. DENIAL OF AIRPORT ACCESS

House Bill

Section 154: Allows an airport, which will be required to obtain a certificate, to deny access to airlines that can only serve certificated airports if the airport does not intend to apply for such a certificate.

Senate Amendment

Section 421: Permits an uncertificated reliever airport located within 35 miles of a hub airport with adequate gate capacity to deny access to a public charter operator that provides notice to the public of its schedule.

Conference Substitute

Section 723: Prohibits an airline or charter operator from providing regularly scheduled charter air transportation (where the public is provided a schedule containing the departure location, departure time, and arrival location) to an airport that does not have an airport operating certificate from the FAA.

145. YEAR 2000 PROBLEM

House Bill

No provision.

Senate Amendment

Section 401: Requires FAA quarterly reports on Year 2000 problem through 12/31/00.

Section 457: Requires air carriers to respond to FAA by November 1, 1999, regarding their readiness for the Y2K problem as it relates to safety. If FAA doesn't receive response by then, must decide on the record whether to revoke certificate. FAA may reinstate certificate if carrier later submits sufficient information to demonstrate it is in compliance with applicable safety regulations as they relate to Y2K.

Conference Substitute

No provision.

146. STAGE 4 NOISE STANDARDS

House bill

Section 730: Requires FAA to continue to work to develop a new standard for quieter aircraft. Beginning March 1, 2000, FAA must submit annual reports to Congress on this work.

Senate Amendment

No provision.

Conference Substitute

Section 726: House except that the goals to be considered in developing these new standards are set forth and the annual report requirement does not begin until July 1, 2000.

147. TAOS PUEBLO

House Bill

No provision.

Senate Amendment

Section 429: Within 18 months, the FAA shall work with the Taos Pueblo and Blue Lakes Wilderness area to study the feasibility of conducting a demonstration to require all aircraft to maintain altitude of 5,000 feet.

Conference Substitute

Section 727: Study in Senate bill modified to also study whether itinerant general aviation aircraft should be exempt.

148. AIRCRAFT SITUATION DISPLAY DATA

House Bill

Section 721: Requires any person that receives aircraft situational display data from the FAA to be able to, and to agree to, block aircraft registration numbers if the FAA asked that they be blocked. Also requires any existing agreement with the FAA to obtain aircraft situational display data to conform to the requirements above.

Senate Amendment

Section 427: Similar provision.

Conference Substitute

Section 729: House and Senate.

149. EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS

House Bill

Section 722: Authorizes $2 million and the hiring of personnel to reduce the backlog of equal employment opportunity complaints.

Senate Amendment

No provision.

Conference Substitute

Section 730: House but does not specify the account from which the money will come.

150. EASEMENT IN CALIFORNIA

House Bill

Section 724: Grants an easement to facilitate construction of the California State Route 138 bypass.

Senate Amendment

No provision.

Conference Substitute

Section 731: House provision but with documentation required of the California DOT to ensure that the benefit of the easement to the airports will be at least equal to the value of the easement being granted. This ensures that there is no revenue diversion in the transaction.

151. ALASKA AIR GUIDES

House Bill

Section 725: Requires Alaska air guides to be regulated under the FAA rules in 14 CFR Part 91 governing general aviation rather than the rules for a commercial operation. Also, directs the FAA to conduct a rulemaking to supplement the requirements of Part 91 with additional requirements for Alaska Air Guides that are needed to ensure air safety.

Senate Amendment

Section 411: Similar provision.

Conference Substitute

Section 732: House with an insert at the end of paragraph (b)(2)(G) as follows: In making such a determination, the Administrator shall take into account the unique conditions associated with air travel in Alaska to ensure that such actions are not unduly burdensome. Also, in paragraph (c)(2)(C) put a period after ''guide services'' and delete everything that follows.

This section is designed to impose additional safety regulations on Alaska Guide-Pilots. However, since the flight services they provide are incidental to the hunting, fishing and other guide services provided, Alaska Guide-Pilots are distinctly different than air taxis and commuter carriers, which are governed by the FAA regulation set forth in Part 135. This section is intended to impose enhanced safety requirements on Alaska Guide-Pilots. However, such safety requirements are intended to be less burdensome and less costly than those set forth in Part 135 which are applicable to air taxis and common carriers. Nothing in this section, including subparagraph (b)(2)(G), is intended to authorize the FAA Administrator to treat Alaska guide pilots as de facto Part 135 operators.

152. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE

House Bill

Section 738: Makes funds available from TEA 21 to establish, at a closed or realigned army depot, a facility to serve as a satellite data repository and to analyze transportation data collected by government and industry.

Senate Amendment

No provision.

Conference Substitute

Section 733: House.

153. FOREIGN REPAIR STATION ADVISORY PANEL

House Bill

Section 726: Panel established by DOT.

12 members as follows: 3 from the unions; 1 from cargo airlines; 1 from passenger airlines; 1 from aircraft repair stations; 1 manufacturers; 1 from air taxi and corporate aircraft; 1 from commuters; 1 from Commerce; 1 from State; and 1 from FAA.

Requires DOT, by rule, to collect information on balance of trade and safety issues from airlines and repair stations, both U.S. and foreign, relating to work performed on U.S. and foreign aircraft.

Requires collection of information on drug testing at foreign repair stations and encourages DOT to work with ICAO to increase drug testing programs.

Requires DOT to make any relevant nonproprietary information available to the public. Terminates the panel 2 years after the date of enactment or December 31, 2001, whichever occurs first.

Senate Amendment

Section 426: Panel established by FAA.

11 members as follows: 3 from unions; 1 from cargo airlines; 1 from passenger airlines; 1 from aircraft and component repair stations; 1 from manufacturers; 1 from industry group not mentioned above; 1 from DOT; 1 from State; and 1 from FAA.

Requires FAA, by rule, to collect information from foreign repair stations to assess safety issues with respect to work performed on U.S. aircraft only. FAA may require this information from U.S. airlines with respect to their use of U.S. repair stations.

Requires collection of information on drug testing at foreign repair stations.

Information collected must be made public.

The panel shall terminate after 2 years. FAA shall report annually to Congress on the number of repair station certificates that were revoked, suspended or not renewed in previous year.

Conference Substitute

Section 734: House provision except FAA establishes the panel. In developing its advice, the panel may consider the similarities and differences in the FAA regulations for initial certification and renewal of those certificates of foreign and domestic repair stations, the similarities and differences in FAA operating regulations of those stations, a comparison of the inspection findings resulting from surveillance, a comparison of the manner in which FAA inspection findings are addressed and documented by the certificate holders and the FAA, a comparison of the number of FAA enforcement actions resulting in a final order of civil penalty or certificate action, and a comparison showing the extent to which maintenance performed by repair facilities has been found to be the probable cause or contributing factor in any accident investigation performed by the NTSB. The panel should also look at the ability of the FAA to adequately oversee foreign repair stations.

154. OPERATIONS OF AIR TAXI INDUSTRY

House Bill

Section 727: Requires the FAA to study the air taxi industry to increase the government and industry's understanding of the size and nature of the industry with a view toward using this information in the context of future regulatory actions.

Senate Amendment

No provision.

Conference Substitute

Section 735: House

155. NATIONAL AIRSPACE REDESIGN

House Bill

Section 728: States that it is the sense of Congress that the FAA should complete and begin implementing the comprehensive national airspace redesign as soon as possible.

Senate Amendment

Section 909: FAA is required to conduct a comprehensive redesign of the national airspace system, and report to the authorizing committees no later than 12/31/00. Authorizes $12 mil FY2000–2002.

Conference Substitute

Section 736: Senate.

156. AVOIDING DUPLICATION OF ENVIRONMENTAL WORK

House Bill

Section 729: Permits an airport to use a completed environmental assessment or environmental impact study for a new project at the airport if the completed assessment or study was for a project that is substantially similar to the new project and meets all Federal requirements for such a study or assessment.

Senate Amendment

Section 418: Similar provision.

Conference Substitute

Section 737: House

157. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS

House Bill

Section 731: Encourages the FAA to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

Senate Amendment

Section 466: AIP funds may be available for Georgia's regional airport enhancement program.

Conference Substitute

Section 738: House.

158. CINCINNATI BLUE ASH AIRPORT

House Bill

Section 732: Allows Blue Ash Airport to be sold by the city of Cincinnati to the city of Blue Ash. Subsection (b) makes the revenue diversion restrictions inapplicable to this transaction.

Senate Amendment

Section 441: Similar provision, but does not allow for any revenue diversion.

Conference Substitute

Section 739: House but make subsection (b) discretionary with FAA. The Managers have accepted a House provision allowing for the sale of Cincinnati-municipal Blue Ash Airport to the City of Blue Ash, Ohio, in advance of the expiration of current grant assurances in 2003. Blue Ash Airport is an important reliever airport to Lunken Field and the conferees have agreed to this provision solely because it will extend the current grant assurances at Blue Ash until 2023.

The conferees remain concerned about the FAA's willingness to enforce grant assurances. Therefore the conferees direct that should the Secretary approve the sale, a Memorandum of Understanding (MOU) must first be entered into between the FAA and the City of Blue Ash. The MOU must be enforceable by the FAA and protect the existence of the airport until at least 2023. Should the City of Blue Ash receive federal airport funding during this period the conferees expect normal grant assurances will extend the life of the airport beyond 2023.

159. AIRCRAFT USED TO RESPOND TO OIL SPILLS

House Bill

Section 733: Allows the Defense Department to sell aircraft for use in responding to oil spills.

Senate Amendment

Section 425: Allows the Defense Department to sell excess aircraft for use in responding to oil spills. Aircraft can be used for secondary purposes as long a they don't interfere with oil spill response. DOT certifies to DOD that recipient is capable of participating in an oil spill responsive plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

Conference Substitute

Section 740: Senate except makes clear that if secondary purposes for which the aircraft will be used would require a certificate from the FAA, such a certificate must be obtained before the aircraft can be used for those secondary purposes.

160. DISCRIMINATION AGAINST COMPUTER RESERVATION SYSTEMS OUTSIDE THE U.S.

House Bill

Section 734: Allows the secretary of transportation to take action to prevent a foreign country from discriminating against U.S. computer reservation systems.

Senate Amendment

No provision.

Conference Substitute

Section 741: House.

161. SPECIALTY METALS CONSORTIUM

House Bill

No provision.

Senate Amendment

Section 442: Authorizes FAA to work with domestic metal producers and engine manufacturers to improve the quality of engine materials.

Conference Substitute

Section 742: Senate. This section would allow the FAA to work with a proven consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials. Improving the ability of these materials to withstand stress and high temperature will lead to fewer air carrier accidents and improved air safety.

162. INTERNATIONAL FLIGHT CREW LICENSING

House Bill

No provision.

Senate Amendment

Section 451: Requires FAA to implement a bilateral aviation safety agreement for conversion of flight crew licenses between U.S. and JAA member governments. Attempts to address a rule promulgated by JAA that makes conversion of U.S. licenses to JAA licenses difficult.

Conference Substitute

No provision.

163. NOISE STUDY AT SKY HARBOR AIRPORT

House Bill

Section 741: Directs FAA to study the effect on noise contours of the new flight patterns at Phoenix and report within 90 days on measures to mitigate noise. Report shall be available to the public.

Senate Amendment

No provision.

Conference Substitute

Section 746: House.

164. HELICOPTER NOISE

House Bill

Section 742: Directs DOT to study the effects of noise by non-military helicopters and develop recommendations for reducing noise. Helicopter industry and public views must be considered and a report filed in 1 year.

Senate Amendment

No provision.

Conference Substitute

Section 747: House but limit the study to densely populated areas, such as New York or Los Angeles, in the 48 states. The study should focus on air traffic control procedures rather than new aircraft technology to address the noise problem and should take into account the needs of law enforcement.

165. NEWPORT NEWS, VIRGINIA

House Bill

Section 723: The airport shall be released from certain deed restrictions subject to standard conditions imposed in other cases.

Senate Amendment

No provision.

Conference Substitute

Section 748: House but change ''shall'' to ''may''.

166. OKLAHOMA DEED WAIVER

House Bill

No provision.

Senate Amendment

Section 445: Allows FAA to waive restrictive terms in a deed of conveyance so that an Oklahoma university may make use of revenues derived from certain airport land only for weather-related and educational purposes that include benefits for aviation.

Conference Substitute

Section 751: Senate but require that if the land is sold the airport must receive fair market value for it and that the money should be applied in the first instance to the airport and, if funds remain available, to weather-related and educational purposes that primarily benefit aviation.

167. GRANT PARISH (LA)

House Bill

No provision.

Senate Amendment

Section 452: Permits U.S. to release any restrictions on land at the former Pollock Army Airfield (LA), provided the U.S. has access to or use of the lands in the event of national emergency. Clarifies that mineral rights will not be disturbed in any event.

Conference Substitute

Section 752: Senate but require that if the land is sold, fair market value must be received for the land and any money so received must be used for airport purposes. Drop reference to mineral rights.

168. RALEIGH COUNTY (W.VA.)

House Bill

No provision.

Senate Amendment

Section 449: Allows DOT to release from any terms and conditions in grant agreements for the development or improvement of Raleigh County Memorial Airport (W. Va.), if land not needed for airport purposes.

Conference Substitute

Section 753: Senate but require any amount received from a sale to be used for airport purposes.

169. FAA STUDY OF BREATHING HOODS

House Bill

No provision.

Senate Amendment

Section 432: FAA shall study whether smoke hoods currently available to flight crews are adequate and report the results within 120 days.

Conference Substitute

No provision.

170. STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA & COCKPIT VOICE RECORDERS

House Bill

No provision.

Senate Amendment

Section 433: FAA shall report on the need for alternative power sources for FDRs and CVRs within 120 days. If NTSB issues recommendations on this subject soon, FAA shall report to Congress the FAA's comments on the NTSB's recommendations rather than conducting a separate study.

Conference Substitute

Section 755: Senate.

171. TARDIS

House Bill

No provision.

Senate Amendment

Section 447: Requires the FAA to develop a national policy and procedures regarding the Terminal Automated Radar Display and Information System and sequencing for VFR ATC towers. TARDIS is an uncertified radar display system in use by controllers at 7 small facilities.

Conference Substitute

Section 756: Senate.

172. 16G SEATS

House Bill

No provision.

Senate Amendment

Section 448: Requires FAA, in consultation with DOT IG, to conduct a cost-benefit analysis prior to issuing a final rule on its decade-old proposal to retrofit aircraft with 16G seats.

Conference Substitute

Section 757: Modified Senate provision. FAA shall form a working group to make recommendations on ways to reduce the cost and time of certifying aircraft seats and restraints.

173. SENSE OF SENATE, NORTHERN DELAWARE

House Bill

No provision.

Senate Amendment

Section 458: Sense of Senate that DOT should include northern Delaware in any Part 150 study for Philadelphia International Airport, that DOT should study moving the approach causeway for the Philadelphia airport from Brandywine Hundred to the Delaware River and that DOT should study increasing the standard altitude over the Brandywine Intercept from 3,000 to 4,000 feet.

Conference Substitute

Section 758: Senate.

174. TOURISM

House Bill

No provision.

Senate Amendment

Section 422: Establishes a task force for international visitor assistance. Requires the Secretary of Commerce to complete a satellite system of accounting for the travel and tourism industry. Authorizes funding for tourism promotional activities. Requires annual report to Congress.

Conference Substitute

No provision.

175. CABIN AIR QUALITY STUDY

House Bill

No provision.

Senate Amendment

Section 459: Requires DOT to study 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.

Conference Substitute

Section 725: Requires FAA to contract with the National Academy of Sciences for an independent study of the air quality in passenger cabins. The study should identify contaminants in aircraft air, the toxicological and health effects, if any, if these contaminants, and how these contaminants enter the aircraft. The study should also compare the levels of these contaminants in the passenger cabin to such levels in a public building. This comparison should be done by measuring the air during actual commercial flights. If a problem is found, the study should develop recommendations for improving cabin air quality. This should include an assessment of whether health problems would be reduced by the replacement of recycled air with fresh air.

176. NATIONAL PARK OVERFLIGHTS

House Bill

Title VIII: Requires commercial air tour operators to conduct air tour operations over a National Park or tribal lands within or abutting a National Park in accordance with an approved air tour management plan (ATMP). Prior to commencing air tour operations over a National Park, a commercial air tour operator must apply to the Administrator of the FAA for authority to conduct operations over the park. The Administrator of the FAA would prescribe operating conditions and limitations for each commercial air tour operator, and in cooperation with the Director of the National Park Service (NPS), develop an ATMP.

Senate Amendment

Title VI: Similar provision.

Conference substitute

Title VIII: Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a commercial air tour operator must apply to the FAA for authority to conduct the tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in any 30-day period. If the ATMP limits the number of air tour flights over a park, FAA, in cooperation with the Park Service, shall develop an open competitive process for choosing among various air tour firms. In making a selection, the firms' safety record, experience, financial capability, pilot training programs, responsiveness to Park Service needs, and use of quiet aircraft shall be taken into account.

FAA, in cooperation with the Park Service, shall establish an air tour management plan (ATMP) for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives for using quiet aircraft. Prior to the establishment of an ATMP, the FAA shall grant interim operating authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited. Reports are required on the effect of overflight fees on the air tour industry and on the effectiveness of this title in providing incentives for the development and use of quiet aircraft.

This provision is not intended to interfere with FAA's sole jurisdiction over airspace.

Except for section 808, dealing with methodologies used to assess air tour noise, this title does not apply to Alaska.

177. RESEARCH, ENGINEERING AND DEVELOPMENT

House Bill

No provision. However, on September 15, 1999, the House passed related legislation (H.R. 1551, House report 106–223). Of the amounts authorized for Airport Technology Projects and activities in FY 2000, the House Science Committee intends that at least $1,500,000 shall be for obligation for grants or cooperative agreements awarded through a competitive, merit-based process to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport improvements. To the extent practicable, the Administrator shall consider awards to universities, and non-profit concrete pavement research foundations that would ensure industry participation. Of the amounts authorized to be appropriated for the Airport Technology Projects and activities in FY 2001, the Committee intends that at least $2,000,000 shall be for this purpose. The Committee recognizes that taxpayers spend $2 billion a year on runway pavements construction and maintenance. Investing today in research to develop longer-lasting and more reliable runways has the potential to save millions of dollars later.

Senate Amendment

Title XIII: Authorizes $240 million for FY 00, $250 mil for FY 01, and $260 million for FY 02. Encourages cooperation, nonduplication and integrated planning. Requires FAA and NASA by 3/1/00 to submit an integrated civil aviation research and development plan. The abstracts related to research grants will be published on the FAA home page. Research on life of aircraft to include nonstructural aircraft systems. Requires FAA to develop and transmit a plan for the continued implementation of Free Flight Phase I for FY03–FY05, to include budget estimates for continuing operational capabilities. Sense of Senate that FAA should develop a national policy to protect the frequency spectrum used for GPS, and to expedite the appointment of U.S. Ambassador to the World Radio Communication Conference.

Conference Substitute

Title IX: Combines the Senate bill and H.R. 1551. Authorizes funding for fiscal years 2000, 2001, and 2002 at $224 million, $237 million, and $249 million respectively.

Of the amounts authorized for Airport Technology Projects and activities, that $1,500,000 in FY 2000 and $2,000,000 in FY 2001 may be for grants of cooperative agreements to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport pavements. The Administrator shall consider awards to non-profit concrete pavement research foundations that would ensure industry participation.

Winglet efficiency/wake vortex—The conferees recommend that such sums as necessary be expended for research, prototyping, and flight testing winglet efficiency/wake vortex technology, which reduces fuel consumption and reduces the severity of wake vortex creation potential allowing more efficient spacing of aircraft. The Managers also direct FAA to work in consultation with NASA on this research.

High Speed Technologies. The Managers have been made aware of high-speed technologies that are being developed that could provide expedited delivery of goods. Such technologies have other capabilities. The Managers direct the Administrator to report, by letter, on FAA actions to facilitate the use of such technologies within low-orbit and traditional air traffic procedures.

178. TAX TITLE

Present Law

The present-law Airport and Airway Trust Fund provisions in the Internal Revenue code (the ''Code'') authorize expenditures from the Trust Fund through September 30, 1998, for the purposes provided in specified previously enacted authorization Acts (sec. 9502). Permitted expenditure purposes under these Acts are those as in effect on the date of enactment of the Federal Aviation Reauthorization Act of 1996.

House Bill

The House bill includes provisions expanding Airport and Airway Trust Fund expenditure purposes to include expenditures provided for in (1) the House bill and (2) appropriations Acts enacted after 1996 and before the House bill. The House bill further includes provisions to discourage future Trust Fund expenditures for purposes not approved in the Code provisions.

Senate Amendment

No provision. However, S. 2279, as previously passed by the Senate, included provisions identical to those in the House bill.

Conference Substitute

The conference agreement includes the provisions of the House bill, with modifications to conform the Airport and Airway Trust Fund expenditure purposes of the conference agreement.

179. BUDGETARY TREATMENT

House Bill

Title IX and X. Takes the aviation trust fund off budget.

Senate Amendment

No provision.

Conference Substitute

The conference includes a compromise provision.

180. WHISTLEBLOWER PROTECTION FOR AIRLINE EMPLOYEES

House Bill

Title VI: Prohibits airlines and their contractors or subcontractors from taking adverse action against an employee whom provided or is about to provide (with any knowledge of the employer) any safety information. Requires complaints be filed within 180 days. Establishes procedures to protect whistleblowers. Provides $5,000 penalty for an employee that files a frivolous complaint. Defines contractor. Establishes civil penalties for violations.

Senate Amendment

Section 419: Prohibits airlines and their contractors from taking adverse action against an employee whom provided or is about to provide any safety information. Requires complaints be filed at DOL within 90 days. Establishes procedures to protect whistleblowers. Defines contractor. Establishes civil penalties for violations. Frivolous complaints are governed by Rule 11 of the Federal Rules of Civil Procedure.

Conference Substitute

House provision but reduce the penalty for frivolous complaints to $1,000.

181. CENTENNIAL OF FLIGHT COMMISSION

House Bill

Section 720: Makes technical changes to legislation passed last year (P.L. 105–389) establishing a Commission to help celebrate the 100th anniversary of the Wright Brothers first flight.

Senate Amendment

No provision.

Conference Substitute

No provision. Addressed in Public Law 106–68.

182. ALLOCATION OF TRUST FUND SPENDING.

House bill

No provision.

Senate Amendment

Section 428: Treasury shall annually report to DOT on the aviation taxes collected in each State and DOT shall annually report to Congress the State dollar contribution to the Aviation Trust Fund and the amount of AIP funds that were made available by State.

Conference Substitute

No provision.

183. SENSE OF THE SENATE ON AIRPORT PROPERTY TAXES

House Bill

No provision.

Senate Amendment

Section 423: Senate of the Senate that property taxes be assessed fairly and a specific tax in Oregon should be repealed.

Conference Substitute

No provision.

184. MONROE REGIONAL AIRPORT LAND CONVEYANCE

House Bill

Section 739: Waives deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

Senate Amendment

Section 440: Authorizes DOT to waive deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

Conference Substitute

No provision.

185. AUTOMATED WEATHER FORECASTING SYSTEM

House Bill

Section 740: Directs FAA to contract with the National Academy of Sciences to study the effectiveness of automated weather forecasting services at flight service stations that do not have human weather observers. Report required in 1 year.

Senate Amendment

No provision.

Conference Substitute

No provision.

186. BANKRUPTCY, ROLLING STOCK EQUIPMENT

House Bill

No Provision.

Senate Amendment

Section 439: Amends Sec. 1110 of the Bankruptcy Code to clarify its operation and remove the ambiguity created by recent federal court decisions in the Western Pacific bankruptcy case. Because of this litigation, uncertainty exists in the international financial community regarding whether Sec. 1110 effectively protects both lessors and lenders in connection with bankruptcy adjudication.

Conference Substitute

Senate.

187. COORDINATION

House Bill

No provision.

Senate Amendment

Section 101(b): The authority granted the Secretary under section 41720 does not affect the Secretary's authority under any other provision of law.

Senate Amendment

Section 231: Senate.

188. RELIEVER AIRPORTS

House Bill

No provision.

Senate Amendment

Section 205(e): Changes definition of public-use airport to make privately owned reliever airports ineligible for grants if they did not receive an AIP grant before 1997, and the FAA has issued revised administration guidance for the designation of reliever airports.

Conference Substitute

No provision.

MISCELLANEOUS PROVISIONS

Security. The Managers believe that vigilance must be constantly maintained in the civil aviation security program. An indispensable element of that program is the employment history verification requirement that 14 C.F.R. sections 107.31 and 108.33 impose on those persons seeking unescorted access to any secured area of U.S. airports. Airport operators and air carriers are responsible for conducting or making sure not only that their employees are subject to such verifications but also that tenant and contractor employees undergo the same employment history scrutiny.

The Managers understand that the Federal Aviation Administration is developing audit procedures to determine compliance with the verification requirement. Members of the aviation community, including airport operators and airlines, are submitting comments responding that proposal. The Committee urges the FAA to complete promptly a workable audit program that appropriately reflects input from affected members of the aviation community. The FAA is currently conducting a fingerprint background check pilot program. If this proves successful, the FAA should consider expanding the program to Category X airports.

The Southern California Region Airspace Utilization. The conferees urge the FAA to study airspace utilization in the southern California region as part of the National Airspace Redesign. This study will help the region to determine how to handle increasing demands for cargo and passenger air service and effectively address future transportation issues.

Broadcasting series. An effective, efficient, and safe aviation system improves American's quality of life and strengthens our Nation's ability to compete in the global economy. It is important that the public understands the vital role that aviation plays in our Nation's advancement. The conferees strongly encourage that funds authorized for FAA Operations be made available to fund a public service series on the changing face of aviation in the 21st century. The series should highlight technological and programmatic advances in aviation safety and operations.

Feasibility study. The Managers direct the FAA to proceed with the planned study for the Louisiana Airport Authority outlined in the FAA December 7, 1999 memo. This study should include the feasibility of an intermodal facility, take into account existing aviation assets, and, if feasible, work with the appropriate management.

Cargo. Air cargo is growing faster than any other aviation industry, approximately 6.6% per year. With this type of growth, the conferees recognize the need to evaluate the air cargo distribution process. We urge DOT to conduct an intermodal study of the air cargo supply chain to identify system weakness and potential efficiencies to ensure the U.S. air cargo system can meet the needs of air freight in the 21st century.

BUD SHUSTER,
DON YOUNG,
THOMAS E. PETRI,
JOHN J. DUNCAN, Jr.,
THOMAS W. EWING,
STEPHEN HORN,
JACK QUINN,
VERNON J. EHLERS,
CHARLES F. BASS,
EDWARD A. PEASE,
JOHN E. SWEENEY,
JAMES L. OBERSTAR,
NICK RAHALL,
WILLIAM O. LIPINSKI,
PETER DEFAZIO,
JERRY F. COSTELLO,
PAT DANNER,
EDDIE BERNICE JOHNSON,
JUANITA MILLENDER-MCDONALD,

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

BILL ARCHER,
PHIL CRANE,
CHARLES B. RANGEL,

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

CONNIE MORELLA,
RALPH M. HALL,

Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

TED STEVENS,
CONRAD BURNS,
SLADE GORTON,
TRENT LOTT,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,

From the Committee on the Budget:

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
KENT CONRAD,

Managers on the Part of the Senate.

WELCOME TO THE REVEREND DR. FRANK RICHARDSON

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

Mr. CARDIN. Mr. Speaker, I am pleased today to introduce our guest chaplain, Dr. Frank Richardson.

Dr. Richardson currently holds positions as assistant professor, Department of Psychiatry and Behavioral Sciences at Johns Hopkins University School of Medicine and staff psychologist, Outpatient Psychiatry Department at Baltimore's Kennedy Krieger Institute. In addition to his current responsibilities, he brings to us rich life experiences as a Methodist minister of 9 years in Lansdowne, Pennsylvania, a board member of Baltimore's Hamden Family Center, work with the Catholic Charities Programs in San Diego, and as a chaplain intern for a number of schools and hospitals in Massachusetts.

This blend of experiences offers us a unique perspective of faith reflecting a wide variety of pastoral views, regional differences, all focused on the special care we must bring to each other and especially our children.

It is our honor to have Dr. Richardson and his family with us today.

RADIOACTIVE WATER

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

Mr. GIBBONS. Madam Speaker, safe, clean drinking water is something that many people often take for granted. Unfortunately, Nevadans may not have the luxury of assuming that their drinking water is safe or clean anymore. Recently, groundwater tests near the Nevada test site showed levels of radioactivity that were 25 times higher than allowed under the Federal safe drinking water standard. EPA studies have confirmed that due to the high volcanic activity in Nevada, radioactivity from deep within the earth's surface has surfaced and entered the groundwater supply.

This is a real and serious environmental threat for Nevada, the Nation's third most seismically active State. Yet, Madam Speaker, there are some who still support the development of a permanent nuclear waste repository at Yucca Mountain, which is located right in the middle of this volcanic activity. I for one will not support risking the health of millions of people and millions of children who merely want a cold, nonradioactive glass of water to drink.

I yield back the dangerous and illogical plan to shift nuclear waste to Nevada.

PERMANENT TRADE RELATIONS FOR CHINA

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

Mr. ROEMER. Madam Speaker, today the President of the United States sends up the permanent normal trade relations bill to the United States Congress. This will be one of the most important trade and foreign policy votes not only of this Congress but maybe of our careers. I would hope there would be bipartisan support for this bill, bipartisan support for making sure that we change the status quo today.

Right now, China has access to our markets. We do not have fair access to the Chinese markets. Under this new bill, we give up nothing and we get new access in agriculture, telecommunications, industry across the board to the Chinese markets. If we are going to support in a bipartisan way constructive engagement with the Chinese as five previous Presidents, Democrats and Republicans, have done, we need to engage the Chinese when we disagree with them on human rights and the Catholic Church. We need to engage the Chinese on the trade deficit. But we must pass this permanent trade relations act in a bipartisan way.

HONORING CHAMPIONSHIP SOCCER TEAMS FROM 16TH DISTRICT OF PENNSYLVANIA

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

Mr. PITTS. Madam Speaker, today I rise to honor two more championship soccer teams from my district, the Downingtown Whippets and the West Chester Henderson Warriors.

The Downingtown varsity boys triple A soccer team are the 1999 Pennsylvania State champions. These young athletes from a traditional sports powerhouse worked hard to build themselves into a trophy-winning team. I want to congratulate them on their success.

The Henderson varsity girls triple A soccer team holds the State girls championship. These ladies have continued a tradition of winning for Henderson. They have been State champs 4 out of the last 5 years. Two years ago they not only won Pennsylvania but were ranked number one in the Nation.

I am proud to say that both of these outstanding teams are from Chester County, Pennsylvania. They will be here tomorrow to receive the congratulations of many.

So three teams, Octorara boys double A, Downingtown boys triple A and Henderson girls triple A, all from my congressional district, congratulations. You have made Chester County proud.

ABOLISH THE TAX CODE

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

Mr. TRAFICANT. Madam Speaker, the tax code accounts for 24 percent of the cost of an American-made automobile. Now, think about it. You buy a car made in America for $20,000 and $5,000 of it goes to satisfy the tax code. Beam me up. I say, let us throw the tax code out; let us abolish the IRS, pass a flat 15 percent savings tax. No more tax on education, savings, investment, corporations, capital gains. And one last thing. No more forms, no more IRS. Congress, let us handcuff the IRS to a chain link fence and flog them with the income tax code.

I yield back the millions of audits and gouging of the American taxpayers.

URGING PASSAGE OF AID PACKAGE TO COLOMBIA

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

Mr. BALLENGER. Madam Speaker, in a few weeks, the House will consider a supplemental appropriations bill that includes a much-needed comprehensive aid package to Colombia. The purpose of this package is to help that nation fight its war against the narcoterrorists that threaten its very survival.

We must help the Colombians fight the drug lords because in the process it will help us take Colombian drugs off our own streets. Right now, 80 percent of the cocaine and 75 percent of the heroin which enters this country this day comes from Colombia.

While I believe that we must do our part to reduce the demand here, helping the Colombians fight the narcoterrorists where they live will slow the flow of drugs which are poisoning our own communities. Choosing not to help, as we did last fall, will only embolden the drug lords, who, in the absence of a comprehensive aid package, could more openly and freely continue peddling death to the American children.

Madam Speaker, I urge the immediate passage of the aid package to Colombia.

INFORMING CONGRESS ABOUT THE STATE OF THE DISTRICT OF COLUMBIA

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

Ms. NORTON. Madam Speaker, periodically, I come before this body simply to inform it about the state of the District of Columbia. Mayor Tony Williams gave his State of the District address this week. Only one year after taking office, he was able to show significant improvements in every area of life in the District of Columbia.

This was a city down on its knees only a few years ago. Now, it is about to go into the fourth year of a balanced budget and a surplus. The Mayor and the City Council have shown, definitively, that they know what they are doing. Anybody who looks around this city can see the difference.

I hope that this body will leave the micromanagement of the District to the District. What the Mayor and the Council deserve after the improvements we have seen, is a clean appropriation, which after all, consists mostly of money from the District, and respect from this body so that elected officials in the city can, in fact, run the city.

SUPPORT HABITAT ENHANCEMENT ROTATION OPTION (HERO) BILL

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

Mr. BEREUTER. Madam Speaker, American farmers are facing enormously difficult times. Producers continue to struggle with plentiful supplies and low prices. While there are no easy answers to this problem, there are some steps we can take to help farmers.

Today, this Member is introducing a bill based upon extensive farmer and conservationist input, which can be part of the solution and provide much-needed agriculture relief. The legislation is known as the HERO bill, which stands for Habitat Enhancement Rotation Option.

The HERO program would be voluntary and allow producers to enroll up to 25 percent of their cropland for periods of 2 to 4 years. It would complement the longer-term Conservation Reserve Program and thus provide farmers with payments as well as additional flexibility.

The HERO program is designed to be used during times like the present with high supplies and low prices. In addition to helping farmers, it would provide significant environmental benefits. It would help rehabilitate cropland, enhance soil and water conservation, and improve wildlife habitat.

Madam Speaker, the HERO program programs several options for farmers. For instance, producers could break the disease cycle, the weed cycles, plant short-term cover crops and so on. It could be used by producers seeking to establish permanent pasture on marginal cropland.

I urge my colleagues to consider cosponsoring this legislation.

INTERNATIONAL ABDUCTION DAY FOUR

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

Mr. LAMPSON. Madam Speaker, today I rise to talk about another of the 10,000 American children who have been abducted to foreign countries, Amanda Johnson.

Amanda was abducted from her father, Thomas Johnson, who is an attorney with the United States State Department, to Sweden by her mother, Anne Franzen, in 1994. Amanda continues to be wrongfully withheld from her father, the rest of her American family, her home and her familiar environment, and her country, by her mother and the government of Sweden.

1015

Between December 1995 and June 1999, Amanda saw her father only on five occasions for a total of about 15 hours. Every element of joint custody has been violated. No school or medical records, no photographs, no information on activities or general welfare have been provided to Mr. Johnson.

Mr. Johnson and parents like him need our help. Madam Speaker, we must show respect and concern for the most sacred of bonds, the bond between a parent and a child.

When we look at a globe we see boundaries, but when it comes to reuniting families we must know no boundaries. We must bring our children home.

VETERANS' BUDGET ON RIGHT TRACK

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

Mr. STEARNS. Madam Speaker, today I want to talk about the veterans budget for the year 2001. Now, the administration has presented a budget, and it is a good start. The budget which was presented is much better than last year, which fell short in several areas, and that is why as the chairman of the Subcommittee on Health I have recommended an increase of $25 million above the President's request for medical research.

The committee has also recommended increasing the administration's proposed $60 million for State veterans home construction grant programs to $140 million.

As the sponsor of the Veterans Millennium Health Care Act, which requires VA to fund pending projects and to revise the priorities for the award of new grants, the proposed reduction in funding would result in projects being delayed another year or more.

This is a top priority for me. I will fight to get these proposed increases passed. Overall, the committee recommends a $100 million increase over the President's budget request. Veterans deserve our deepest respect and we must keep the promises we made to them.

ENVIRONMENTAL EXTREMISTS NEED TO MOVE OUT OF THE WAY OF DRILLING FOR OIL

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

Mr. DUNCAN. Madam Speaker, experts are now predicting that gas prices will soon go to $2 a gallon or perhaps even higher. This sudden big rise in gas prices is hurting lower income and working people most of all. It will hurt small towns in rural areas because their people usually have to drive further distances to work. It will hurt tourism and agriculture and trucking, and mean higher prices for airline tickets. The saddest part of this whole scenario is the Congress could easily keep this from happening.

The U.S. Geologic Survey estimates there are 16 billion barrels of oil in less than 1 percent of the coastal plain of Alaska. There are billions more barrels offshore from other States, yet environmental extremists do not want us drilling for any of this oil even though it could be done in an environmentally safe way. These extremists almost always come from wealthy or upper-income families and perhaps are not affected that much when prices go up and jobs are destroyed. Some of these environmental extremists even think it would be good for gas prices to go even higher so people would drive less.

If we allow gas prices to go much higher, Madam Speaker, millions of people, including millions of children, are going to suffer greatly.

GOVERNMENT WASTE CORRECTIONS ACT

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

Mr. METCALF. Madam Speaker, during my time in Congress I have tried to identify and stop wasteful spending. That is why I am pleased to rise today as a cosponsor of H.R. 1827, and support a bill that will stop overpayments to vendors by the Federal Government. The Government Waste Corrections Act requires executive agencies to conduct recovery auditing to identify and collect millions of dollars in overpayments.

We all know there are many cases of government waste. H.R. 1827 is vital to collecting back overpayments that otherwise would never have been detected. We have a responsibility to keep our government accountable, cut excessive spending, and terminate the unnecessary use of taxpayer dollars.

We can cut excessive spending and reduce our deficit so that in the future our children and grandchildren will not have to bear the excessive burdens of our debts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that she 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 recorded votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 2 p.m. today.

KEITH D. OGLESBY STATION

Mr. TERRY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2952) to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station''.

The Clerk read as follows:

H.R. 2952

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

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, and known as the Orchard Park Station, shall be known and designated as the ''Keith D. Oglesby Station''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''Keith D. Oglesby Station''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

GENERAL LEAVE

Mr. TERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2952, the bill now under consideration.

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

There was no objection.

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

Madam Speaker, the gentleman from South Carolina (Mr. DEMINT) introduced H.R. 2952 on September 27, 1999, along with the entire South Carolina delegation as original cosponsors.

The Congressional Budget Office has reviewed the legislation and has estimated that its enactment would have no significant impact on the Federal budget and would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

This bill contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The legislation redesignates the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, presently known as the Orchard Park Station, as the Keith D. Oglesby Station.

Keith Oglesby was the postmaster of Greenville for 6 years. Unfortunately, sadly, tragically, he drowned last year while on vacation with his family. Among the many activities the postmaster was associated with are chairperson for the Greenville Counties Combined Federal Campaign for 5 years; postal co-chair for the Upstate Postal Customer Council and he served on the board of directors for 4 years and President for a year of Senior Action, an organization to provide and raise funds for social events for senior adults in Greenville County.

Mr. Oglesby was awarded the Benjamin Award, the Postal Service's top public relations honor. He received the second award posthumously. Postal employees, his peers and customers in Greenville have requested that Mr. Oglesby be remembered in the community where he lived, worked, and served.

Mr. Oglesby was known by his words, quote, ''do the right thing,'' end quote. I believe that such an honor initiated by one's own community is the right thing and I thank our colleague, the gentleman from South Carolina (Mr. DEMINT), for sponsoring H.R. 2952, naming a postal facility after postmaster Keith D. Oglesby, and I urge all of our colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

As a Member of the Committee on Government Reform, I am pleased to join my committee colleague, the gentleman from Nebraska (Mr. TERRY), in the consideration of two postal naming bills. Both bills honor a number of fine individuals who have contributed much to the improvement of their communities and States.

H.R. 2952 and H.R. 3018 have met the committee's sponsorship requirement and are supported by the entire South Carolina congressional delegation. In addition to and on behalf of the ranking minority member, the gentleman from Pennsylvania (Mr. FATTAH), I would like to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from New York (Mr. MCHUGH), for their support and assistance in the accommodation and timely consideration of these postal-naming bills.

As a member of the Committee on Government Reform, I am pleased to bring to my colleagues' attention H.R. 2952, legislation introduced by the gentleman from South Carolina (Mr. DEMINT). H.R. 2952 would designate a post office located at 100 Orchard Park Drive in Greenville, South Carolina, as the Keith D. Oglesby Station.

Mr. Oglesby was a tireless worker and community activist. As the Greenville postmaster, he took his position in the community seriously. He hosted the First-Day Issue ceremonies for the Organ & Tissue Donation Stamp, coordinated blood drives, and participated in the March of Dimes Walk America and the American Cancer Society's Relay for Life.

He was honored posthumously with a second Benjamin Award, the Postal Service's top public relations award, given in recognition of community outreach accomplishments.

I urge my colleagues to join in honoring Mr. Oglesby and to pass H.R. 2952.

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

Mr. TERRY. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DEMINT), the initiator and sponsor of this important legislation.

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

Mr. DEMINT. Madam Speaker, I thank the gentleman from Nebraska (Mr. TERRY) very much for managing this bill on the floor.

Madam Speaker, today the House will consider a bill which is very important to my hometown and to the people of Greenville, South Carolina. H.R. 2952 renames the Orchard Park Station of the Greenville Post Office in honor of the late Postmaster Keith D. Oglesby.

The tragic and unexpected death of Mr. Oglesby last summer shocked and saddened the community of Greenville.

As we have grieved his loss, we have also struggled to find a way to appropriately honor Mr. Oglesby in his contribution to the post office and to the community of Greenville.

Renaming a postal facility in his honor is one way to pay tribute to this outstanding citizen and beloved boss. The dedication of Keith Oglesby to his job and to serving others has aided those in the Greenville community, as well as the State of South Carolina and the Nation as a whole.

Among many other community service activities, Mr. Oglesby hosted the First Day of Issue ceremonies for the Organ & Tissue Donation Stamp. He filled Christmas stockings for the Salvation Army. He coordinated the postal blood drive. He participated in the March of Dimes Walk America and the American Cancer Society Relay for Life.

Mr. Oglesby also supported the work of the Greenville Family Partnership, which I am on their board, and he supported our efforts to keep kids safe and drug free.

He was honored by the Greenville Family Partnership as the volunteer of the year in 1997. As a supervisor, as has already been mentioned, he always told his workers to do the right thing. This motto permeated his actions and expectations to local postal customers, employees of the post office, and to higher management of the United States Postal Service.

We recognize his service to our community. He was also honored, as has been mentioned already today, with two Benjamin Awards, the Postal Service's top public relations honor given to recognize community outreach accomplishments.

In the word of a Greenville postal employee, renaming the facility in honor of Keith D. Oglesby is important, because, and I quote, ''Keith Oglesby, a man respected and admired by his peers, his employees and many, many postal customers, would always be remembered in a community which he proudly lived, worked and served.''

Madam Speaker, we are a success in this life when the people who know us the best love us the most.

1030

We received this morning a number of pages of quotes and comments from folks who had worked for Mr. Oglesby and knew him and I will submit them for the RECORD at this time.

The following quotes testify to the character of Keith D. Oglesby, who we seek to honor today by passing H.R. 2952, designating the Keith D. Oglesby Station.

As the past branch president for the local letter carriers' union, I had the honor of working with Keith Oglesby for more than five years. Keith's door was always open for any employee at any level, and when you spoke, he listened.

In my 30 years with the Postal Service, Keith was, without a doubt, a man who defined dignity and respect for all employees at all levels. He walked the talk—every day—every hour—every minute that I knew him.

I know I will never meet another like him, and for this, I am sad. But I'll never forget his kind, smiling face, and I'll always smile when he walks through my memories.

STEVEN B. GIBSON,
US Postal Service.

If you close your eyes and think for a moment of the kind of person you would most like to have as a friend, a father, a brother or a neighbor, Keith will come to mind.

He was fun and funny: interesting and interested; caring and carefree; warm and giving in all walks of his life. I appreciate to opportunity to have worked with Keith through the Upstate Postal Customer Council.

CAROLYN THOMPSON,
Liberty Life.

I met Keith when I became a member of the Upstate Postal Customer Council Executive Board in 1996.

He was energetic, kind-hearted and had a great sense of humor. He had a genuine concern for people and always greeted you with a smile.

Keith was an inspiration and a *blessing* to all who knew him. We will miss him dearly!

KATHY JENKINS,
Clemson University.

In every way, Keith Oglesby consistently provided an example of being a superior manager of the public's trust, while being a warm, interactive employer and a human being.

HUGH M. HAMPTON, Jr.,
Manager, Marketing,
US Postal Service.

Keith believed in the power of positive reinforcement to achieve goals. While others may have resorted to threats or predictions of gloom and doom, Keith inspired each person the encountered to live up to their full potential, not only with his words, but with his actions.

Because of his belief in the basic good in everyone, the ''impossible'' became the ''possible'' and achievable.

CAROLYN CLARK,
US Postal Service.

Daryel (Keith) was a devoted and loving husband; a caring and encouraging father; a faithful friend and a Man among Men.

Daryel (Keith) always welcomed people with open arms, accepting them for who they were, never judging but always supporting.

STEPHEN JETER,
Family Friend.

Keith Daryel Oglesby never met a stranger. His love and caring for everyone he met was truly an inspiration.

Our forty-year friendship with Keith has allowed us to witness his dedication to his family, work and friends with the most wonderful combination of sincerity, responsibility energy and humor. We were blessed to have been a part of his life.

TOMMY AND JEANNIE BARRET,
Family Friends.

Keith always put the important things in their proper perspective—like family, a worthy cause, menitoring others, health and doing things he loved. His memory is a source of strength to all who knew him.

GUYNELL BROWN,
US Postal Service.

Not only did Keith always look for and see the best in people, he also helped others see the best in themselves. He was a person who truly ''walked the talk.''

SANDRA TAYLOR,
US Postal Service.

Keith was the most genuine person I ever met. He always made everyone feel comfortable and at ease. He was everyone's friend.

JEANNE BROWN,
Greenville Marriott.

Keith Oglesby was a kind, gentle and honorable man—someone you knew you could trust.

JIM HARDWICK,
Hardwick Printing.

---

1. A friend to everyone.
2. Caring for others—senior citizens, employees, and visitors.
3. Patience—willing to listen to those who had an opinion, either good or bad.
4. Placed the customer first.
5. Motivator.
6. Encourager—encouraged people to take the worst moments in their lives and make them positive.
7. Loyal—Keith was loyal to the employees at the lowest level of work to the senior management in the organization.
8. Time—Keith would take the time to hear from a dissatisfied customer, an employee with a problem or someone who needed his help.
9. A futurist—looking at a problem and able to see the positive in every situation.
10. A loyal Florida State graduate and Seminole fan.

TOMMY ABBOTT,
US Postal Service.

Keith Oglesby was the most compassionate and caring person you could ever hope to work for. No employee was too small; nor was time ever too short for Keith to take a minute to talk.

THOMAS TURNER,
US Postal Service.

Keith was the finest neighbor and family man ever. He was a kind, humble person—a gentleman's gentleman.

People who met him didn't just like him—they LOVED him. There was no gray area.

ROBERT MOON,
Retired postal employee, friend and neighbor.

KEITH DARYEL OGLESBY, A SPECIAL FRIEND, JUNE 5, 1947–JUNE 7, 1999—POSTMASTER, GREENVILLE, SC, DECEMBER 26, 1992–JUNE 7, 1999

LOVED BY ALL—MISSED BY ALL

(By Tommy Abbott, June 10, 1999)

He must have been born happy and with a smile;
It must have remained there when he was a child.
He kept it there throughout his adult life—this smile on his face,
He shared it with everyone he met no matter what the place.
He must have been born with a big heart that had an unusual beat.
It was a heart that cared for the people he would meet.
A heart that would listen to those who wanted to talk;
No matter who the person was or the path they had walked.
He must have been born with a caring mind;
He always had an attitude that was sweet and kind.
When others had a need, he would place them first;
And give them food, or water to meet their thirst.
He must have been born with happy feet;
He would walk around and encourage those he would meet.
If he found that you were disappointed with life or a little down;

He would cheer you up and you were glad he was around.
He must have been born with a gift of encouragement;
It was one of those gifts that God would have sent.
He was good at encouraging others and lifting them up;
It only took his smile, his voice, or sharing coffee in a cup.
He must have been born with the ability to look ahead;
Because he was normally thinking what to do or what to be said.
He had the answers for problems or trouble that came his way;
They seemed to disappear when you listened to what he had to say.
Keith was born and one day, like everyone, he had to die;
That is something we all face in this present life.
But he has come onto our life's path and taught us many lessons;
On looking at the best in life and be happy for no reasons.
God went into the garden the other day to pick some flowers;
He didn't have to spend all day searching or even an hour.
He saw one flower, it was a beauty and happy in life's breeze;
He said that is My flower, I will take it home;
And Keith smiled.

Madam Speaker, I ask my colleagues to vote in favor of House Resolution 2952. The Keith D. Oglesby Station would be a permanent memorial of the steadfast service of Keith Oglesby to the Greenville community and to the United States Post Office.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 2952.

The question was taken.

Mr. TERRY. Madam 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LAYFORD R. JOHNSON POST OFFICE, RICHARD E. FIELDS POST OFFICE, MARYBELLE H. HOWE POST OFFICE, AND MAMIE G. FLOYD POST OFFICE

Mr. TERRY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3018) to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the ''Marybelle H. Howe Post Office'', as amended.

The Clerk read as follows:

H.R. 3018

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

SECTION 1. LAYFORD R. JOHNSON POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 301 Main Street in Eastover, South Carolina, shall be known and designated as the ''Layford R. Johnson Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Layford R. Johnson Post Office''.

SEC. 2. RICHARD E. FIELDS POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, shall be known and designated as the ''Richard E. Fields Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Richard E. Fields Post Office''.

SEC. 3. MARYBELLE H. HOWE POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 557 East Bay Street in Charleston, South Carolina, shall be known and designated as the ''Marybelle H. Howe Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Marybelle H. Howe Post Office''.

SEC. 4. MAMIE G. FLOYD POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, shall be known and designated as the ''Mamie G. Floyd Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the ''Mamie G. Floyd Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

GENERAL LEAVE

Mr. TERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3018, as amended.

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

There was no objection.

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

Madam Speaker, H.R. 3018, introduced by the gentleman from South Carolina (Mr. CLYBURN) on October 5, 1999, and cosponsored by each member of the South Carolina House delegation, designates the U.S. Post Office located at 557 East Bay Street in Charleston, South Carolina, as the Marybelle H. Howe Post Office. The legislation was approved, as amended, by the Subcommittee on the Postal Service on October 21, 1999, and forwarded to the Committee on Government Reform, as amended. The Committee ordered the legislation be reported, as amended, on October 28, 1999.

The Congressional Budget Office reviewed the legislation on October 29, 1999, and estimated that the enactment of H.R. 3018 would have no significant impact on the Federal budget and would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The amended legislation includes the provisions of H.R. 3018, H.R. 3017, H.R. 3018, and H.R. 3019, which were all introduced by the gentleman from South Carolina (Mr. CLYBURN) on October 5, 1999, and also cosponsored by the entire House delegation of the State of South Carolina.

Section 1 of the amendment, originally H.R. 3016, designates the U.S. Post Office located at 301 Main Street in Eastover, South Carolina, as the Layford R. Johnson Post Office. Reverend Johnson is a lifelong resident of Eastover. He was the son of farmers, and after working on the Works Progress Administration, an employee of the Civilian Conservation Corps and also for a lumber company, he became a full-time, self-employed farmer. He is associate pastor and steward emeritus at St. Phillip A.M.E. Church. Reverend Johnson has been a dedicated Meals-on-Wheels volunteer for 10 years. Additionally, he also volunteers to provide transportation to the polls on Election Day. Even at age 80, Reverend Johnson pastors, volunteers, farms, and lives by the Golden Rule.

Section 2 of the amendment, formerly H.R. 3017, designates the U.S. Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the Richard E. Fields Post Office. Richard Fields, born in 1920, received his B.S. in 1944 from West Virginia State College, then received his LLB in 1947 from Howard University. Mr. Fields served as a judge of the municipal court from 1969 to 1974 and then the family court from 1974 to 1980. He was elected to fill an unexpired term as judge of the ninth judicial circuit in 1980 and stills serves in that position.

Section 3 of the amendment, H.R. 3018, honors Marybelle Higgins, who was born in Georgetown, South Carolina. The third of six children, she helped in raising three younger siblings because of her mother's ailing health. She graduated with a degree in journalism from the University of South Carolina in 1937 and married Gedney Howe, whom she met there. The Howe family settled in Charleston, where Marybelle was a homemaker, active in the PTA, her church, and politics.

In 1950 she was elected President of Church Women United, a biracial group

which administered to the needs of migrant laborers and their families on Sea Island. In the late 1950s she worked with others to open Camp Care on John's Island to minister to the children of migrant workers. This later became known as the Rural Mission, Inc. Before her death, the mission honored Mrs. Howe by making her the first person to be placed on its Honor Roll. Her work for migrant workers was instrumental in establishing the South Carolina Commission for Farm Workers, which later became a model for Federal assistance programs.

Mrs. Howe also worked to help African Americans. She was named the founding chairman of the Charleston County Commission on Economic Opportunity. She served as a board member of the Charleston County Library for 25 years and chair of its board of trustees for many years. She served on the Board of Women Visitors of the University of South Carolina for several years and was honored by the university for her service to her church, to her community, and the university.

Marybelle Howe pursued her convictions even though they were not often popular in the eyes of her peers. She was a great inspiration to others, in addition to being a wife, mother, journalist, and community leader.

Section 4 of the amendment, originally H.R. 3019, designates the U.S. Post Office located at 4026 Lamar Street in Columbia, South Carolina, as the Mamie G. Floyd Post Office. Mamie Goodwin Floyd still lives in the house where she was born in Columbia. She attended Benedict College, graduating in 1943 with a degree in history. After graduation, Mamie Goodwin married J. Hernandez Floyd. Mrs. Floyd taught at various public schools, and then received her master's degree in education from South Carolina State College.

She is active in the Ridgewood Missionary Baptist Church, serving as its treasurer and being recognized twice with its Women of the Year Award. Mrs. Floyd became very interested in politics and encouraged voter registration and provided transportation to the polls. She was selected as an alternate delegate to the 1992 Democrat National Convention. She worked tirelessly to restore the historic Holloway House, a community center for home work assistance, enrichment programs, and senior citizens activities, which subsequently was renamed in her honor.

A devoted mother, she cared for her two sons who had sickle-cell disease before much was known about its treatment. She, however, encouraged others to get tested so that they could receive proper treatment. Mrs. Floyd, affectionately known as Miss Mamie Lee, is a source of inspiration to her community of Ridgewood in the Columbia area. I strongly encourage full support of H.R. 3018, as amended.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3018, as amended, names certain facilities of the U.S. Postal Service in South Carolina: The United States Post Office, located at 557 East Bay Street in Charleston, South Carolina, as the Marybelle H. Howe Post Office; the United States Post Office, located at 301 Main Street in Eastover, South Carolina, as the Layford R. Johnson Post Office; the United States Post Office, located at 78 Sycamore Street in Charleston, South Carolina, as the Richard E. Fields Post Office; and 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.

These individuals, thoughtfully selected by the gentleman from South Carolina (Mr. CLYBURN), the sponsor of H.R. 3018, have made enormous contributions to their communities and states and deserve to be recognized by having a postal facility named in their honor. I urge my colleagues to join me in support of this important postal-naming measure.

H.R. 3018, as amended would make the following designations:

The United States Post Office located at 301 Main Street in Eastover, South Carolina, as the ''Layford R. Johnson Post Office.''

Reverend Johnson is a pillar of his community who has served his church as the associate pastor and has been a steward for over 20 years. He is currently a volunteer for Meals-On-Wheels, where he has served for almost two decades. He is the epitome of a community worker.

The United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the ''Richard E. Fields Post Office.''

Judge Fields is a retired judge of the 9th Judicial Circuit in South Carolina. Hailing from Charleston, South Carolina, Judge Fields is widely known for his outstanding, fair, and judicious service to the Palmetto State.

The United States Post Office located at 557 East Bay Street in Charleston South Carolina, as the ''Marybelle Howe Post Office.''

Marybelle Higgins Howe is most well known for her pioneering efforts on behalf of migrant laborers. Under her guidance, the South Carolina Commission for Farm Workers was established. She worked tirelessly on behalf of the Charleston County Library, serving as a board member for over two decades and as Chair of the Board of Trustees. She has a remarkable history of service to the University of South Carolina.

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.''

Mamie Goodwin Floyd served almost 40 years as a school administrator and then a teacher. She touched the lives of hundreds of students during her teaching career that spanned three decades in the public schools of Richland County. Although teaching was her profession, politics were, and are, her passion.

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

Mr. CLYBURN. Madam Speaker, let me begin by thanking the gentlewoman of the District of Columbia for yielding me this time and to thank the Chair for his comments on behalf of the four people for whom we are naming these post offices today.

I want to associate myself with the comments made by the gentleman and thank the gentleman so much.

I would like to add just a couple of personal notes, if I may, Madam Speaker. On the Post Office being named for Reverend Layford Johnson in Eastover, South Carolina, Reverend Johnson is now 82 years old and still active in his community and is someone for whom I hold the highest regard and someone for whom the community seems very, very pleased to honor this way. In fact, this is not a personal effort on my part. People from the community, the town of Eastover and surrounding communities came to me and asked that I pursue this on behalf of the community, and we started out on this some 3 years ago, and I am pleased to get to this point today.

The second Post Office, the one being named for Richard E. Fields. Richard Fields is now 79 years old. He is now retired from the Circuit Court of South Carolina, a longtime personal friend, one who lives in the community served by this post office and one of the early settlers in this particular community. Richard Fields has been a tremendous asset to the Charleston community and to South Carolina all of his life, and I am pleased to come before the House today as one of the sponsors of this legislation to have this post office honor Richard Fields in this way.

The third one, Marybelle Howe, that post office is on East Bay Street in Charleston, South Carolina. My colleagues have heard from the gentleman from Nebraska a lot about Mrs. Howe. It was my great honor at one point in my life to serve as the executive director of the South Carolina commission for farm workers. It was in that capacity that I got to know Marybelle Howe very well, and not just in an appreciation natural way, but in a very personal sort of way. In her resume we will find that she was a journalism graduate from the University of South Carolina and spent a lot of her time writing short stories for friends and family.

1045

One of the interesting things about Marybelle is that she had a brother who wrote children's books, and he would send these books to Marybelle, who would then bring them by my house to use my oldest daughter, Mignon, as sort of a guinea pig. She would read these stories to Mignon to see whether or not her brother had hit the mark in his writing of the books.

This led to a very personal relationship, and later on Marybelle became very active on behalf of not just migrants, but seasonal full-time workers out in the Sea Islands of South Carolina. Much of her work led to a bit of a social problem for her, because there were those who felt that this kind of

work was beneath the dignity of this lady from what we call below Calhoun Street in Charleston, but she never wavered in her commitment to those less fortunate.

I do believe that though she has passed on to a greater reward, the people of Charleston and the people of the low country, South Carolina, will do themselves a great honor in honoring her in this way.

Finally, Madam Speaker, the Post Office in the community of Eau Claire, just outside of Columbia, in fact, part of the city of Columbia in South Carolina, this Post Office we are pleased to name in honor of Mamie G. Floyd.

Mamie Floyd is a unique person. She is now 78 years old, a retired schoolteacher, retired some 20 years ago, but remaining active in her church, Ridgewood Baptist Church, where I worship occasionally with her and her pastor, Reverend Chavis, and other church members.

But Mamie Floyd is unique because, as the Chair mentioned, both her sons were stricken with sickle cell anemia, a disease that still befuddles medical experts. But it was one which made Mamie Floyd a greater person. She nurtured her children, and even her husband, who passed some 10 years ago.

When I see her today, she still remains a solid citizen, reaching out to others, working with the less fortunate, working on historic preservation projects in her community of Eau Claire. I think that this body will do Mamie Floyd, the community of Eau Claire, the city of Columbia, the State of South Carolina, great honor by passing this legislation.

Madam Speaker, I thank the chairman for his kind words about these four outstanding South Carolinians.

JUDGE RICHARD E. FIELDS

Richard E. Fields was born October 1, 1920 to John and Mary Fields. He attended West Virginia State College where he received his B.S. in 1944. He then went on to attend Howard University where he received a L.B.B. in 1947. In 1951, he married Myrtle Thelma Evans and together they had two children, Mary Diane and Richard E. Fields, Jr.

Mr. Fields served as a judge of the Municipal Court from 1969–1974. He then worked as a judge of the Family Court from 1974–1980. He was elected Judge of the Ninth Judicial Circuit on March 18, 1980 to fill the unexpired term of Clarence E. Singletary. He was qualified on June 20, 1980 and currently remains in that position.

MAMIE G. FLOYD

Mamie Goodwin Floyd was born September 4, 1921 to Lee and Mamie Scott Goodwin. She resides today in the house in which she was born in Columbia, South Carolina. Mrs. Floyd attended the Booker T. Washington School, from which she graduated in 1939. She entered Benedict College, majoring in history, and received a Bachelor of Arts degree in 1943. During her senior year, Mrs. Floyd accepted a position with the U.S. Rationing Board. Upon graduation, she married J. Hernandez Floyd of Statesboro, Georgia. To this union, two children were born: Hernan Augustus and Marion Donald (deceased).

In 1945, Mrs. Floyd accepted a position in the Registrar's Office at Benedict College, eventually becoming Assistant Registrar. After leaving Benedict College, she embarked on a teaching career in the Richland County (S.C.) Public Schools, first as a substitute teacher, then as a full-time professional in 1953. Mrs. Floyd taught at Saxon Elementary (1953–55), Roosevelt Village, now known as Edward Taylor Elementary (1955–57), Booker T. Washington School (1957–58), and Waverly Elementary (1958–1970). In 1959, she received a Master's degree in Education from South Carolina State College. She retired from Hand Middle School in 1981.

Mrs. Floyd has been active with the Ridgewood Missionary Baptist Church almost from its inception. As the daughter of one of the founders of Ridgewood, she has served with the Senior Choir, the Sunday School, and the Missionary Society. The Ridgewood Baptist Church Missionary Society has had two treasurers in its history—Mamie Scott Goodwin and Mamie Goodwin Floyd. The Missionary Society is an integral part of the Ridgewood community, preparing Thanksgiving baskets for the needy and visiting area nursing homes to spread God's word. For her many years of service to the church, Mrs. Floyd has been honored twice with the Woman of the Year Award.

Early in her career, Mrs. Floyd developed an interest in politics. She was the first African-American poll worker in the Ridgewood precinct, eventually serving as Executive Committee Person. In that capacity, Mrs. Floyd encouraged voter registration, provided transportation to the polls, and made candidates aware of the conditions in the Ridgewood community. She has held this position for the past twenty years. She became active in the Democratic party in the late 1970's, joining the Democratic Women and the Richland County Democrats. Mamie Floyd has worked tirelessly to promote local, regional and national Democratic candidates. The culmination of this devotion to duty came when Mrs. Floyd was selected as an alternate delegate to the 1992 Democratic National Convention.

Influenced by her mother, Mrs. Floyd also became active in the civic affairs of the Ridgewood community. She was instrumental in the formation of the Ridgewood Community Organization, which organizes clean-up drives and strives for the betterment of Ridgewood and the adjoining Eau Claire community. Through her work with the Ridgewood Foundation, Mrs. Floyd has been a part of the restoration of the Historic Holloway House. Originally a school for business instruction and a retail store, the Historic Holloway House is a community center for homework assistance, enrichment programs, and senior citizen activities. Mrs. Floyd sold commemorative bricks to help finance the restoration effort. She influenced members of Shandon Baptist Church to donate time and labor, and fed delicious meals to those who worked on the building. Because of her efforts on the building's behalf, the conference room of the Holloway House is named in her honor. Mrs. Floyd also helped to organize the Ridgewood Foundation Golf Tournament, now in its third year, to benefit the ongoing programs at the Holloway House.

Mrs. Floyd is a devoted mother who cared for two children with sickle-cell disease. At the time of the initial diagnosis, not much was known about the disease. Mrs. Floyd strongly urged other members of her family to be tested so that they could receive proper treatment. Although her eldest son Hernan was able to graduate from college and graduate school, her youngest son Donald suffered from brain damage as a result of the sickle-cell disease. She tenderly nurtured Donald until his death in 1977.

Mrs. Floyd enjoys working in her garden, and is an avid bridge player, belonging to one of the oldest African-American bridge clubs in Columbia, S.C. Although still active in the community and church, Mrs. Floyd enjoys visiting with her son and daughter-in-law Rosalyn in Augusta, Georgia. Affectionately known as ''Miss Mamie Lee'', she is a source of inspiration in the Ridgewood community and the Columbia area. On her 75th birthday, Mamie Floyd was honored by the South Carolina Legislature with a proclamation presented by the Honorable Timothy Rogers.

THE LATE MARYBELLE HIGGINS HOWE—APRIL 1, 1916–JULY 5, 1987

Marybelle Higgins was born in Georgetown, South Carolina. The daughter of James Stone and Belle Boone Higgins—the third of six children. Her two older brothers, James Thomas Higgins and Robert Knox Higgins, adored her. Due to her mother's illness, she helped raise her three younger siblings, Donald Stone Higgins, Theodora Higgins, and Anthony Boone Higgins. She attended the public schools in Georgetown until the vicissitudes of the Great Depression force her family to move to Hopewell, Virginia, where she completed high school.

Marybelle Higgins graduated from the University of South Carolina in 1937 with a degree in Journalism. While at the University, she was on the staff of the Gamecock newspaper, active in the little theater, a member of Euphrosynean Literary Society and a member of Alpha Delta Pi social sorority. She met her future husband, Gedney Main Howe, Jr., at the University where they managed the campaigns of opposing candidates for May Queen. It is a family joke that neither claimed to remember who won the election. After graduation, Marybelle went to work as a journalist for WIS radio in Columbia. She later moved to Richmond, Virginia, where she worked for WRNL radio and was a reporter for the Richmond Times-Dispatch newspaper.

Marybelle and Gedney married on April 17, 1942, in Pensacola, Florida. This was one of the places where he was stationed during World War II, prior to service in North Africa and the Pacific. They were to have four children—Belle Boone Howe, Gedney Main Howe III, Robert Gasque Howe, and Donald Higgins Howe—all of whom became attorneys. After the war, the Howes made their home in Charleston where Marybelle was a homemaker and Gedney was the Circuit Solicitor. She was active in the P.T.A. and the Second Presbyterian Church where she served as head of the Junior Department for many years. She was also active in the Democratic Party and was honored for her lifetime of service, shortly before her death.

In the 1950's Marybelle was elected president of Church Women United. This bi-racial group sparked her interest in a ministry for migrant laborers and their children on the Sea Islands south of Charleston. Marybelle and the Rev. Willis T. Goodwin opened Camp Care on John's Island in the late 1950's to minister to the children of migrant workers. This activity later blossomed into Rural Mission, Inc. which has a myriad of programs today to assist the residents of the Sea Islands. Rural Mission honored Marybelle Howe just before her death with a day long celebration, placing her name first on its Honor Roll.

Marybelle Howe's pioneering efforts on behalf of migrant laborers helped to establish the South Carolina Commission for Farm Workers which later served as a model for federal assistance programs. It was only natural that she be named the founding chairman of the Charleston County Commission on Economic Opportunity. Her work to help African-Americans during President Johnson's Great Society proved to be controversial among conservative Charlestonians and

she suffered social ostracism for her commitment to the poor. This did not cause her commitment to waiver; she continued to work on behalf of the poor for the rest of her life.

She also labored long and hard on behalf of the Charleston County Library, serving as a dedicated board member for 25 years, several as chairman of its board of trustees. The Library honored her after her death by re-dedicating the South Carolina room in her honor. She also served on the Board of Women Visitors of the University of South Carolina from 1962–1973 and again from 1981 until her death. The University of South Carolina Board of Trustees presented a Resolution to her family after her death, expressing its gratitude for her years of service to her church, her community and to the University of South Carolina.

Marybelle Howe, known for her zest for worthy causes, was a truly remarkable woman. Journalism was her chosen profession, and she was a writer all of her life. In addition to corresponding with family members weekly, she wrote a new short story as a gift for her children and friends each Christmas. She also enjoyed playing the piano, particularly ragtime pieces.

She was a wonderful wife, providing strength and balance in support of her husband's legal career. She was a wonderful mother, fair in her dealings with her children, inspiring them with her compassion for others and her non-judgmental nature. Marybelle's warmth and wit made others gravitate to her, and there was no doubt that she had a genuine love for people. She saw everyone as a ''basically nice person'' and knew the secret of inspiring others to bring out the best in themselves.

REV. LAYFORD R. JOHNSON

Rev. Layford R. Johnson, the son of the late Henry and Alice Johnson, was born in the Hickory Hill section of Lower Richland County, SC, 82 years ago. Rev. Johnson attended the Richland County Public Schools. He is a lifelong resident of Eastover, SC.

Rev. Johnson's parents, Henry and Alice Johnson were farmers. He said that some of the primary values they taught him, that he has taught to his children are honesty, and hard work.

Rev. Johnson worked in his earlier years on the WPX, as well as an employee of the CC Camp for two years, and for Holley Hill Lumber Company. Later he became a self employed farmer full time.

Rev. Johnson and Mrs. Evelina Hinton-Johnson are the parents of seven children. In addition they are the grandparents to fourteen (14) grandchildren, four great grandchildren, two daughters-in-law, two sons-in-law, two elderly aunts and a brother.

Rev. Johnson has always been and remains active in the work of the Lord. He is Associate Pastor at St. Phillip A.M.E. Church. He is also a Class Leader and Steward Emeritus, after twenty years of service as a Steward of the church.

Rev. Johnson is a Meals-On-Wheels Volunteer. He has served in this capacity for the past eighteen (18) years. Rev. Johnson is a dedicated and loyal volunteer. In addition, Rev. Johnson is very active in the political arena. He always volunteers his time on election day providing transportation to the polls.

Currently, Rev. Johnson, 80 years old is active in his volunteer work and pastoring. In addition, he still farms his garden. He is truly, an inspiration to his family and friends. Rev. Johnson believes and lives by the Golden Rule, ''Do unto others, as you would have others do unto you.''

Mr. SANFORD. Madam Speaker, I join my South Carolina colleagues to honor a fellow Charlestonian—Marybelle H. Howe. I think what Mrs. Howe represents is something we should all aim for and that is being an active part of our community.

Mrs. Howe was a wife and mother of four children, but that did not stop her from participating in her church and her community. In the 1950's, Mrs Howe was elected President of Church Women United, which brought her in touch with the migrant labor communities in the Seas Islands, just south of Charleston. In the late 1950's, Mrs. Howe and the Rev. Willis T. Goodwin opened Camp Care on Johns Island to minister to the children of migrant workers. This activity later blossomed into Rural Mission, Inc., which provides a wide variety assistance programs to the residents of the Sea Islands. Just before her death in 1987, Mrs. Howe was honored by Rural Missions, Inc. and her name was placed first on their Honor Roll.

Mrs. Howe's efforts with the poor raised the profile of the issue across the state. Her work with migrant labors helped to establish the South Carolina Commission for Farm Workers. She was also founding chairman of the Charleston County Commission on Economic Opportunity.

Mrs. Howe was also a dedicated board member of the Charleston County Library, serving 25 years, several as chairman of its board of trustees. Today, there is a Marybelle Howe Room at the library in her honor.

She also served on the Board of Women Visitors of the University of South Carolina from 1962–73 and again from 1981–86. After her death, the University of South Carolina presented a resolution to her family expressing its gratitude for her years of service to her church, her community and to the University of South Carolina.

I hope we can all, in some way, follow Mrs. Howe's example. Passage of this bill will not only honor this fine lady, but will also be a reminder of community spirit for all of us in Charleston. I am proud to cosponsor this legislation and I urge my colleagues to join me in honoring this woman's contributions.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 3018, as amended.

The question was taken.

Mr. TERRY. Madam 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, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 49 minutes a.m.), the House stood in recess subject to the call of the Chair.

1234

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 12 o'clock and 34 minutes p.m.

COMMUNICATION FROM CHIEF OF STAFF OF THE HONORABLE BOB BARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jonathan Blythe, Chief of Staff of the Honorable Bob Barr, Member of Congress:

U.S. CONGRESS,
Washington, DC, February 28, 2000.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House of Representatives.

With warm regards, I am very truly yours,
JONATHAN BLYTH,
Chief of Staff,
Office of Congressman Bob Barr.

PROVIDING FOR CONSIDERATION OF H.R. 1827, GOVERNMENT WASTE CORRECTIONS ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

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. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies. The first reading of the bill shall be dispensed with. 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 Government Reform. In lieu of the amendment recommended by the Committee on Government Reform now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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 instuctions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. 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 the consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 426 is an open rule providing for the consideration of H.R. 1827, the Government Waste Corrections Act. This rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking member of the Committee on Government Reform.

The rule provides that, in lieu of the amendment recommended by the Committee on Government Reform and printed in the bill, that the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying the resolution shall be considered as the original text for the purpose of amendment.

The rule waives clause 4 of rule XXI against provisions included in the amendment in the nature of a substitute. The rule provides that the amendment in the nature of a substitute shall be open for amendment at any point. The rule accords Members who have preprinted their amendments in the RECORD prior to their consideration priority in recognition to offer their amendment, if otherwise consistent with House rules.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, when the Republican party became the majority party in 1995, Congress began enacting a series of commonsense reforms. These reforms have changed the way the Federal government operates and have saved billions of taxpayer dollars.

One of the first things Congress did was apply all laws that it passes to itself. Previously, Congress would pass burdensome regulations on the private sector, but exclude itself from compliance to these laws. In 1995, Congress passed the Paperwork Reduction Act to identify and reduce burdensome Federal paperwork requirements on the private sector, especially small businesses.

Continuing toward a goal of creating a 21st century government, in 1996 Congress passed the Federal Acquisition Reform Act to reduce bureaucratic requirements within the Federal procurement system.

We have all heard examples of inflated prices, like the 187 screw sets purchased by the government for $75.60 each. More often than not, such fleecing of taxpayer dollars is due to the cumbersome Federal procurement system, not fraud. The Federal Acquisition Reform Act has streamlined the process of doing business with the Federal government by significantly reducing such waste.

In 1997, Congress passed the Travel and Transportation Reform Act, legislation to remedy poor management of the Federal government's massive travel expenditures. This bill is now law, and has led to a concerted effort by Federal managers to improve the Federal travel efficiency and cost effectiveness. The Congressional Budget Office estimates savings of $80 million per year.

With the passage last year of the Presidential and Executive Office Financial Accountability Act, Congress created a chief financial officer for the White House. This nonpartisan CFO position in the Executive Office of the President will facilitate prevention and early detection of waste, fraud and abuse. Accordingly, the bill promotes efficiency and cost reductions within the White House.

Today Congress takes another step toward increasing efficiency and saving taxpayer dollars with consideration of the Government Waste Corrections Act.

In private industry, companies routinely audit themselves to determine if they have overpaid vendors and suppliers. Overpayments are a fact of life for businesses, government entities, and even our own households. Overpayments become more likely with larger volumes of payments.

Overpayments occur for a variety of reasons, including duplicate payments, pricing errors, and missed discounts or rebates. On average, private industry recovers $1 million for each $1 billion that is audited. Overpayments at the Federal level are an especially serious problem when considering the size and complexity of Federal operations, as well as the widespread financial management weaknesses of the Federal government.

Recovery auditing and activity already occurs in limited areas of the Federal government. Recovery audits of the Department of Defense alone have identified errors averaging .4 percent of Federal payments audited, or $4 million out of every $1 billion. Recovery efforts throughout the entire Federal Government could save billions of dollars more.

With this in mind, the Government Waste Corrections Act requires Federal agencies to perform audits if their direct purchases for goods and services total $500 million or more per fiscal year. Agencies that must undertake recovery auditing would also be required to institute a management improvement program to address underlying problems of their payment systems.

The Government Waste Corrections Act is a commonsense government reform that incorporates proven, money-saving private sector practices to the Federal government.

Mr. Speaker, I encourage all Members to support the rule and the underlying legislation.

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

1245

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, 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, I rise in support of this open rule, and I urge my colleagues to pass it so that all germane alternatives and potential improvements to this legislation may be considered.

The underlying bill, H.R. 1827, the Government Waste Corrections Act of 1999, is designed to address the problem of overpaying vendors that provide goods and services to Federal agencies. Rooting out this problem is a worthy goal and one I wholeheartedly support. Our government has paid through the nose so often it has developed a bad cold that has resisted a cure. These overpayments waste money of the taxpayers and divert the Federal resources from their intended use.

Overpayments can occur for a variety of reasons, including duplicate payments, pricing errors, missed cash discounts, rebates, or other allowances. But with this bill, we take the first step toward a cure. The identification and recovery of such overpayments, commonly referred to as recovery auditing and activity, is an established business practice with demonstrated large financial returns.

Recovery auditing has already been employed successfully in limited areas of Federal activity. It has great potential for expansion to many other Federal agencies and activities, thereby

resulting in the recovery of substantial amounts of overpayments annually. Congress must ensure that overpayments made by the Federal Government that would otherwise remain undetected are identified and recovered.

I understand from Committee on Rules testimony last week that the underlying bill would not apply to excess Medicare payments. I think this is a shame, because Medicare is a system that needs looking into.

A measure that I have authored, H.R. 418, the Medicare Universal Product Number Act of 1999, which I have cosponsored with the gentleman from New York (Mr. HOUGHTON) would go a long way towards cracking down on improper federal reimbursements.

I would urge the Committee of Government Reform and Oversight to continue this effort to crack down on excessive payments and take a hard look at Medicare in the process. The taxpayers need to know that Congress means business when it comes to handling their money.

Mr. Speaker, I support this open rule to allow full debate and all perfecting amendments to this legislation.

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

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

Mr. Speaker, previously I served on the Committee on Government Reform, and I found that the leadership that was provided by the chairman of that committee really has had a lot to do with the provisions of the laws that have changed. I believe that the gentleman from Indiana (Mr. BURTON), perhaps one of the greatest things he has brought to us is the old axiom that the light of day is the best disinfectant.

Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for his kind remarks.

Let me just say that the gentleman from Texas (Mr. SESSIONS), as the chairman of the Results Caucus, has provided invaluable service to the country and to this body in working with us to formulate this legislation.

I would like to also thank the gentleman from Texas (Mr. TURNER), the ranking minority member on the Subcommittee on Government Management, Information and Technology for his hard work on this. The gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. ARMEY) were very instrumental in helping draft the legislation, bringing it up to the position we have today, where we can bring it to the floor. I want to thank them for their participation.

I would like to also thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for his expeditious handling of this bill before the Committee on Rules and bringing it to the floor, along with the gentleman from California (Mr. SESSIONS).

I think this is a good rule. It does provide an open rule so Members can amend the bill if they find it necessary, although I do not expect many amendments, if any.

Let me just say to the gentlewoman from New York (Ms. SLAUGHTER) who just spoke. We did consider provisions involving Medicare. Because of all the aspects of Medicare, we thought that it would encumber the bill at this time. However, let me just tell my colleagues that that is one of the things that we ought to be looking at and will be looking at because Medicare allegedly does waste billions of dollars. I think the same accounting procedures in the future ought to be considered by the entire body, and we will work toward that end.

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

Mr. SESSIONS. 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.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 426 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. 1827.

1250

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. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies, with Mr. BARRETT of Nebraska 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 Indiana (Mr. BURTON) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are going to do something that is a little bit unusual for the Congress. We are going to vote on a bill that will save taxpayers' money instead of spending their money. Today we are going to vote on the Government Waste Corrections Act.

The Federal Government is one of the biggest consumers and customers in the world. Every year, Federal agencies spend hundreds of billions of dollars buying goods and services, pens, papers, computers, cars, trucks. You name it, and the government buys it.

Along the way, mistakes are made. Someone punches in the wrong code, and a vendor gets paid too much, and taxpayers' money gets wasted.

Nobody knows exactly how much money gets wasted each year, but we do know this, it is not thousands of dollars, and it is not millions of dollars. The General Accounting Office estimates that billions of dollars are wasted each year in erroneous overpayments.

Private sector companies are very aggressive about trying to catch these errors and get their money back. Most Federal agencies do not.

My bill would focus agencies on getting back these millions and billions of dollars in overpayments. My bill takes a proven private sector financial management tool called recovery auditing and applies it to the Federal Government. It is used very successfully by Fortune 500 companies to identify and recover overpayments.

The Congressional Budget Office estimates that if government agencies use recovery auditing, they will collect back at least $180 million over the next 5 years. I think it will be a lot more than that. What will happen with all this money? Well, part of the money can be used to pay for recovery audits. Part of the money can be used to improve financial management systems. At least 50 percent of that money will be returned to the Federal Treasury.

CBO says that this bill will save taxpayers at least $100 million over the next 5 years. That is probably just the tip of the iceberg.

I remember last fall, we were trying to finalize the Federal budget. There were negotiations over a 1 percent across-the-board cut in the Federal budget to try to help balance the budget. We asked all Federal agencies if they could find 1 percent of their budgets where there was waste or excess spending that could be eliminated. Well, it seemed like most of them screamed bloody murder. They accused us of trying to cut into critical programs. There was nothing that could be cut, not one penny of waste, many of them said.

Well, we finally agreed on an across-the-board cut of four-tenths, about four-tenths of 1 percent. When we think about the trillions of dollars we spend, that is just a drop in the bucket.

Well, there is waste, and there are errors, and there are overpayments, billions of dollars in overpayments. They can be recovered. That is what this bill is all about.

Here is a brief explanation of what this bill will do. It requires agencies to conduct recovery auditing if they spend more than $500 million annually on goods and services, and most of the agencies do. Recovery auditing uses sophisticated computer software to analyze billing records and identify overpayments.

This bill does not apply to programs that make direct payments to beneficiaries like Medicare or Social Security. It applies to the purchase of goods and services for the Federal Government. As I said to the gentlewoman from New York (Ms. SLAUGHTER) a few moments ago in the colloquy we had, we will be looking at Medicare and waste in that area down the road.

Agencies can either conduct recovery audits in house, or they can use private contractors, whichever is the most efficient. At least 50 percent of the amounts recovered must be returned to the Federal Treasury, and I think that is very good news.

Agencies are allowed to spend up to 25 percent of the recovered funds for management improvement programs. Lord knows we need to improve management in most agencies.

Agencies can use a portion of the recovered funds to cover the costs of the audits. Recovery auditing has been used very successfully in the demonstration programs at the Defense Department. The Army and the Air Force exchange systems have used recovery auditing for several years. The most recent audit recovered $25 million.

In 1996, the Defense Supply Center in Philadelphia began a pilot program. Potential overpayments there have been estimated at $23 million.

The bill we have before us has a number of technical changes that have been added since it was passed by the committee. These have been discussed at length with the minority and Members of the other interested committees. Several definitions have been added to clarify our intent.

This bill is designed to get at inadvertent overpayments. To help clarify this distinction, the definition of facial-discrepancy payment error has been addressed. Recovery auditors are to identify overpayments based on what is on the face of the payment records. They are not authorized to make determinations about the quality or the value of products provided to the Federal Government.

Many government contractors were concerned that recovery auditors might come to their offices and demand to go through their files. This bill does not allow them to do that. Recovery auditors are only allowed to analyze the agency's records. The manager's amendment explicitly prohibits a recovery auditor from establishing a physical presence, to set up shop, so to speak, at any contractor's office.

The bill originally contained a provision allowing OMB to exempt certain agencies from recovery auditing if it would not be cost effective. The manager's amendment authorizes agency heads to request exemptions from OMB based on these same criteria. However, it is my view that exemptions should be only offered in rare circumstances and that most agencies would benefit from recovery auditing.

The manager's amendment also stipulates that recovery auditing will apply to the Defense Department's major weapons systems only after these contracts have been closed. This change addresses concerns raised by Members of the Committee on Armed Services, especially the gentleman from Virginia. Multi-year contracts for major weapons systems are very complex. They often involve estimated payments that are reconciled in later billing periods. Conducting recovery audits at the completion of these contracts will avoid unnecessary confusion.

Mr. Chairman, in essence, this bill does three things that are very important. First, it eliminates waste. CBO says it will save taxpayers at least $100 million over the next 5 years. Second, it puts private sector business practices to work in the Federal Government; and that is something we should have done a long time ago. Third, it gives Federal agencies new resources to improve their financial management programs.

The Government Waste Corrections Act passed through the committee with bipartisan support. It is supported by the administration.

I want to thank the leadership for scheduling this bill today. I want to thank the gentleman from California (Mr. HORN), Chairman of the Subcommittee on Government Management, Information and Technology for his hard work on this issue, and also the gentleman from California (Mr. WAXMAN), my ranking member. I have already said I wanted to thank the subcommittee ranking member for his hard work as well.

We have all worked together to resolve several issues so that this bill could get the bipartisan support. So I ask all of my colleagues to support this bill. It is a good bill. Its time has come. We need to expand it in the future, but we will look back at that later on.

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

Mr. TURNER. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1827, the Government Waste Corrections Act of 1999. I want to commend the gentleman from Indiana (Mr. BURTON) for his leadership on this issue. I also want to thank the gentleman from California (Mr. WAXMAN), ranking member, for his hard work on the bill, as well as the gentleman from California (Mr. HORN), chairman of the Subcommittee on Government Management, Information and Technology.

The gentleman from Indiana (Mr. BURTON) stated it very correctly, this is a bill that will save money for the taxpayers. It is a wonderful opportunity to have a bill like this before the floor.

1300

So many times we find ourselves spending money, and this bill, clearly, will save money for our taxpayers.

This bill requires the use of a technique referred to as recovery auditing. Recovery auditing is a proven financial tool that has been used to identify overpayments in the private sector for a number of years. It has been used by the automobile industry, by the retail trades industry, and by food services industries. It is a practice employed by most of the Fortune 500 companies. However, few agencies of the Federal Government have ever utilized this technique. The exceptions are the Army and Air Force Exchange Services, which recovered $25 million in overpayments through the use of recovery auditing in 1998.

Every year Federal agencies make billions, and I say billions of dollars in overpayments. No matter how efficient a financial management system, we must face the fact that overpayments do occur in government. In fact, the larger the volume of government purchases, the greater likelihood of mistakes in overpayments.

As an example, the Department of Defense, which contracts for billions of dollars in goods and services every year, found that between the years 1994 and 1998 defense contractors in the private sector voluntarily returned $984 million in overpayments to the Department of Defense. These returned payments were unknown to the Department of Defense until the money was returned.

Clearly, there is a need for recovery auditing in the Federal Government. This legislation requires Federal agencies to conduct recovery audits on all payment activities over $500 million annually on goods and services for the use or direct benefit of the agencies. Recovery audits will be optional for other payment activities.

Agencies would be authorized to conduct recovery audits in-house or contract with private recovery specialists or use a combination of the two. At least 50 percent of the overpayments recouped would go back to the general treasury, and not more than 25 percent of the overpayments recouped could be used for a management improvement program designed to prevent future overpayments and waste by the agency. The Congressional Budget Office estimates that H.R. 1827 will result in collections of at least $180 million in the first 5 years.

This bill was introduced by the gentleman from Indiana (Mr. BURTON) back in May of 1999. We had a hearing before the Subcommittee on Government Management, Information and Technology, and the full committee reported the bill with some amendments. There were a number of concerns that were discussed at the time of the hearing on the bill, and these have been addressed.

In full committee, I offered an amendment relating to privacy protection for individually identifiable information, and the gentleman from California (Mr. WAXMAN) offered another amendment which requires agencies to

conduct a private-public cost comparison before deciding whether to contract out in the private sector for recovery auditing services or to do the task in-house with agency personnel. I appreciate the bipartisan manner in which the chairman, the gentleman from Indiana (Mr. BURTON), approached both of these amendments; and we are pleased that they were included in the bill.

In an effort to alleviate other concerns, discovered after the full committee markup we have clarified the bill's intent by adding several new definitions and making technical clarification in other parts of the bill through the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. BURTON). Under the amendment, agency heads are now expressly authorized to request an exemption from the program if it goes against the agency's mission or would not be cost effective.

And in response to concerns raised by vendors who feared that recovery auditors might barge into their offices as a part of the recovery auditing process, the amendment in the nature of a substitute prohibits a recovery auditor from establishing a physical presence, that is, setting up shop at the entity that is being audited.

Finally, we also stipulated in the amendment in the nature of a substitute that recovery auditing will apply only to the Department of Defense's major weapon system programs after the contracts have been closed. These concerns were expressed to the committee and to the chairman and myself by the gentleman from Virginia (Mr. BATEMAN), by the gentleman from Virginia (Mr. SISISKY), the gentleman from Virginia (Mr. SCOTT), and others; and the amendment clarifies the bill in this regard and addresses those concerns.

Mr. Chairman, this bill clearly represents a significant step forward in dealing with the billions of dollars in overpayments that are made by the Federal Government. I am pleased to be a cosponsor of the bill. It is simply good government. Again, I commend the gentleman from Indiana (Mr. BURTON) for his leadership on the issue.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. OSE), a very valued member of the committee, and I also thank the gentleman from Texas (Mr. TURNER) for all his hard work on this bill as the ranking member on the subcommittee.

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

Mr. OSE. Mr. Chairman, today I rise in strong support of this remarkable piece of legislation, the Government Waste Corrections Act.

I would first like to especially commend my two chairmen on this committee, that being the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. HORN), for their exceptional work on this. It is a pleasure to actually have the opportunity to work with two people of such skill and knowledge and have something fruitful, such as this, come to the floor. So my compliments to both gentlemen.

To the gentleman from Texas (Mr. TURNER), on the minority side, I appreciate his steady leadership and hand in keeping us on the straight and narrow, so to speak; and I welcome his bipartisan approach to this because this is an important issue.

One of the reasons I ran for Congress was to come to this House and try to instill a private sector mentality into government operations. The Government Waste Corrections Act does just that. Under this legislation, agencies will adopt recovery auditing, a practice widely used in the private sector. Recovery auditing is the process of reviewing all payment transactions in order to uncover duplicate payments, vendor pricing mistakes, and missed discounts.

Now, my colleagues may ask, is this bill really needed? Are our agencies not already careful with taxpayer money? Well, interestingly, both the General Accounting Office and the inspector generals throughout our agencies have repeatedly reported and testified that overpayments to government contractors are a serious, high-risk problem. However, I want to emphasize one thing here, and that is that this is not fraud or abuse; these are just mistakes that we are trying to catch in the process.

A couple of examples of the mistakes that have occurred is that some agency inspector generals have made that upwards of $15 billion has erroneously been paid out under our programs for food stamps or housing programs in a given year. And as the gentleman from Texas (Mr. TURNER) pointed out over at the Department of Defense, private contractors, of their own volition, have voluntarily returned $984 million in overpayments to the Department of Defense over the last 4 years. This may represent only a fraction of the total amount of money that we are trying to address here.

Now, the gentleman from Indiana has highlighted that this legislation has been estimated to save $100 million of the taxpayers' money over the next 5 years. That is a remarkable sum. I happen to think that is on the low end. I am hopeful that we will be far more successful than that.

Finally, Mr. Chairman, the Government Waste Corrections Act is another great example of how we can take management techniques from the private sector and apply them to the Federal Government's practices ultimately for the benefit of all Americans and our taxpayers. I urge my colleagues to support this bill. Let us let the savings begin.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), my classmate and a great American.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman and my good friend from Indiana for yielding me this time.

Mr. Chairman, I rise today in support of this legislation and certainly want to commend my colleague for his untiring efforts to improve the economy and the efficiency of government operations. We are all in his debt for doing so.

I am rising in support of this bill. However, I do want to point out that I have some remaining trepidations with the bill and which, hopefully, can be further improved as it goes through the legislative process.

In the fiscal year 1996 and 1998 national defense authorization acts, Congress directed and then expanded a demonstration project to identify overpayments made to vendors by the Department of Defense. This initiative and these pilot programs were at the initiative of the Subcommittee on Military Readiness of the Committee on Armed Services, which I chair. And certainly I applaud these efforts and know that even those programs where it has been tried it has been effective and real savings have been the result.

During the course of this demonstration project, recovery auditing has proven to be a particularly effective management tool for identifying and collecting overpayments on contracts that are most analogous to commercial retail contracts. Indeed, for certain retail business areas, the Department of Defense has used recovery auditing to identify and collect overpayments at a higher rate than has been found in the private sector.

The problem lies in the application of recovery auditing to all business areas, particularly the procurement of major weapon systems. Contracts for the procurement of major weapon systems are executed over several years and are based on unique pricing guidelines. All payments are subject to routine and extensive contract audit and management activities designed to ensure accurate payments throughout.

Payments are made periodically and adjusted regularly to account for contract progress. Therefore, recovery auditing on contracts for the procurement of major weapon systems will not only be redundant but, in some cases, may also be virtually impossible to conduct. The bill before us now attempts to address this issue by providing that recovery auditing will not apply to major defense system acquisition programs until they have become closed.

I applaud the sponsors for their efforts to address these concerns. I am convinced, however, that H.R. 1827 could be further refined to address the problems I raise today. The Congressional Budget Office agrees with me and has stated in its cost estimate on

H.R. 1827 that it expects OMB would exempt research, testing and procurement of military weapons from the requirement of this act.

In closing, Mr. Chairman, let me reiterate that I strongly support any measure that enhances government efficiency and effectiveness and reduces the waste of taxpayer dollars, but I do urge caution when doing so may be redundant and counterproductive.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from Virginia (Mr. BATEMAN) for his leadership in trying to clarify the bill. I know the gentleman from Virginia (Mr. SISISKY) and the gentleman from Virginia (Mr. SCOTT) had similar concerns, and through their work we were able to address those concerns. We certainly hear the request that was made and look forward to working as this bill moves forward to be sure we have accomplished the desired result.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HORN), the subcommittee chairman, and a very valued member of the Committee on Government Reform.

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

1315

Mr. HORN. Mr. Chairman, we appreciate the leadership of the gentleman from Indiana (Mr. BURTON) on this. I want to thank the gentleman from Texas (Mr. TURNER), the ranking Democrat on our subcommittee that held some of these hearings. We have had very strong cooperation from the gentleman from Texas (Mr. TURNER), and I am most grateful.

H.R. 1827, the Government Waste Corrections Act, would require executive branch departments and agencies to use a process called ''recovery auditing'' to review the various payment transactions in order to check for erroneous overpayments. Some of it is completely innocent. It is just a process that sometimes does not work.

H.R. 1827 represents a milestone in the effort to reduce the widespread waste and errors that do exist in various Federal programs and that are costing taxpayers billions of dollars each year.

Last session, the gentleman from Indiana (Mr. BURTON) held hearings on waste and mismanagement. He had witnesses from the Inspectors General of Agriculture, Health and Human Services, and Housing and Urban Development. Each of them testified about various program and management problems in their departments. One of the most prevalent involved erroneous payments.

On March 31, 1999, the Subcommittee on Government Management, Information, and Technology that I chaired examined the government-wide consolidated financial statement for fiscal year 1998.

The General Accounting Office, which audited these statements on our behalf, testified that one of the most serious areas of waste and error throughout the Government were the millions of dollars in improper payments being made to contractors, vendors, and suppliers.

Most Federal overpayments go undetected because agencies do not track and report these improper payments. And there is no law requiring them to do so. Each year, however, this ongoing waste squanders huge amounts of taxpayer dollars and detracts from the effectiveness of Federal operations by diverting resources intended for other purposes.

H.R. 1827 addresses the problem of inadvertent overpayments by requiring that the Government use a successful private sector business practice, known as recovery auditing.

In a typical recovery audit, an agency's purchases and payments would be reviewed to identify where overpayments have occurred. Common areas involve such things as vendor pricing mistakes, missed discounts, or duplicate payments. Once an error has been identified and verified, the vendor would be notified. Valid overpayments would be recovered through direct payments to the agency or by administrative offsets.

Although agencies may already have the authority to contract for recovery auditing, the process is simply not being utilized government-wide. And it should be. Agencies may need to consider using the services of the private sector because the process requires specialized skills, databases, and software development.

When the gentleman from Indiana (Chairman BURTON) introduced this legislation and it was referred to our subcommittee, we held further hearings in June of 1999 in which witnesses testified about the successful use of recovery auditing in the Department of Defense.

The Army and Air Force Exchange Service makes purchases of $5 million per year. Recently they completed their recovery auditing, and that yielded almost $25 million, which is not hay.

A witness from the Defense Supply Center of Philadelphia testified about a recovery audit pilot program being conducted at that supply center. The supply center expects to recover over $27 million in overpayments over a 3-year period.

This bill requires agencies to use recovery auditing for purchases of $500 million or more annually. However, agencies are encouraged to use recovery auditing for all procurements regardless of the amount of the transaction. However, the bill only applies recovery auditing to an agency's spending for direct contracting.

Examples of direct contracting include payments made to a contractor to build a new Veteran's Administration hospital and the payments the Defense Department would make for the purchase of a new weapons system.

H.R. 1827 would not require recovery auditing for programs that involve payments to third parties for the delivery of indirect services, such as education, drug treatment grants, or payments to intermediaries to administer the Medicare program.

Federal payments in those programs must make their way through a number of entities, including State and local governments and nonprofit organizations, before the service is really delivered to the general population. Those payment systems are often so complex that it is uncertain at this time where and how the recovery auditing procedure would best be applied.

Mr. Chairman, it is important to note that this legislation addresses the problems that cause the overpayments. This bill would require agencies to use part of the money they recover to improve their management and financial systems. As a priority, agencies would have to work toward improving their overpayment error rate.

In addition to the obvious benefits to Federal agencies, the Congressional Budget Office estimates that this legislation would result in collections of at least $180 million over the next 5 years.

H.R. 1827 would be a win for the Government and a win for the American people. I urge all my colleagues to support this legislation.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from California (Chairman HORN) for his hard work on this bill. It has been a pleasure to serve on the subcommittee with him; and, as always, I appreciate the bipartisan manner in which he conducts his business.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS), one of the more valued members of our committee.

Mr. SHAYS. Mr. Chairman, I thank my esteemed chairman for yielding me the time. I appreciate the opportunity to address the committee.

Mr. Chairman, I rise in support of the Government Waste Corrections Act. In my judgment, this is simply common sense legislation. It is another important step in Congress's ongoing efforts to eliminate waste, fraud, and abuse in Federal agencies and programs.

I mean, let us face it, in a Federal budget that exceeds $1.7 trillion, there will be some waste, quite a lot in fact. If we focus our efforts on rooting out this waste, we are better able to focus our limited resources on otherwise underfunded requirements.

For example, the Department of Defense, which I oversee, will be able to direct this money to spare parts, training, and other critical needs. Getting our financial house in order means more than simply passing a balanced

budget. It means ensuring the money is spent the way it is intended, not wasted through overpayments and billing errors.

Recovery audits are a way for the Government to better manage its finances. This is the same tool used by the private sector firms across this country to assure their expenditures are also in order.

These audits pay for themselves. Because agencies can use a portion of the amounts collected back to finance their recovery audit costs, they will not have to appropriate their own limited funds to audit activities.

Audits are also a way to pass savings on to taxpayers. In fact, this legislation requires a minimum of 50 percent of the money collected to be returned back to the U.S. Treasury.

I thank my colleagues for working on this legislation. It is a pleasure to be on the Committee on Government Reform, and I am happy they brought out this legislation.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand we have a manager's amendment and an amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) which, of course, I support.

Mr. TERRY. Mr. Chairman, I am a cosponsor of H.R. 1827, the Government Waste Corrections Act. I commend our leadership for bringing this bill to the floor. At a time when there is a lot of talk about reducing waste, fraud and abuse in executive branch programs, I am pleased that the House is taking some action.

I want to express particular concern about HCFA, and that agency's lax oversight of Medicare contractors. By HCFA's own admission, billions of dollars are lost through waste and abuse each year.

Testimony from GAO, as well as the Inspector General of the Department of Health and Human Services, has documented that Medicare contractors have improperly paid claims and failed to recoup overpayments to providers.

Recently, GAO has cited ''integrity problems'' and ''pervasive'' fiscal mismanagement among Medicare contractors. This has included such questionable activity as arbitrarily turning off computer audits of claims, altering documents that involved questionable claims, and even falsification of documents and reports to HCFA. Yet these contractors are the very same companies that are supposed to be HCFA's front line force for the identification and recovery of Medicare overpayments. There is an inherent conflict of interest in having Medicare contractors both pay for provider claims and then audit their own performance.

This certainly is not the way that insurance companies in Omaha and across the country do business. When private resources are at risk, insurers obtain independent reviews to identify and recover overpayments. In protecting public resources HCFA would do well to follow the private example, perhaps turning to some of the same businesses that have extensive experience in the area.

GAO will report to Congress later this year on the results of a study HCFA's performance in the identification and collection of Medicare overpayments. The HHS Inspector General's office also has plans to compare Medicare overpayment and recovery methods with those of private insurers. I am hopeful that the result of these studies will be that HCFA does what the Veterans Administration already has done—that is, approved use of private firms for cost recovery.

The bill now before us is an important first step recovering the millions of dollars the federal government over-pays each year. this is an important bill, and I urge its approval.

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in strong support for the Government Waste Corrections Act. This bipartisan legislation will save the taxpayers at least $180 million over the next 5 years by making the Federal Government less wasteful through adoption of private-sector solutions to problems with contract payments.

I am a cosponsor of this important piece of legislation because I believe it is commonsense reform. As a small business owner, I understand the importance of keeping a close eye on disbursements. If we treat the funds of our own business with that kind of care, don't taxpayers deserve the same treatment for their money? I think so, and I'll bet most Americans you ask think so too.

For some years, the Department of Defense has used a method known as recovery auditing to cut down on the amount of overpayment to contractors. The 1996 Defense Authorization Act authorized a recovery auditing demonstration program at the Defense Supply Center in Philadelphia. The audit turned up more than $27 million in overpayments. Due to disputes, only $2.6 million of this amount has been returned to the Government, but the DOD is optimistic that more money will be returned soon, and the recovery audit is seen as a success.

H.R. 1827 would implement this audit method throughout the Federal Government, saving taxpayers millions more. It would allow agencies to perform the audit internally or through a contractor, providing sufficient flexibility to account for differences between agencies. And it would allow agencies to give cash awards to employees who identify wasteful spending practices.

Mr. Chairman, I applaud the efforts of Chairman BURTON and Chairman HORN to improve the efficiency of the Federal Government and save taxpayers money. I urge passage of the common-sense Government Waste Corrections Act.

Mr. WAXMAN. Mr. Chairman, I rise in support of H.R. 1827, the Government Waste Correction Act of 2000, which requires agencies to use a financial management technique known as recovery auditing.

Implementation of recovery auditing has the potential to save millions of taxpayers' dollars by ensuring that overpayments made by the federal government are both identified and collected. Just like in the private sector, the federal government makes overpayments. And just like in the private sector, efforts should be made to recovery such overpayments.

These overpayments are often not intentional. Frequently, these are inadvertent overpayments due to duplicate payments, pricing errors, missed cash discounts and the like. By requiring the performance of recovery auditing, we are increasing the efficiency and effectiveness of the federal government.

Mr. Chairman, I want to highlight two important provisions of H.R. 1827 which ensure (1) fundamental privacy rights and (2) fair treatment of federal workers. H.R. 1827 requires audits of services that are for the ''direct benefit and use'' of government agencies. A number of such services involve the use of individuals' personal information, including health information. For example, health care services provided to veterans by community based health clinics under contract with the federal government may be subject to audits under the bill.

Our colleague, Representative JIM TURNER, deserves credit for making sure these audits won't infringe on legitimate privacy concerns. His amendment, which was adopted by the Government Reform Committee, provides essential privacy protections for individually identifiable information obtained by contractors through recovery audits and recovery activities under this bill. The Turner amendment adds needed balance and safeguards to H.R. 1827.

I am also encouraged by the inclusion of my amendment to H.R. 1827 requiring public-private cost comparisons. We should let federal employees—not private contractors—perform recovery audits when the federal employees can do a better job at lower cost to the taxpayer than private contractors. This amendment, which provides for current Office of Management and Budget (OMB) circular cost comparisons, ensures that federal workers will not be prevented from doing recovery auditing work because of any arbitrary federal full time equivalent ceilings.

Mr. Chairman, recovery auditing is an important tool and should be used to identify inadvertent overpayments. I urge my colleagues to support H.R. 1827.

Mr. STERNS. Mr. Chairman, I am here today to express my support for H.R. 1827, the Government Waste Corrections Act.

Over the years, several studies have focused on the waste and abuse that occurs within the Federal Government. A few months ago, GAO reported the financial statement reports of nine federal agencies. Mr. Speaker, do you want to know what they found? There were improper payments of $19.1 billion for major programs that these agencies administered in FY 1998 alone.

These figures are extremely disturbing, but they don't begin to capture the full extent of the federal government's financial problems. Neither federal agencies nor GAO has a good estimate of the overpayments that occur each year. Unfortunately, the extent of overpayments is expected to be significant due to the poor state of these federal agencies' financial and accounting records.

This is completely unacceptable, H.R. 1827 will help resolve this problem, by demanding agencies to give greater attention to identify and recover overpayments, saving the American taxpayer millions of dollars. To be more specific, CBO estimates that agencies would collect back $180 million over five years.

Mr. Chairman, this bill will be truly effective in the fight against government waste, and I urge its support.

Mr. TURNER. Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, we have no more speakers on our side, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in

House Report 106–506 is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Waste Corrections Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Overpayments are a serious problem for Federal agencies, given the magnitude and complexity of Federal operations and documented and widespread financial management weaknesses. Federal agency overpayments waste tax dollars and detract from the efficiency and effectiveness of Federal operations by diverting resources from their intended uses.

(2) In private industry, overpayments to providers of goods and services occur for a variety of reasons, including duplicate payments, pricing errors, and missed cash discounts, rebates, or other allowances. The identification and recovery of such overpayments, commonly referred to as ''recovery auditing and activity'', is an established private sector business practice with demonstrated large financial returns. On average, recovery auditing and activity in the private sector identify overpayment rates of 0.1 percent of purchases audited and result in the recovery of $1,000,000 for each $1,000,000,000 of purchases.

(3) Recovery auditing and recovery activity already have been employed successfully in limited areas of Federal activity. They have great potential for expansion to many other Federal agencies and activities, thereby resulting in the recovery of substantial amounts of overpayments annually. Limited recovery audits conducted by private contractors to date within the Department of Defense have identified errors averaging 0.4 percent of Federal payments audited, or $4,000,000 for every $1,000,000,000 of payments. If fully implemented within the Federal Government, recovery auditing and recovery activity have the potential to recover billions of dollars in Federal overpayments annually.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To ensure that overpayments made by the Federal Government that would otherwise remain undetected are identified and recovered.

(2) To require the use of recovery audit and recovery activity by Federal agencies.

(3) To provide incentives and resources to improve Federal management practices with the goal of significantly reducing Federal overpayment rates and other waste and error in Federal programs.

SEC. 3. ESTABLISHMENT OF RECOVERY AUDIT REQUIREMENT.

(a) ESTABLISHMENT OF REQUIREMENT.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VI—RECOVERY AUDITS

''§ 3561. Definitions

''In this subchapter, the following definitions apply:

''(1) AMOUNTS COLLECTED.—The term 'amounts collected' means monies actually received by the United States Government.

''(2) CHIEF FINANCIAL OFFICER.—The term 'Chief Financial Officer' means the official established by section 901 of this title, or the functional equivalent of such official in the case of any agency that does not have a Chief Financial Officer under that section.

''(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(4) DISCLOSE.—The term 'disclose' means to release, publish, transfer, provide access to, or otherwise divulge individually identifiable information to any person other than the individual who is the subject of the information.

''(5) FACIAL-DISCREPANCY PAYMENT ERROR.—The term 'facial-discrepancy payment error'—

''(A) except as provided in subparagraph (B), means any payment error that results from, is substantiated by, or is identified as a result of information contained on any invoice, delivery order, bill of lading, statement of account, or other document submitted to the Government by a supplier of goods or services in the usual and customary conduct of business, or as required by law or contract to substantiate payment for such goods or services, including any such document submitted electronically; and

''(B) does not include payment errors identified, resulting, or supported from documents that are—

''(i) records of a proprietary nature, maintained solely by the supplier of goods or services;

''(ii) not specifically required to be provided to the Government by contract, law, regulation, or to substantiate payment;

''(iii) submitted to the Government for evaluative purposes prior to the award of a contract, as part of the evaluation and award process.

Records, documents, price lists, or other vendor material published and available in the public domain shall not be considered sources of facial-discrepancy payment errors, but may be used to substantiate, clarify, or validate facial-discrepancy payment errors otherwise identified.

''(6) INDIVIDUALLY IDENTIFIABLE INFORMATION.—The term 'individually identifiable information' means any information, whether oral or recorded in any form or medium, that identifies the individual or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

''(7) OVERSIGHT.—The term 'oversight' means activities by a Federal, State, or local governmental entity, or by another entity acting on behalf of such a governmental entity, to enforce laws relating to, investigate, or regulate payment activities, recovery activities, and recovery audit activities.

''(8) PAYMENT ACTIVITY.—The term 'payment activity' means an executive agency activity that entails making payments to vendors or other nongovernmental entities that provide property or services for the direct benefit and use of an executive agency.

''(9) RECOVERY AUDIT.—The term 'recovery audit' means a financial management technique applied internally by Government employees, or by private sector contractors, and used by executive agencies to audit their internal records to identify facial-discrepancy payment errors made by those executive agencies to vendors and other entities in connection with a payment activity, including facial-discrepancy payment errors that result from any of the following:

''(A) Duplicate payments.

''(B) Invoice errors.

''(C) Failure to provide applicable discounts, rebates, or other allowances.

''(D) Any other facial-discrepancy errors resulting in inaccurate payments.

''(10) RECOVERY ACTIVITY.—The term 'recovery activity' means executive agency activity otherwise authorized by law, including chapter 37 of this title, to attempt to collect an identified overpayment.

''(11) RECOVERY AUDIT CONTRACTOR.—The term 'recovery audit contractor' means any person who has been hired by an executive agency to perform a recovery audit pursuant to a recovery audit contract.

''§ 3562. Recovery audit requirement

''(a) IN GENERAL.—Except as exempted under section 3565(d) of this title, the head of each executive agency—

''(1) shall conduct for each fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total $500,000,000 or more (adjusted by the Director annually for inflation);

''(2) may conduct for any fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total less than $500,000,000 (adjusted by the Director annually for inflation); and

''(3) may request that the Director exempt a payment activity, in whole or in part, from the requirement to conduct recovery audits under paragraph (1) if the head of the executive agency determines and can demonstrate that compliance with such requirement—

''(A) would impede the agency's mission; or

''(B) would not, or would no longer be, cost-effective.

''(b) PROCEDURES.—In conducting recovery audits and recovery activity under this section, the head of an executive agency—

''(1) shall consult and coordinate with the Chief Financial Officer and the Inspector General of the agency to avoid any duplication of effort;

''(2) shall implement this section in a manner designed to ensure the greatest financial benefit to the Government;

''(3) may conduct recovery audits and recovery activity internally in accordance with the standards issued by the Director under section 3565(b)(2) of this title, or by procuring performance of recovery audits, or by any combination thereof; and

''(4) shall ensure that such recovery audits and recovery activity are carried out consistent with the standards issued by the Director under section 3565(b)(2) of this subchapter.

''(c) SCOPE OF AUDITS.—

''(1) IN GENERAL.—Each recovery audit of a payment activity under this section shall cover payments made by the payment activity in the preceding fiscal year, except that the first recovery audit of a payment activity shall cover payments made during the 2 consecutive fiscal years preceding the date of the enactment of the Government Waste Corrections Act of 2000.

''(2) ADDITIONAL FISCAL YEARS.—The head of an executive agency may conduct recovery audits of payment activities for additional preceding fiscal years if determined by the agency head to be practical and cost-effective subject to any statute of limitations constraints regarding recordkeeping under applicable law.

''(d) RECOVERY AUDIT CONTRACTS.—

''(1) AUTHORITY TO USE CONTINGENCY CONTRACTS.—Notwithstanding section 3302(b) of this title, as consideration for performance of any recovery audit procured by an executive agency, the executive agency may pay the recovery audit contractor an amount equal to a percentage of the total amount collected by the United States as a result of overpayments identified by the contractor in the audit.

''(2) ADDITIONAL FUNCTIONS OF RECOVERY AUDIT CONTRACTOR.—

''(A) IN GENERAL.—In addition to performance of a recovery audit, a contract for such performance may authorize the recovery audit contractor (subject to subparagraph (B)) to—

''(i) notify any person of possible overpayments made to the person and identified in the recovery audit under the contract; and

''(ii) respond to questions concerning such overpayments.

''(B) LIMITATION.—A contract for performance of a recovery audit shall not affect—

''(i) the authority of the head of an executive agency, or any other person, under the Contract Disputes Act of 1978 and other applicable laws, including the authority to initiate litigation or referrals for litigation; or

''(ii) the requirements of sections 3711, 3716, 3718, and 3720 of this title that the head of an agency resolve disputes, compromise, or terminate overpayment claims, collect by setoff, and otherwise engage in recovery activity with respect to overpayments identified by the recovery audit.

''(3) LIMITATION ON AUTHORITY.—Nothing in this subchapter shall be construed to authorize a recovery audit contractor with an executive agency—

''(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency; and

''(B) to establish, or otherwise have a physical presence on the property or premises of any private sector entity as part of its contractual obligations to an executive agency.

''(4) REQUIRED CONTRACT TERMS AND CONDITIONS.—The head of an executive agency shall include in each contract for procurement of performance of a recovery audit requirements that the contractor shall—

''(A) protect from improper use, and protect from disclosure to any person who is internal or external to the firm of the recovery audit contractor and who is not directly involved in the identification or recovery of overpayments, otherwise confidential or proprietary business information and financial information that may be viewed or obtained in the course of carrying out a recovery audit for an executive agency;

''(B) provide to the head of the executive agency and the Inspector General of the executive agency periodic reports on conditions giving rise to overpayments identified by the recovery audit contractor and any recommendations on how to mitigate such conditions;

''(C) notify the head of the executive agency and the Inspector General of the executive agency of any overpayments identified by the contractor pertaining to the executive agency or to another executive agency that are beyond the scope of the contract; and

''(D) promptly notify the head of the executive agency and the Inspector General of the executive agency of any indication of fraud or other criminal activity discovered in the course of the audit.

''(5) EXECUTIVE AGENCY ACTION FOLLOWING NOTIFICATION.—The head of an executive agency shall take prompt and appropriate action in response to a notification by a recovery audit contractor pursuant to the requirements under paragraph (4), including forwarding to other executive agencies any information that applies to them.

''(6) CONTRACTING REQUIREMENTS.—Prior to contracting for any recovery audit, the head of an executive agency shall conduct a public-private cost comparison process. The outcome of the cost comparison process shall determine whether the recovery audit is performed in-house or by a recovery audit contractor.

''(e) INSPECTORS GENERAL.—Nothing in this subchapter shall be construed as diminishing the authority of any Inspector General, including such authority under the Inspector General Act of 1978.

''(f) PRIVACY PROTECTIONS.—

''(1) LIMITATION ON DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—(A) Any nongovernmental entity that obtains individually identifiable information through performance of recovery auditing or recovery activity under this chapter may disclose that information only for the purpose of such auditing or activity, respectively, and oversight of such auditing or activity, unless otherwise authorized by the individual that is the subject of the information.

''(B) Any person that violates subparagraph (A) shall be liable for any damages (including nonpecuniary damages, costs, and attorneys fees) caused by the violation.

''(2) DESTRUCTION OR RETURN OF INFORMATION.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed in the course of recovery auditing or recovery activity under this chapter performed by a nongovernmental entity, the nongovernmental entity shall either destroy the individually identifiable information or return it to the person from whom it was obtained, unless another applicable law requires retention of the information.

''§ 3563. Disposition of amounts collected

''(a) IN GENERAL.—Notwithstanding section 3302(b) of this title, the amounts collected annually by the United States as a result of recovery audits by an executive agency under this subchapter shall be treated in accordance with this section.

''(b) USE FOR RECOVERY AUDIT COSTS.—Amounts referred to in subsection (a) shall be available to the executive agency—

''(1) to pay amounts owed to any recovery audit contractor for performance of the audit;

''(2) to reimburse any applicable appropriation for other recovery audit costs incurred by the executive agency with respect to the audit; and

''(3) to pay any fees authorized under chapter 37 of this title.

''(c) USE FOR MANAGEMENT IMPROVEMENT PROGRAM.—Of the amount referred to in subsection (a), a sum not to exceed 25 percent of such amount—

''(1) shall be available to the executive agency to carry out the management improvement program of the agency under section 3564 of this title;

''(2) may be credited for that purpose by the agency head to any agency appropriations that are available for obligation at the time of collection; and

''(3) shall remain available for the same period as the appropriations to which credited.

''(d) REMAINDER TO TREASURY.—Of the amount referred to in subsection (a), there shall be deposited into the Treasury as miscellaneous receipts a sum equal to—

''(1) 50 percent of such amount; plus

''(2) such other amounts as remain after the application of subsections (b) and (c).

''(e) LIMITATION ON APPLICATION.—

''(1) IN GENERAL.—This section shall not apply to amounts collected through recovery audits and recovery activity to the extent that such application would be inconsistent with another provision of law that authorizes crediting of the amounts to a nonappropriated fund instrumentality, revolving fund, working capital fund, trust fund, or other fund or account.

''(2) SUBSECTIONS (c) AND (d).—Subsections (c) and (d) shall not apply to amounts collected through recovery audits and recovery activity, to the extent that such amounts are derived from an appropriation or fund that remains available for obligation, or that remain available for recording, adjusting, and liquidating obligations properly chargeable to that appropriation or fund at the time the amounts are collected.

''§ 3564. Management improvement program

''(a) CONDUCT OF PROGRAM.—

''(1) REQUIRED PROGRAMS.—The head of each executive agency that is required to conduct recovery audits under section 3562 of this title shall conduct a management improvement program under this section, consistent with guidelines prescribed by the Director.

''(2) DISCRETIONARY PROGRAMS.—The head of any other executive agency that conducts recovery audits under section 3562 that meet the standards issued by the Director under section 3565(b)(2) may conduct a management improvement program under this section.

''(b) PROGRAM FEATURES.—In conducting the program, the head of the executive agency—

''(1) shall, as the first priority of the program, address problems that contribute directly to agency overpayments; and

''(2) may seek to reduce errors and waste in other programs and operations of that executive agency by improving the executive agency's staff capacity, information technology, and financial management.

''(c) INTEGRATION WITH OTHER ACTIVITIES.—The head of an executive agency—

''(1) subject to paragraph (2), may integrate the program under this section, in whole or in part, with other management improvement programs and activities of that agency or other executive agencies; and

''(2) must retain the ability to account specifically for the use of amounts made available under section 3563 of this title.

''§ 3565. Responsibilities of the Office of Management and Budget

''(a) IN GENERAL.—The Director shall coordinate and oversee the implementation of this subchapter.

''(b) GUIDANCE.—

''(1) IN GENERAL.—The Director, in consultation with the Chief Financial Officers Council and the President's Council on Integrity and Efficiency, shall issue guidance and provide support to agencies in implementing the subchapter. The Director shall issue initial guidance not later than 180 days after the date of enactment of the Government Waste Corrections Act of 2000.

''(2) RECOVERY AUDIT STANDARDS.—The Director shall include in the initial guidance under this subsection standards for the performance of recovery audits under this subchapter, that are developed in consultation with the Comptroller General of the United States and private sector experts on recovery audits, including such experts who currently use recovery auditing as part of their financial management procedures.

''(c) FEE LIMITATIONS.—The Director may limit the percentage amounts that may be paid to contractors under section 3562(d)(1) of this title.

''(d) EXEMPTIONS.—

''(1) IN GENERAL.—The Director may exempt an executive agency, in whole or in part, from the requirement to conduct recovery audits under section 3562(a)(1) of this title if the Director determines that compliance with such requirement—

''(A) would impede the agency's mission; or

''(B) would not, or would no longer be cost-effective.

''(2) REPORT TO CONGRESS.—The Director shall promptly report the basis of any determination and exemption under paragraph (1) to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

''(3) EXEMPTION OF MAJOR DEFENSE SYSTEM ACQUISITION PROGRAMS.—

''(A) IN GENERAL.—Unless determined otherwise by the head of the agency authorized to conduct a Department of Defense major system acquisition program, the requirements of section 3562(a) of this title shall not apply to such a program procured with a cost-type contract until the contract has become a closed contract.

''(B) DEPARTMENT OF DEFENSE MAJOR SYSTEM ACQUISITION PROGRAM DEFINED.—In this paragraph, the term 'Department of Defense major system acquisition program' has the meaning that term has in Office of Management and Budget Circular A–109, as in effect on the date of the enactment of the Government Waste Corrections Act of 2000.

''(e) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date the Director issues initial guidance under subsection (b), and annually for each of the 2 years thereafter, the Director shall submit a report on implementation of the subchapter to the President, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Appropriations of the House of Representatives and of the Senate.

''(2) CONTENTS.—Each report shall include—

''(A) a general description and evaluation of the steps taken by executive agencies to conduct recovery audits, including an inventory of the programs and activities of each executive agency that are subject to recovery audits;

''(B) an assessment of the benefits of recovery auditing and recovery activity, including amounts identified and recovered (including by administrative setoffs);

''(C) an identification of best practices that could be applied to future recovery audits and recovery activity;

''(D) an identification of any significant problems or barriers to more effective recovery audits and recovery activity;

''(E) a description of executive agency expenditures in the recovery audit process;

''(F) a description of executive agency management improvement programs under section 3564 of this title; and

''(G) any recommendations for changes in executive agency practices or law or other improvements that the Director believes would enhance the effectiveness of executive agency recovery auditing.

''§ 3566. General Accounting Office reports

''Not later than 60 days after issuance of each report under section 3565(e) of this title the Comptroller General of the United States shall submit a report on the implementation of this subchapter to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives and of the Senate, and the Director.''.

(b) APPLICATION TO ALL EXECUTIVE AGENCIES.—Section 3501 of title 31, United States Code, is amended by inserting ''and subchapter VI of this chapter'' after ''section 3513''.

(c) DEADLINE FOR INITIATION OF RECOVERY AUDITS.—The head of each executive agency shall begin the first recovery audit under section 3562(a)(1) title 31, United States Code, as amended by this section, for each payment activity referred to in that section by not later than 18 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 35 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER V—RECOVERY AUDITS

''Sec.
''3561. Definitions.
''3562. Recovery audit requirement.
''3563. Disposition of amounts collected.
''3564. Management improvement program.
''3565. Responsibilities of the Office of Management and Budget.
''3566. General Accounting Office reports.''.

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.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana:

In section 3(a), in the proposed section 3561(1), strike ''actually received'' and inserting ''received or credited, by any means, including setoff,''.

In section 3(a), in the proposed section 3561(5)—

(1) in subparagraph (A), strike ''document submitted'' the first place it appears and insert ''submission given'';

(2) in subparagraph (B)(ii), add ''or'' after the semicolon; and

(3) strike the matter following subparagraph (B)(iii).

In section 3(a), in the proposed section 3562(c)(1), strike ''the 2 consecutive fiscal years'' and all that follows through the period and insert ''the fiscal year in which the Government Waste Corrections Act of 2000 is enacted, and payments made in the preceding fiscal year.''.

In section 3(a), in the proposed section 3562(d)(4)(A), strike ''and financial information'' and insert '', and any financial information,''.

In section 3(a), in the proposed section 3562, after subsection (e) insert the following (and redesignate the subsequent subsection as subsection (g)):

''(f) RELATIONSHIP TO OTHER AUDIT AUTHORITY.—Nothing in this subchapter shall be construed as diminishing the authority granted under section 3726 of this title.

In section 3(a), in the proposed section 3562(g) (as so redesignated), strike paragraph (2) and insert the following:

''(2) DESTRUCTION OR RETURN OF INFORMATION.—(A) Upon the date described in subparagraph (B), a nongovernmental entity having possession of individually identifiable information disclosed in the course of a recovery audit or recovery activity under this chapter performed by the nongovernmental entity shall destroy the information or return it to the person from whom it was obtained, unless another applicable law requires retention of the information.

''(B)(i) Except as provided in clause (ii), the date referred to in subparagraph (A) is the date of conclusion of the matter or need for which the information was disclosed.

''(ii) If on the date referred to in clause (i) the nongovernmental entity has actual notice of any oversight of the recovery auditing or recovery activity, the date referred to in subparagraph (A) is the date of the conclusion of such oversight.

In section 3(a), in the proposed section 3563(e)(2), strike '', or that remain available for recording, adjusting, and liquidating obligations properly chargeable to that appropriation or fund''.

In section 3(a), in the proposed section 3565(e)(1), strike ''Not later than 1 year after the date the Director issues initial guidance under subsection (b),'' and insert ''Not later than 30 months after the date of the enactment of the Government Waste Corrections Act of 2000,''.

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, this amendment contains technical and clarifying corrections to the legislation that I have worked out in advance with our ranking member, the gentleman from California (Mr. WAXMAN), and the gentleman from Texas (Mr. TURNER), the subcommittee ranking member.

There are eight changes that include such things as correctly aligning reporting dates and clarifying language used in definitions. These changes serve to make the intent of the bill as clear as possible.

I think this is an amendment that everybody will support. It is technical in nature and has been cleared with the ranking minority members, as well.

Mr. TURNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as the gentleman from Indiana (Mr. BURTON) stated, after this bill went to the Committee on Rules, it was discovered that there was a need for some technical corrections and clarifications. This amendment does that. It is bipartisan. It is noncontroversial.

I thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. WAXMAN), and the gentleman from California (Mr. HORN) of our subcommittee for the work they did in addressing these concerns. I urge adoption of the manager's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill add the following:

SEC. . STUDY.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a study of the effects of recovery audits conducted by executive agencies, including any significant problems relating to the provision of improper or inadequate notice of recovery audits to persons who are the subjects of such audits.

(b) REPORT.—The Director shall report to the Congress the findings, conclusions, and recommendations of the study under this section.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment 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. Mr. Chairman, I thank the gentleman from Indiana (Chairman BURTON); the gentleman from California (Mr. WAXMAN), the ranking member; the gentleman from California (Mr. HORN), the subcommittee chair; and the gentleman from Texas (Mr. TURNER) for their cooperation on the amendment that I am about to offer. I want to commend my colleagues for their bipartisan fashion on working on this legislation.

I believe a study should be incorporated to properly assess due process concerns raised by recovery audits performed on a contingency basis for their constituency or error identification.

Let me say that the underlying bill I applaud, and I do believe that it will be an important new vehicle to help save the Government money. In particular, for example, in purchases such as a new weapons system, it is extremely important for us to be able to recover overpayments. However, I think this amendment will provide us with additional assistance.

The Government Waste Corrections Act focuses on recovery auditing of an agency spending for direct contracting, the purchase of goods and services for direct benefit and the use of the Government.

The legislation, appropriately, does not require recovery auditing for programs that involve payments to third parties. Indeed, this legislation could include audits of payments to a contractor to build a new veteran's hospital or other systems. Regretfully, however, the bill does not contain sufficient explanation of the procedural aspects, such as due process concerns for those affected of recovery auditing that will occur on a contingency basis.

For example, notices of payments on demand are very important to targets of audits. This ensures that everyone understands what is owed. Recovery auditing may provide the wrong kind of incentives to those justifiably trying to identify Government waste.

Therefore, I am offering an amendment to require the Office of Management and Budget to study the effects of recovery audits authorized by this legislation, including any significant problems about proper notice to persons who are subjects of such audits.

I think if we do this research, Mr. Chairman, we will be able to determine whether or not we are giving the appropriate notice so that those who are the subject of an audit can appropriately respond but, as well, appropriately refund the monies that may have been overspent by the Government.

I ask my colleagues to join me in supporting this amendment to a very good piece of legislation that will address both the issue of overpayments but, as well, the questions of due process and being fair to our large, medium, and small businesses that do business with the United States Government.

Mr. BURTON of Indiana. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there is a reporting requirement in the bill in section 3565(c) of the legislation under the Responsibilities of the Office of Management and Budget. However, if the gentlewoman from Texas (Ms. JACKSON-LEE) feels like this is necessary to have an additional study, even though I think that is covered in the bill, we have no objection to it, and we will accept the amendment.

Mr. TURNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas (Ms. JACKSON-LEE).

This amendment would require OMB to conduct a study on the adequacies of the notices on overpayments provided to the companies that are subject to recovery audits.

Companies that are audited deserve to know detailed information about the nature of the overpayments that the recovery auditors identify.

1330

I appreciate the remarks made by the gentleman from Indiana. I think it is appropriate that we include this in this bill. I want to commend the gentlewoman from Texas for bringing this amendment forward. I would urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. FOWLER) having assumed the chair, Mr. BARRETT of Nebraska, 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. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies, pursuant to House Resolution 426, 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.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, 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.

Mr. BURTON of Indiana. Madam 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 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 1 o'clock and 32 minutes p.m.), the House stood in recess until approximately 2 p.m.

1402

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 2 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair will now put the question on the passage of H.R. 1827 and 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. 1827, de novo;

H.R. 2952, de novo; and

H.R. 3018, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

GOVERNMENT WASTE CORRECTIONS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question de novo of the passage of the bill, H.R. 1827, on which further proceedings were postponed.

The Clerk read the title of the bill.

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.

Mr. BURTON of Indiana. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 59, as follows:

[Roll No. 29]

YEAS—375

Abercrombie	Doggett	Knollenberg
Ackerman	Doyle	Kolbe
Aderholt	Dreier	LaFalce
Allen	Duncan	LaHood
Andrews	Edwards	Lampson
Archer	Ehlers	Largent
Armey	Emerson	Larson
Baca	Engel	Latham
Bachus	English	Lazio
Baird	Etheridge	Leach
Baker	Evans	Lee
Baldacci	Everett	Levin
Baldwin	Ewing	Lewis (CA)
Ballenger	Farr	Lewis (GA)
Barcia	Fattah	Lewis (KY)
Barr	Fletcher	Linder
Barrett (NE)	Foley	Lipinski
Barrett (WI)	Forbes	LoBiondo
Bartlett	Fossella	Lofgren
Barton	Fowler	Lowey
Bass	Frank (MA)	Lucas (KY)
Bateman	Franks (NJ)	Lucas (OK)
Becerra	Frelinghuysen	Luther
Bentsen	Frost	Maloney (CT)
Bereuter	Ganske	Maloney (NY)
Berkley	Gejdenson	Manzullo
Berry	Gekas	Markey
Biggert	Gephardt	Mascara
Bilirakis	Gibbons	Matsui
Bishop	Gilchrest	McCarthy (MO)
Blagojevich	Gilman	McCarthy (NY)
Bliley	Gonzalez	McCollum
Blumenauer	Goode	McCrery
Blunt	Goodlatte	McDermott
Boehlert	Goodling	McGovern
Boehner	Gordon	McHugh
Bonilla	Goss	McInnis
Bonior	Graham	McIntosh
Borski	Granger	McIntyre
Boswell	Green (TX)	McNulty
Boucher	Green (WI)	Meehan
Boyd	Greenwood	Meek (FL)
Brady (PA)	Gutierrez	Meeks (NY)
Brady (TX)	Gutknecht	Menendez
Brown (FL)	Hall (OH)	Metcalf
Bryant	Hall (TX)	Mica
Burr	Hansen	Miller (FL)
Burton	Hastings (FL)	Minge
Buyer	Hastings (WA)	Mink
Callahan	Hayes	Moakley
Camp	Hayworth	Mollohan
Canady	Hefley	Moore
Cannon	Hill (IN)	Moran (KS)
Capuano	Hill (MT)	Moran (VA)
Cardin	Hilleary	Morella
Carson	Hilliard	Murtha
Castle	Hinchey	Myrick
Chabot	Hobson	Nadler
Chambliss	Hoeffel	Neal
Chenoweth-Hage	Hoekstra	Nethercutt
Clay	Holden	Ney
Clayton	Holt	Northup
Clement	Hooley	Nussle
Clyburn	Horn	Oberstar
Coble	Hostettler	Obey
Coburn	Houghton	Olver
Collins	Hoyer	Ortiz
Combest	Hulshof	Ose
Condit	Hutchinson	Oxley
Conyers	Hyde	Pallone
Cook	Inslee	Pastor
Cooksey	Isakson	Paul
Costello	Istook	Pease
Coyne	Jackson (IL)	Pelosi
Cramer	Jackson-Lee (TX)	Peterson (MN)
Crane	Jefferson	Peterson (PA)
Crowley	Jenkins	Petri
Cubin	John	Phelps
Cummings	Johnson (CT)	Pickering
Davis (FL)	Johnson, E.B.	Pickett
Davis (VA)	Johnson, Sam	Pitts
DeGette	Jones (NC)	Pombo
Delahunt	Kanjorski	Pomeroy
DeLauro	Kaptur	Porter
DeLay	Kelly	Portman
DeMint	Kennedy	Price (NC)
Deutsch	Kildee	Pryce (OH)
Diaz-Balart	Kilpatrick	Quinn
Dickey	King (NY)	Rahall
Dicks	Kingston	Ramstad
Dingell	Kleczka	Rangel
Dixon		Regula
Reyes	Sisisky	Toomey
Reynolds	Skeen	Towns
Riley	Skelton	Traficant
Rivers	Slaughter	Turner
Rodriguez	Smith (MI)	Udall (CO)
Roemer	Smith (NJ)	Udall (NM)
Rogers	Smith (TX)	Upton
Ros-Lehtinen	Smith (WA)	Velazquez
Rothman	Snyder	Visclosky
Roukema	Spratt	Vitter
Ryan (WI)	Stabenow	Walden
Ryun (KS)	Stark	Walsh
Sabo	Stearns	Wamp
Salmon	Stenholm	Watkins
Sanchez	Strickland	Watt (NC)
Sanders	Stump	Watts (OK)
Sandlin	Stupak	Waxman
Sanford	Sununu	Weiner
Sawyer	Sweeney	Weldon (FL)
Saxton	Talent	Weldon (PA)
Schakowsky	Tancredo	Weller
Scott	Tauscher	Wexler
Sensenbrenner	Tauzin	Weygand
Serrano	Taylor (MS)	Whitfield
Sessions	Taylor (NC)	Wicker
Shadegg	Terry	Wilson
Shaw	Thomas	Wise
Shays	Thompson (CA)	Wolf
Sherman	Thompson (MS)	Wu
Sherwood	Thornberry	Wynn
Shimkus	Thune	Young (AK)
Shows	Thurman	Young (FL)
Shuster	Tiahrt	
Simpson	Tierney	

NOT VOTING—59

Berman	Gallegly	Napolitano
Bilbray	Gillmor	Norwood
Bono	Herger	Owens
Brown (OH)	Hinojosa	Packard
Calvert	Hunter	Pascrell
Campbell	Jones (OH)	Payne
Capps	Kasich	Radanovich
Cox	Kind (WI)	Rogan
Cunningham	Klink	Rohrabacher
Danner	Kucinich	Roybal-Allard
Davis (IL)	Kuykendall	Royce
Deal	Lantos	Rush
DeFazio	LaTourette	Scarborough
Dooley	Martinez	Schaffer
Doolittle	McKeon	Souder
Dunn	McKinney	Spence
Ehrlich	Millender-McDonald	Tanner
Eshoo	Miller, Gary	Vento
Filner	Miller, George	Waters
Ford		Woolsey

1426

So the bill 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 improve the economy and efficiency of Government operations by requiring the use of recovery audits and recovery activity by Federal agencies.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 29 I was inadvertently detained. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Barrett of Nebraska). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each motion to suspend the rules on which the Chair has postponed further proceedings.

KEITH D. OGLESBY STATION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2952.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. Terry) that the House suspend the rules and pass the bill, H.R. 2952.

The question was taken.

RECORDED VOTE

Mr. FOSSELLA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 57, as follows:

[Roll No. 30]

AYES—377

Abercrombie	Cubin	Hinchey
Ackerman	Cummings	Hobson
Aderholt	Davis (FL)	Hoeffel
Allen	Davis (VA)	Hoekstra
Andrews	Deal	Holden
Archer	DeGette	Holt
Baca	Delahunt	Hooley
Bachus	DeLauro	Horn
Baird	DeLay	Hostettler
Baker	DeMint	Houghton
Baldacci	Deutsch	Hoyer
Baldwin	Diaz-Balart	Hulshof
Ballenger	Dickey	Hunter
Barcia	Dicks	Hutchinson
Barr	Dingell	Hyde
Barrett (NE)	Dixon	Inslee
Barrett (WI)	Doggett	Isakson
Bartlett	Doolittle	Istook
Barton	Doyle	Jackson (IL)
Bass	Dreier	Jackson-Lee (TX)
Bateman	Duncan	Jefferson
Becerra	Edwards	Jenkins
Bentsen	Ehlers	John
Bereuter	Ehrlich	Johnson (CT)
Berkley	Emerson	Johnson, E. B.
Berry	Engel	Johnson, Sam
Biggert	English	Jones (NC)
Bilirakis	Etheridge	Kanjorski
Bishop	Evans	Kaptur
Blagojevich	Everett	Kelly
Bliley	Ewing	Kennedy
Blumenauer	Farr	Kildee
Blunt	Fattah	Kilpatrick
Boehlert	Fletcher	King (NY)
Boehner	Foley	Kingston
Bonilla	Forbes	Kleczka
Bonior	Fossella	Knollenberg
Borski	Fowler	Kolbe
Boswell	Frank (MA)	LaFalce
Boucher	Franks (NJ)	LaHood
Boyd	Frelinghuysen	Lampson
Brady (PA)	Frost	Largent
Brown (FL)	Ganske	Larson
Bryant	Gejdenson	Latham
Burr	Gekas	Lazio
Burton	Gephardt	Leach
Buyer	Gibbons	Levin
Callahan	Gilchrest	Lewis (CA)
Camp	Gilman	Lewis (GA)
Canady	Gonzalez	Lewis (KY)
Cannon	Goode	Linder
Capuano	Goodlatte	Lipinski
Cardin	Goodling	LoBiondo
Carson	Gordon	Lofgren
Castle	Goss	Lowey
Chabot	Graham	Lucas (KY)
Chambliss	Granger	Lucas (OK)
Chenoweth-Hage	Green (TX)	Luther
Clay	Green (WI)	Maloney (CT)
Clayton	Greenwood	Maloney (NY)
Clement	Gutierrez	Manzullo
Clyburn	Gutknecht	Markey
Coble	Hall (OH)	Mascara
Coburn	Hall (TX)	Matsui
Collins	Hansen	McCarthy (MO)
Combest	Hastings (FL)	McCarthy (NY)
Condit	Hastings (WA)	McCollum
Conyers	Hayes	McCrery
Cook	Hayworth	McDermott
Cooksey	Hefley	McGovern
Costello	Herger	McHugh
Coyne	Hill (IN)	McInnis
Cramer	Hill (MT)	McIntosh
Crane	Hilleary	McIntyre
Crowley	Hilliard	

McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
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
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—57

Armey
Berman
Bilbray
Bono
Brady (TX)
Brown (OH)
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Gallegly
Gillmor
Hinojosa
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Lee
Martinez
McKeon
McKinney
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Pascrell
Payne
Radanovich
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Smith (NJ)
Souder
Spence
Tanner
Vento
Waters
Woolsey

1435

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LAYFORD R. JOHNSON POST OFFICE, RICHARD E. FIELDS POST OFFICE, MARYBELLE H. HOWE POST OFFICE, AND MAMIE G. FLOYD POST OFFICE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of suspending the rules and passing the bill, H.R. 3018, 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 Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 3018, as amended.

The question was taken.

RECORDED VOTE

Mr. FOLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 0, not voting 59, as follows:

[Roll No. 31]

AYES—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
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)
Hill (MT)
Hilleary
Hilliard
Hinchey
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)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson
Latham
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
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
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
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
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
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Armey
Baldacci
Berman
Bilbray
Bono
Brown (FL)
Brown (OH)
Buyer
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Gallegly
Hinojosa
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Martinez
Matsui
McIntyre
McKeon
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Pascrell
Payne
Radanovich
Reynolds
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Souder
Spence
Tanner
Vento
Waters
Weldon (FL)
Woolsey

1444

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 designate certain facilities of the United States Postal Service in South Carolina.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 2952, to redesignate the facility of the U.S. Postal Service in Greenville, South

Carolina as the Keith D. Oglesby Station, introduced by the gentleman from South Carolina, Mr. DEMINT, I would have voted "yea."

On H.R. 3018, to designate the U.S. postal office located at 557 East Bay Street in Charleston, South Carolina as the Marybelle H. Howe Post Office introduced by the gentleman from South Carolina, Mr. CLYBURN, I would have voted "yea."

On H.R. 1827, the Government Waste Corrections Act, introduced by the gentleman from Indiana, Mr. BURTON, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 979

Mr. SHOWS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 979.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to 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 or nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

CONGRATULATING LITHUANIA ON THE TENTH ANNIVERSARY OF ITS INDEPENDENCE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 91) congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

The Clerk read as follows:

S. CON. RES. 91

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on March 11, 1990, of the reestablishment of full sovereignty and independence of the Republic of Lithuania led to the disintegration of the former Soviet Union;

Whereas Lithuania since then has successfully built democracy, ensured human and minority rights, the rule of law, developed a free market economy, implemented exemplary relations with neighboring countries, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Lithuania, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Lithuania on the occasion of the tenth anniversary of the reestablishment of its independence and the leading role it played in the disintegration of the former Soviet Union; and

(2) commends Lithuania for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

1445

The SPEAKER pro tempore (Mr. OSE). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of Senate Concurrent Resolution 91 congratulating Lithuania on its 10th anniversary of the reestablishment of its independence.

Mr. Speaker, it is hard to believe that 10 years have now passed since the Lithuanian nation took their courageous step of declaring independence from the Communist dictatorship of the former Soviet Union. And despite the passage of these last 10 years, many of us who served in the Congress at that time still vividly remember the struggle that Lithuania had to undertake in order to make that declaration a reality.

We recall the thousands of Soviet troops who were then garrisoned in Lithuania. We also recall the Soviet armored columns rolling through the capital of Vilnius in the dead of night some 10 years ago. We also remember the economic boycott that was imposed on Lithuania by the Soviet regime in Moscow. We remember too how Soviet President Mikhail Gorbachev insisted that, if Lithuania were to secede from the Soviet Union, it would have to compensate the Soviet government for all its investments in Lithuania since 1940, the year when the Soviet Union invaded and occupied that country.

What an ironic demand that was, given the fact that Lithuania never asked to be part of the Soviet Union, and given the fact the Soviet Union's so-called legacy to Lithuania and to its neighbors, if not a curse, was a very questionable legacy at best.

In fact, it has taken all of the strength that the Lithuanian people could muster to overcome the so-called blessings of that legacy bestowed by the former Soviet regime, including all of the dilapidated industries, their environmental damage, and the lack of trading and preparation that was needed by the Lithuanians to succeed in any market-oriented economy.

Now, Mr. Speaker, some 10 years later, in spite of that so-called legacy, Lithuania is now looking to its future and building on the progress it has made in the decade since the Soviet Union broke up.

Today, thousands of Soviet troops are gone. Today, Lithuania is a member of NATO's alliance's Partnership For Peace program and is looking forward to the day when it may become a full member of that alliance. And, today, Lithuania is actively seeking membership in the European Union.

Lithuania has implemented market reforms despite the tremendous difficulties associated with the economic transformation from a Communist system of control of workers and resources to the system of private enterprise and free markets. In short, Lithuania is working to return to its rightful place in Europe and in the world.

Mr. Speaker, I am pleased that our Nation has played a strong role in helping Lithuania, not just since it gained its independence but during the many years when it refused to recognize the Soviet Union's illegal incorporation of that country into its Communist dictatorship.

The passage of this resolution, Mr. Speaker, congratulates Lithuania and its people on the 10th anniversary of their independence, recognizing the role that Lithuania played in the breakup of the Soviet Union, and noting the reforms that Lithuania has struggled to implement. Accordingly, Mr. Speaker, I urge the passage of this worthy resolution.

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

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

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

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that, at the conclusion of my remarks, the remaining control of the time be yielded to the gentlewoman from California (Ms. LEE).

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

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I join my colleague, the gentleman from New York (Mr. GILMAN), and the distinguished Senator from Illinois, Mr. DURBIN, who authored this resolution in the Senate, in recognition of a decade of great success and change by my mother's homeland, Lithuania.

This year, I had the opportunity to drive from my mother's Lithuania to my father's Belarus, and it exposes the incredible difference between the situation in Lithuania where they have engaged freedom and democracy. I had been to Vilnius in 1982, and what a change in these last 16, 17 years, from that time to my most recent trip. I could see it on the people's faces, the freedom, the opportunity to express themselves without fear of retribution

or being followed by secret police. It is a thriving country, building strong relationships with its democratic and free neighbors. Sadly, in Belarus, the opposite is true. The economic situation continues to deteriorate and the people lose their freedom on a daily basis.

I am thrilled and privileged to be here in the United States Congress, having my mother and grandparents' on her side of the family, all having been born in Vilnius, being here today on the floor and, frankly, doing something that many of us thought might not happen in our lifetime, celebrating not just the first anniversary of freedom in Lithuania but a full decade; only the beginning of decades and centuries to come.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS), the cochairman of the Baltic caucus.

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

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of Senate Concurrent Resolution 91.

As cochairman of the House Baltic caucus, I am delighted that the House is joining the Senate in recognizing the 10th anniversary of the reestablishment of Lithuania's independence. Yes, the reestablishment. The original independence celebration actually goes back 80 years, when they first had freedom, prior to the Soviet aggression.

I have been down on this floor many times talking about the turbulent histories of the Baltic nations. I am pleased that today we are recognizing accomplishments. Over the last 10 years, Lithuania has worked diligently to ensure the human rights of its citizens, develop a free market economy, and pursue a course of integration into the European Union and NATO.

Additionally, the stability and peace which Lithuania brings to the Baltic region as it develops into a free and democratic nation is something that we all should be thankful for. It is my hope that Members of this body realize that, while we are celebrating just Lithuania today, Latvia and Estonia are also on the right path. While they all have turbulent histories, we should focus on the strides they have made to correct past injustices within their own borders. These are countries we should be proud of and embrace their burgeoning democratic ideas.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time, and I thank the gentleman for his supporting remarks.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, the Lithuanian people have always been in the forefront of democracy. Ten years ago, the Lithuanian parliament defied the Soviet Union by proclaiming its independence.

Today, Lithuania continues to be the window of democracy for its neighbors. Lithuania has welcomed the exiled politicians from Belarus who fled the oppressive regime of President Lukashenka.

The Lithuanian people should be proud of the magnitude of the political transformation. Lithuania today is a European nation. This week, the Lithuanian delegation, headed by Professor Landsbergis, is in Washington to commemorate this historic transformation.

Lithuanian economic achievements are no less significant. Lithuania has successfully carried out economic reforms and is well on its way to developing a functioning market economy. Lithuania, together with other Baltic countries, is considered a success story.

Mr. Speaker, I urge my colleagues to support Senate Concurrent Resolution 91.

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

Mr. LEVIN. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 91 which congratulates Lithuania on the tenth anniversary of the reestablishment of its independence.

After declaring independence from the Soviet Union in 1918, Lithuania enjoyed two decades of self rule. During this period, Lithuanians were free to follow their cultural traditions and express their national identity. In 1940, Soviet troops invaded and occupied Lithuania and Lithuanians spent the next five decades under Soviet domination, forced to deny their heritage, language and traditions. At last, Lithuania regained its independence in 1990; indeed, I was pleased to visit Lithuania shortly thereafter and celebrate the regaining of its independence.

History is a crucible that melts away the extraneous to reveal the truly relevant events in human experience. One hundred years from now, when historians look back at the events of the 20th Century, I suspect they will marvel at the astonishing speed at which the barriers to freedom, which for so many years seemed so insurmountable, finally fell in Lithuania and throughout Eastern Europe. A century from now, the history books will say that freedom came to Lithuania as a result of the persistence and unbending spirit of the Lithuanian people.

It is altogether fitting that Congress recognize and congratulate Lithuania on the 10th anniversary of the reestablishment of independence. I urge all my colleagues to join me in voting for this important resolution.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of S. Con. Res. 19 congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union. It is most appropriate that we are considering this resolution today, Mr. Speaker, because we have with us the most distinguished Speaker of the Lithuanian Parliament, Vytautas Landsbergis, who has played such a pivotal role in the renewal of the independence and sovereignty of Lithuania some ten years ago and who previously served as the President of Lithuania.

Mr. Speaker, I remember meeting with Speaker Landsbergis on a visit to Lithuania over ten years ago as the first stirrings of renewed independence were beginning to quicken life there. On that occasion, Speaker Landsbergis was a prominent musicologist and had not yet begun his political career. We walked together into one of Vilnius' outstanding Churches in order to get beyond earshot of the Soviet KGB officials who were directed to follow us. As we sat in one of the pews, we discussed his vision of the reestablishment of a sovereign and independent Lithuania. At that time, his vision appeared beyond any hope. Today, Mr. Speaker, we are celebrating the tenth anniversary of Lithuania's independence.

I had the opportunity to visit Lithuania just two months ago, Mr. Speaker, where I again had the opportunity to see the progress that has come after a decade of freedom. Lithuania's extraordinary progress during the past decade should serve as a model for all young democracies. Its leaders and its people have shown a commitment to free markets, civil liberties, and fair and open government as they have worked with such devotion to build their great nation. Lithuania stands today as a respected member of the international community and one of America's strongest allies. It is my sincere hope that, sooner rather than later, Lithuania's extraordinary achievements will be recognized in the form of a well-deserved invitation to join the NATO.

Mr. Speaker, there is one matter of particular importance for which I would like to praise Speaker Landsbergis and the members of the Parliament (Seimas). Last month, by a vote of 54 to 6 the Seimas adopted amendments to the Lithuanian legal code which permit the conduct of war crimes trials in absentia if the accused is unable to be present for the trial because of medical reasons. This action will enable the Government of Lithuania to seek justice against some of the most notorious perpetrators of atrocities alive today.

This legislation, which was drafted by my friend Dr. Emanuelis Zingeris, the Chairman of the Seimas' Human Rights Committee, states that if a person charged with genocide ''cannot for reasons of his physical condition, according to the findings of experts, be present at the place of the hearing, the defendant shall be provided technical facilities at the place where he is staying to directly take part in the hearing by giving evidence to the court, putting questions to other participants of the hearing and taking part in the proceedings.'' This reform will allow defendants in war crimes trials the right to participate in their own defense, but it also will permit the victims of these horrendous crimes against humanity to see that justice is done.

As a survivor of the Holocaust and as the Chairman of the Congressional Human Rights Caucus, I applaud the Seimas and its leaders for their action, for reaffirming so strongly the commitment of the Lithuanian Government to justice. I hope—and expect—that this initiative will allow the cold-blooded killers who were responsible for the crimes of the Holocaust to be held accountable for their crimes. Genocide must never be forgotten.

Mr. Speaker, in 1941 Fruma Kaplan was only six years old when she and her mother, Gitta, were arrested by Lithuanian Security Police (Saugumas) in the capital city of Vilnius. Fruma's crime? She was born Jewish, an unpardonable sin in Nazi-occupied Lithuania. On December 22 of that year, Fruma

and her mother were taken to the woods of Paneriai outside of Vilnius, stripped down to their underwear, lined up at the edge of pits, and viciously gunned down.

Fruma and Gitta Kaplan did not face their horrible fate along. Prior to 1941, Vilnius was home to one of the most vibrant Jewish communities in Europe. It was called the ''Jerusalem of the North.'' Artists, scholars, philosophers, and religious leaders all lived there, men and women renowned for their intellectual and cultural talents. After the Nazi invasion, they were slaughtered—55,000 of Vilnius' 60,000 Jews perished during World War II.

The death warrants for Gitta and little Fruma were signed by Aleksandras Lileikis, the Chief of the Lithuanian Security Police for Vilnius Province. He supervised the slaughter of Vilnius' Jewish community with precision and zeal, sending Jews to Paneriai regardless of age and infirmity. The Kaplan documents make up only a small portion of the overwhelming evidence which establishes Lileikis' guilt. Our own Department of Justice calls this evidence in the Lileikis case a ''shockingly complete paper trail.''

Lileikis and his deputy, Kazys Gimzauskas, escaped Lithuania and came to the United States after World War II. They lived quite lives, Lileikis in Massachusetts and Gimzauskas in Florida, evading the consequences of their crimes. It wasn't until this past decade—after the collapse of the Soviet Union and the opening of archives and other sources of information not available until that point—that the U.S. Department of Justice was able to accumulate the evidence which established the legal basis for stripping U.S. citizenship from these two individuals, who covered up their horrendous crimes. They were deported from the United States and ended up back in the newly independent Lithuania.

Since their return to Lithuania, Lileikis and Gimzauskas classified their wartime activities as the deeds of ''Lithuanian patriots,'' slandering the legacy of the untold thousands of courageous Lithuanians who fought to defend their national identity against Soviet might. Even so, these shameless men were never brought to trial, as their claims of medical and age-related infirmities stalled court proceedings indefinitely. The legal amendments passed by the Seimas promise to alter this status, because the Prosecutor-General of Lithuania can now initiate trials for Lileikis and Gimzauskas without further delay.

Lileikis and Gimzauskas are not alone. Several other Nazis have been denaturalized and deported by the U.S. Department of Justice, and the memory of the Holocaust demands that they be brought to justice as soon as possible. It is imperative that the Lithuanian Government send a firm and principled message that the murder of 240,000 of its Jewish citizens in the Holocaust will never be forgotten, not in this generation or in any generation to come. It is my hope that Lithuania will soon demonstrate this commitment by opening trials against Lileikis, Gimazuskas, and other Lithuanians who participated in Nazi atrocities.

Mr. Speaker, I applaud recent statements by President Valdas Adamkus, Prime Minister Andrius Kubilius, and Speaker Landsbergis in support of the immediate prosecution of Nazi war criminals. As the Prime Minister eloquently noted at the January Holocaust conference in Stockholm, pursuing war criminals is ''a moral duty that must be fulfilled in the 21st century as well,'' and that ''forgiving and forgetting [the culprits] is out of the question.'' I could not agree more strongly with this sentiment.

The prosecution of Nazi war criminals will complement and strengthen the efforts of the question.'' I could not agree more strongly with this sentiment.

The prosecution of Nazi war criminals will complement and strengthen the efforts of the Lithuanian Government to promote Holocaust education. The Commission for the Investigation of Crimes Committed during the Nazi and Soviet Occupation of Lithuania, formed in 1998 and ably co-chaired by Dr. Zingeris, promises a thorough study of ''the role of Lithuanians and others in the local population as perpetrators and/or collaborators in the Holocaust.'' The most vital responsibility of the Commission is clearly stated in its mission statement: ''Support for the preparation of educational materials and curricula for school students at all levels, to promote study, discussion and understanding of Lithuanian history during the Nazi and Soviet occupations.'' Mr. Speaker, the true measure of the Commission's success rests in its ability to convey its findings to the children and grandchildren of today's Lithuanians. I am hopeful that it will achieve this goal.

Mr. Speaker, I welcome the changes that have taken place in Lithuania over the past decade. As I mentioned earlier, I had the opportunity this past January to visit Vilnius and see first-hand the changes. While there, I participated in the Lithuanian opening of ''The Last Days,'' a documentary produced by Steven Spielberg and the Shoah Foundation about the experiences of five Hungarian survivors of the Holocaust. I was one of those five survivors, Mr. Speaker. As I walked through the neighborhood formerly occupied by the Jewish Ghetto, I was reminded of a part of Lithuanian heritage that can never be replaced—the talents and gifts of a quarter million murdered citizens and their unborn descendants. The loss overwhelmed me.

Later that evening, at the movie premiere, I was joined in my emotion by President Adamkus, Prime Minister Kubilius, Speaker Landsbergis, and a host of other prominent Lithuanian leaders. They attended as representatives of modern Lithuania—a nation strengthened by perseverance, emboldened by freedom, and sensitive to the consequences of human rights denied. It is a nation that, I am confident, will continue to learn from the lessons of its past and will use them to shape its future. The passage of the amendments to allow war criminals to be tried in absentia, and the prospect that the cases of Aleksandras Lileikis and other Nazi murderers will soon move forward, further strengthens my faith in this conviction.

Mr. Speaker, it is in this spirit that I urge my colleagues to join me in supporting S. Con. Res. 19. The accomplishments of the Lithuanian people during the past decades are impressive, but they pale only in comparison to the promise of this great nation in the years to come.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 91, the pending measure.

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

There was no objection.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 91.

The question was taken.

Mr. GILMAN. 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.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR AND THE SERVICE BY MEMBERS OF THE ARMED FORCES DURING SUCH WAR

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 86) recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

The Clerk read as follows:

H.J. RES. 86

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 90,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry S Truman ordered military intervention in Korea;

Whereas approximately 5,720,000 members of the Armed Forces served during the Korean War to defeat the spread of communism in Korea and throughout the world;

Whereas casualties of the United States during the Korean War included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

Whereas service by members of the Armed Forces in the Korean War should never be forgotten: Now, therefore, be it

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

(1) recognizes the historic significance of the 50th anniversary of the Korean War;

(2) expresses the gratitude of the people of the United States to the members of the Armed Forces who served in the Korean War;

(3) honors the memory of service members who paid the ultimate price for the cause of freedom, including those who remain unaccounted for; and

(4) calls upon the President to issue a proclamation—

(A) recognizing the 50th anniversary of the Korean War and the sacrifices of the members of the Armed Forces who served and fought in Korea to defeat the spread of communism; and

(B) calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 86, now under consideration.

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

There was no objection.

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

The forgotten war. That is what many of our Korean War veterans think about their service in Korea and the Korean era, and yet there are so many names in the Korean War that are permanently installed in the American lexicon. Such names as Inchon, the 38th parallel, Heartbreak Ridge, Pork Chop Hill. How is it that we have come to forever remember the places of war but overlook the people that sacrificed and endured?

I would like to share a soldier's story. And there are many stories that individuals can share, whether it is in the sea or on the ground or in the air, but I would like to tell this one of a teenager from White County, Indiana, by the name of Bill Green.

1500

On June 23, 1950, before dawn, North Korean artillery opened fire across the 38th parallel with preparatory fires. A half hour later, the North Korean Army commenced a four-prong attack with an estimated nine divisions, numbering 80,000 men, 150 tanks and numerous artillery pieces.

At the time, Mr. Green served with K Company, the 21st Infantry, and the 24th Infantry. He was stationed in Japan as part of the World War II Army of Occupation under General Douglas MacArthur.

In less than a week, Mr. Green and his unit were air transported to Korea and formed Task Force Smith. The Force was tasked to delay and defend the attacking North Koreans at Osan, only 50 miles from the North Korean border.

Task Force Smith was comprised of the 7th, the 24th, and the 25th Divisions, as well as the 1st Cavalry. They were severely undermanned and totaled 66 percent of the normal combat strength. The 24th Division, to which Mr. Green was assigned, had only 10,800 men of a required 18,900 strength.

In fact, when Mr. Green's company arrived in Korea, it carried only two 81-mm base plates and two mortar tubes but no bipods to stabilize the weapon and no sights to aim the weapon.

In addition, K company had no recoilless rifles, the main weapon used against tanks, and the only jeep in the weapons company was a privately owned vehicle belonging to one of the privates. Furthermore, the artillery attached to Task Force Smith possessed only 13 anti-tank artillery rounds.

On July 2, 1950, the Task Force moved north from Pusan, South Korea, pushing through endless lines of bewildered refugees and retreating South Korean Army units.

On July 5, 1950, a strong force of North Korean infantry and tanks struck Task Force Smith as it stood alone in the roadway between attacking communist forces and the rest of a free South Korea. The outnumbered Americans fired artillery, bazookas, mortars and their rifles at North Korean communists and their Russian-made tanks.

During the battle, Task Force Smith was hopelessly outgunned and outnumbered. In the area of operations for the 24th Division, Mr. Green's 21st regiment was outmanned nine to one, approximately 9,000 to 1,000. The 21st Infantry, with only two rifle companies, a battery of 105 howitzers, two mortar platoons, and six bazooka teams received its baptism of fire in Korea by holding an entire enemy division for 7 hours. Escaping impending doom near Osan, the 21st fought its way out of encirclement and retreated 12 miles south.

Following the battle at Osan, Task Force Smith defended the town of Taejon, half way between the North Korean border and Pusan, the last stronghold of American and South Korean forces.

In August and September, Mr. Green participated in the defense of Pusan, which was only one area between advancing North Korean forces and the sea.

On September 19, 1950, Task Force Smith attacked across the Naktong River, breaking out of the Pusan Perimeter and beginning the rapid advance to the north, thus escaping the fall of South Korea and the certain death of thousands of Americans and South Koreans.

The reason I pause to share this is, this was an individual who was, like many others, teenagers, young men in their 20s even. They went and served in the military. This was the aftermath of World War II. They found themselves in the comfort of an occupation force. They were not adequately trained. They were not adequately manned and staffed. They were not even adequately resourced. Yet they were called because their country called them to duty. And that is what they were, called to duty. And they had to face an outnumbered force.

Yet they fought with truly an American character. They fought for no bounty of their own but to only leave freedom in their footsteps. The Korean War. Over 55,000 lost their lives in the Korean War. It is only proper that we pause and think about those, many of whom had just served in World War II, some of whom were not young enough to have served in World War II, Mr. Speaker, but they found themselves in a similar position as Mr. Green.

My father, John Buyer, is a Korean War-era veteran. He went to Culver Military Academy. He went to the Citadel. After all those years of military training, he decided to decline his commission, and wanted to go into medicine. But he got drafted. And instead of all his peers serving in the officer corps, my father taught me many things in his silence.

He ended up as a sergeant in the Army. Not once did he ever complain. Not once did he ever say, oh, I could have been an officer. No. His country called and he did his duty, like millions before.

I do not know whoever said that the Korean War was the forgotten war. But from my point of view, as a son of a Korean War-era veteran, it is a meaningful war to me.

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

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

Mr. Speaker, I rise today in strong support of this resolution, H.J. Res. 86, a resolution commemorating the 50th anniversary of the Korean War.

I cannot help, while sitting here awaiting my moment to speak, to think of names like Barney Rostine, Richard Yates, Jim Sparks, schoolmates of mine who paid the ultimate price and were killed in action during the Korean War.

I was fortunate to have a roommate in law school who later became a judge in Brookfield, Missouri, by the name of Robert Devoy, who fought in the Pusan Perimeter, the conflict of which the gentleman from Indiana (Mr. BUYER) just mentioned. So it is with great respect and reverence that I support this resolution today.

Fifty years ago this June, President Harry S. Truman ordered United States military intervention on the Korean Peninsula. Over the next 3 years, over 54,000 Americans paid the ultimate price; and 33,000 were actually killed in action. Over 110,000 Americans were wounded or missing in action. In addition, over 228,000 South Korean soldiers and untold numbers of civilians gave their lives.

These stark statistics serve as a reminder to all of us that the aphorism ''freedom isn't free'' is more than just a few words. The sacrifices of thousands of American service members purchased the freedom that South Koreans enjoy to this day, a freedom that our military continues to protect.

In many respects, our participation in the Korea conflict presaged and has served as a model for our way of military operations today.

Korea was the first multilateral United Nations operation, and it has become the longest standing peacekeeping operation in modern times.

The unfortunate experience of Task Force Smith has taught us the paramount importance of sending forces into battle only when they are adequately trained and equipped.

We have also learned that units cannot be thrown piecemeal into battle but must be engaged in a coordinated fashion with air and sea power and with overwhelming force.

The lessons of the Korean War, taught at such great costs, have served us well in the conflicts in which we have participated since then, from Vietnam to the Persian Gulf War and now in Bosnia and Kosovo.

As much as we may be inclined to remember the leaders who ultimately brought us victory in the Korean War—Truman, MacArthur, Acheson, Walker and Ridgeway—it is really the men and women who served so bravely to whom we should pay tribute today. And that is what we do. Without their selfless dedication, their valor, their perseverance, the people of South Korea would not be living in a free and prosperous society as they are.

This resolution recognizes their service, expresses the gratitude of the American people, and calls upon the President of the United States to issue an appropriate proclamation, something he unquestionably should do.

Mr. Speaker, I urge all my colleagues to support H.J. Res. 86.

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

Mr. BUYER. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EWING), the sponsor of the bill.

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

Mr. EWING. Mr. Speaker, I rise today in support of House Joint Resolution 86, which I proudly have introduced in this House.

The year 2000 marks the 50th anniversary of the Korean War. This joint resolution recognizes this important anniversary and the sacrifice of all members of the Armed Forces who served there.

I thank the 210 of my colleagues who have cosponsored this important piece of legislation, and I thank them for offering their support to the Korean War veterans.

On June 25, 1950, communist North Korean forces crossed the 38th Parallel and invaded the country of South Korea. Two days later, on June 27, 1950, President Harry S. Truman called on American military forces to intervene. Over the next 3 years, 5.72 million Americans would heed the call to service.

When the fighting came to an end on July 27, 1953, 92,134 had been wounded, 54,260 Americans had died, 33,665 of which were battle dead; 8,176 were either prisoners of war or missing in action.

Every time I have visitors come to this great city, one of the things that I like to see them take in, particularly at night, is the Korean War Memorial. It is truly a most moving tribute to our servicemen.

The Korean War ended just before I graduated from high school, but it was a real part of my life. My brother was serving in the military. Later I met many of my future college fraternity brothers who had served in Korea, and I shared stories with them. But even though the fighting in Korea ended in 1953, for the next 40 years, America stood on the victory of our soldiers in Korea. And I believe that the victory in Korea started the downfall of communism, until its ultimate defeat 10 years ago. And yet, our military still serves freedom's goals in Korea in protecting this country.

In my own Congressional district, veterans have joined together to build a Korean War Veterans National Museum and Library in Tuscola, Illinois. This may well be the first facility solely devoted to the remembrance, research, and study of the Korean War.

By calling on the President to issue a proclamation recognizing the 50th anniversary of the Korean War and calling on the American people to observe this occasion with appropriate ceremonies and activities, efforts such as these of the veterans in the 15th District of Illinois remembering this war will be very, very meaningful.

As veterans across the country join together over the next 3 years to remember both the victories and their fallen colleagues, we in Congress must take the lead by saying thank you to those who returned and those who did not.

Regretfully, the Korean War is often referred to as ''the forgotten war.'' By passing this resolution, we in the House of Representatives, Republicans and Democrats, but first of all Americans, we can help end that nomenclature for the Korean War.

I would not only like to thank Chairman SPENCE for bringing this bill forward for consideration, but I would also like to thank him and all of our colleagues whose service here in this chamber was preceded by their sacrifice in Korea in defense of freedom.

In a short while, we will vote on this joint resolution. Let it not be forgotten that we may not even have this opportunity to vote this day had it not been for these heroes who so faithfully fought to protect the republic. To the veterans who served and those who made the ultimate sacrifice, we say thank you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCNULTY).

1515

Mr. McNULTY. Mr. Speaker, I rise in very strong support of this joint resolution of which I am proud to be a cosponsor. I agree with the author of this resolution and the other Members who have spoken in saying that it is high time we remove any remaining perception that this is a forgotten war. I am very proud of the fact that in the 21st District of the State of New York, it is certainly not forgotten. We have beautiful memorials to the Korean War veterans both in Albany and in Troy; and on the first Monday of every month, Mr. Speaker, in Albany, we salute a distinguished veteran. We do the same thing on the second Monday of every single month in Rensselaer county to keep the memories alive and to give thanks.

And so today I salute and pay tribute to the more than 54,000 Americans who gave their lives in service to our country, a sacrifice which my brother made in a succeeding war. I also salute those who are still alive today from the Korean era; and there are many, like my friend Ned Haggerty who is twice the recipient of the Purple Heart.

This is a good resolution, also, for us to generally stop and pause and get our priorities straight and to remember that had it not been for the men and women who wore the uniform of the United States military through the years, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on earth. Freedom is not free. We paid a tremendous price for it. That is why when I get up in the morning as my first two priorities, I thank God for my life and then I thank veterans for my way of life. Today, I especially thank those from the Korean era.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs.

Mr. STUMP. Mr. Speaker, I thank the gentleman from Indiana for yielding time to me. I thank the gentleman from Illinois (Mr. EWING) for introducing this measure.

Mr. Speaker, June 25 will mark the 50th anniversary of the outbreak of the Korean War. It is called the forgotten war not because it was not important, but because it came between the most popular war, World War II, and the most controversial war, the war in Vietnam. It was the first real resistance to world communism.

America at the mid-century point still yearned for peace. That was especially true for those of us who fought during World War II. But it was not to be. World War II had made America the undisputed champion of the free world. There was no other power capable of responding when North Korea launched an all-out predawn attack on the south hoping to unite the Korean peninsula under Communist rule. North Korea with the aid of the Soviet Union and Communist China thought conquest would be quick and easy.

Mr. Speaker, they were wrong. The Korean War was as bitter and bloody as any war America ever fought. It taught us many lessons and still teaches us today. It taught a lesson to those who thought America would not accept the role of defender of the free world. Mr. Speaker, it is my hope by the time this year is over, neither the Korean War nor the men who fought in it will be forgotten any longer. It certainly will not be forgotten by the more than 50,000 families who lost loved ones in the Korean War.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in strong support of this bill. With over 60,000 military retirees and veterans in my district, which includes thousands of Korean War veterans, I am proud to be a cosponsor of this bill and to speak in support of its passage today.

The 50th anniversary of the Korean War is a time for all Americans to reflect on the incredible sacrifices made by our men and women in preserving liberty on the Korean peninsula. Mr. Speaker, our Korean War veterans are America's heroes for their incredible courage and bravery. They fought for freedom under some of the harshest combat conditions imaginable.

Last December I had the opportunity to visit our troops stationed in Korea. I saw firsthand the rough terrain and cold and cruel climate that our Korean veterans endured and which our troops today continue to bear in defense of peace along the 38th Parallel. Looking back on these sacrifices, none of us should ever forget the honorable service of our Korean War veterans, nor should we forget the sacrifices made by their families.

As the Korean War memorial in Washington, D.C. reflects, freedom is not free. No one knows that better than our Korean War veterans. Millions of American soldiers left their families, friends, and their lives to defend the people of a faraway land, far from the United States. They are part of our American legacy that has always been ready to take up arms whenever necessary to protect our national security and turn back the attacks of totalitarianism. When we stand and take stock of the freedom and security that our Nation enjoys today, let us never take for granted the contributions and patriotism of our Korean War veterans.

This 50th anniversary commemoration should, therefore, serve as a strong reminder of our gratitude to our Korean War veterans and to our soldiers currently deployed around the world serving proudly on behalf of this country. It honors the memory of those who paid the ultimate sacrifice for the cause of freedom and recognizes our continuing commitment to those who remain unaccounted and still missing. Let us with this resolution begin a year of remembrance and recognition.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. Mr. Speaker, I rise in support of the resolution.

When war broke out in Korea, America plunged headlong into conflict half a world away without even a week's notice. Brave men and women from around our great nation responded immediately to the call for help. They left families, traveled thousands of miles from home to the Korean peninsula, fought fiercely for freedom, and turned back the tide of communist aggression.

Some may call Korea the ''Forgotten War'', but we must never forget the enormous sacrifices these fine American's made. I fill with pride as I listen to veterans from my district speak of their Korean War experiences. One can only imagine the horrors of war they underwent. I salute those who endured the bitter cold, driving monsoon rains, nerve-racking machine gun fire, and relentless bombardment in their successful attempt to protect freedom for all.

It is time, Mr. Speaker, to recognize and honor these great Americans. General Matthew Ridgeway, 8th United States Army Commander, best described what the service men and women were fighting for under his command in Korea. He accurately noted ''this has long since ceased to be a fight for freedom for our Korean Allies alone and for their national survival. It has become, and it continues to be, a fight for our own freedom, for our own survival, in an honorable, independent national existence.'' Our fine men and women fought to uphold the principles of our democracy. They fought for our liberty.

Let us never forget the 5,720,000 Americans who nobly served on land, in the air, and at sea during the Korean War. Their sacrifices were immeasurable and accomplishments great in places like Pusan, Chosen Reservoir, Yalu River, and Inchon. They faced an enemy of superior number, but never their equal in determination and fortitude. These Americans took the first stand against communism and won.

The Korean War taught us several things which are applicable today. First, it reminds us to recognize, appreciate and take care of the veterans who fought for this country. Let us continue to build upon our first session successes in regards to veterans legislation. We must honor our commitment to veterans, as they honored their obligations in Korea.

It also reminds us of the importance of having a fully manned, equipped, and trained force. Ready forces deter the type of aggression we saw exhibited in Korea. America's forces must have the resources to be able to protect our freedom.

Mr. Speaker, please join me in supporting House Joint Resolution 86, recognizing the 50th Anniversary of the Korean War. America's men and women served bravely and deserve our highest recognition.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN), 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 thank the gentleman for yielding me the time. I am pleased to rise in support of this resolution enabling Congress to duly recognize the significance of the 50th anniversary of the Korean War and allowing us to pay tribute to our armed forces who served and honoring those who made the ultimate sacrifice or are still unaccounted for as a result of the Korean War. Regrettably the Korean veterans have not received due recognition, the Korean War having become known as the forgotten war. I hope we can change that designation.

Those who served in Korea faced the same harrowing experiences and personal sacrifices that all veterans face while engaged in hostilities. The Korean War was the first successful multinational operation carried out under U.N. auspices. At the same time, the strong U.S. desire to keep the Soviet Union out of the conflict placed severe constraints on U.S. operations in Korea.

Over the past few years, there has been a strong focus on the 2,000 unaccounted-for POWs and MIAs of the Vietnam war. While our hearts go out to all the families of missing veterans, we must not forget that 8,100 veterans are still unaccounted for in Korea. Accordingly, Mr. Speaker, I urge our distinguished colleagues to support H.J. Res. 86 so that the efforts of our Korean veterans can be duly recognized.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELO).

(Mr. ROMERO-BARCELO asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, I want to join my colleagues in honoring the veterans of the Korean War on the 50th anniversary of the beginning of this international conflict. The men and women who served in the armed forces during this so-called forgotten war are to be commended for the sacrifices they made while fighting in this distant land.

I especially want to commend the veterans from Puerto Rico who served our country during this period. Over 61,000 Puerto Rican soldiers served in Korea, constituting 8 percent of the U.S. forces. Individually, they received numerous awards for gallantry in combat, including 8 recipients of the Distinguished Service Cross and 129 recipients of the Silver Star. The Army's most decorated unit during the Korean conflict was the Puerto Rican 65th Infantry Regiment, which was known throughout the Army as the Borinquenos, which is from the Indian name for Puerto Rico. In total 3,049 Puerto Ricans were wounded in combat and 756 gave their lives in defense of American democratic values. I would like to share a letter from General Douglas MacArthur, the Supreme Commander for the allied powers in the Korean operation, who wrote to the commander of the 65th Infantry on February 12, 1951:

''The Puerto Ricans forming the rank of the gallant 65th infantry on the battlefield of Korea by valor, determination and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud

indeed to have them in this command. I wish that we may have many more like them.''

I thank the gentleman for allowing me the opportunity to honor the sacrifices of the gallant Americans who served in the armed forces during the Korean War.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in very strong support of this resolution, which honors the 1.7 million Americans who served our country so courageously in the Korean theater. It is often called the forgotten war, but because of the long-term impact it has had on the world, this war and its veterans certainly should be anything but forgotten.

The Department of Defense is starting a commemoration period lasting until 2003 to honor the many veterans who served in this war. National and international events are planned and an education program is under way to encourage study of the Korean War in high school history programs. I urge all Americans to take time to honor these veterans and reflect on the sacrifices that they made for this country.

I served in the Navy during the Korean War, but I spent the war years stateside. Even though I was never in theater, I still think of the Korean War as the war of my generation. There were 5.7 million of us who served worldwide during the Korean war. Unfortunately, the veterans of that war have never been as honored as their counterparts who served in World War II just a few years before. That is why it means so much to me that we are now taking this opportunity 50 years later to honor these people.

I rise today in strong support of this resolution which honors the 1.7 million Americans who served our country so courageously in the Korean theater. The Korean War is often called the forgotten war, but because of the long-term impact it's had on the world, this war and its veterans should be anything but forgotten.

The Korean War changed the way wars were fought in a nuclear age, and marked the beginning of the Cold War. Our involvement in the Korean War serves as a poignant reminder of the power of American efforts against communist aggression. Since then, we've made a forty year investment in South Korea, toward peace and stability in the region.

The Department of Defense is starting a commemoration period lasting until 2003, to honor the many veterans who served in this war. National and international events are planned, and an education program is underway to encourage study of the Korean War in high school history programs. I urge all Americans to take time to honor these veterans, and reflect on the sacrifices they made for our country.

I served in the Navy during the Korean War, but I spent the war years stateside. Even though I was never in theater, I still think of the Korean War as the war of my generation. There were 5.7 million of us who served worldwide during the Korean War.

Unfortunately, the veterans of that War have never been as honored as their counterparts who served in World War II, just a few years before. That's why it means so much to me that we are now taking this opportunity—fifty years later—to say thank you to everyone who did their part, to protect and promote democracy. Freedom is not free, but protecting freedom is among the most honorable calls one can answer.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL) who saw and was part of the conflict, former staff sergeant in the United States Army, now a distinguished and highly regarded Member of this Congress.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for giving me this opportunity. I guess it was in June of 1950 when I was with the 2nd Infantry Division at Fort Lewis, Washington, when we heard that there was a police action in Korea. In July and August of that year, we were sent to Korea in a troop ship. Most of us were 19, 20 years old, and we were the first troops, American troops, from the States to go into Korea.

The 24th and 25th Divisions having left from Japan going there had been pushed from the 38th Parallel to the Pusan Perimeter. We landed and had substantial casualties but managed to get close to the 38th Parallel. General MacArthur had the Inchon landing and then we moved swiftly north to the Yalu river which separated North Korea from Manchuria, and the entire 8th Army and the 2nd Infantry Division, of which I was a member, were there waiting to go home in September of 1950.

It was on or about this time that the Commander in Chief, Harry Truman, had a dispute with General MacArthur and General MacArthur left and dealt with the President of the United States. During this time, the Peoples' Volunteer Army completely surrounded the entire 8th Army, and on November 30, 1950, a massacre occurred of the 2nd Infantry Division and many of the supporting battalions that were there.

In June, I will be taking some of those veterans back to South Korea, and we are attempting to revisit some of the battle sites in North Korea. It was strange that people found it so easy to forget the tens of thousands of soldiers that responded to the United Nations and responded to President Truman as nations of the world got together to stop Communism. But I do not think that this is unusual to see our young people doing this type of thing.

And so whether it is World War I or II or whether it is the Korean War or the Vietnam War, I really think we ought to pay more attention to those people who take time out from their families, who put their lives on the line and many times are captured and give up their lives and then come back home to find themselves faced with getting food stamps and adequate pay and just plainly a lack of respect for what they have done.

1530

It has been 50 years but we have a long way to go, and I thank the gentleman for giving me this opportunity to pay tribute to so many friends and comrades that are no longer with us today.

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

Mr. Speaker, I associate myself with the comments of the gentleman from New York (Mr. RANGEL) and for that reason, I would say to the gentleman from New York (Mr. RANGEL), I, by way of opening, shared also a soldier's story of Bill Green from White County, Indiana, who is part of Task Force Smith and those of us today, while I am the son of a Korean War veteran, having served in the Gulf War, today now being on the Committee on Armed Services, on the committee we use the example that those who lived with Task Force Smith, that never again will we place our men and women into harm's way whereby they are not trained properly or do not have the adequate resources to do the job. So we never want what the gentleman experienced ever have to happen again to our forces.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his remarks.

Mr. Speaker, some people know I served in Vietnam and was a POW there, but I think there are not too many who know that I also flew in Korea 62 combat missions, and we are here because the Korean War is referred to as the forgotten war, but we have not forgotten it.

Frankly, I was lucky enough to fly with Johnny Glenn and Buzz Aldrin in the same outfit, and I remember one day we went out on the revetments and watched Ted Williams land a shot-up airplane. He sacrificed his career to fight for America in that war.

I think oftentimes we forget there are 8,100 MIA still over there, that we are still searching for their remains. We have not given up.

I also have a lot of friends from Australia, South Africa, England, and other countries. That was one of those wars where one made friends from all over the world.

This resolution shows our strong support for all of those who fought and the many who died. Today there are millions of Korean War veterans who still remember the horrors of their experiences but would gladly fight again if this country called. They are individuals of honor and integrity, and they

deserve to be recognized for their sacrifices to this country, including the gentleman from New York (Mr. RANGEL).

I salute them. Our Korean War era Veterans have never forgotten America; and we are here to say today, we will never forget them. God bless America.

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

Mr. Speaker, as I was growing up in my hometown of Lexington, Missouri, I built model airplanes with a young man by the name of Vance Frick, who I learned just a few days ago passed away, a distinguished lawyer in the State of Missouri.

Vance Frick was in the Air Force of the United States, was shot down, held captive for a long period of time in North Korea and fortunately was able to return to his civilian life.

I have another friend that I would like to mention because this resolution really is very personal to me, the gentleman who retired not long ago as a major general in the United States Army Reserve. His name is Robert Shirkey of Kansas City, a well-known trial lawyer there. If one would have seen him in his uniform before he retired from the Army Reserve, they would have seen he wore a combat infantry badge with a star on top. The star indicated that he not only saw combat as an infantryman in one but two wars. He did yeoman's work in the Second World War in the Pacific in the Philippines as a member of the Alamo Scouts and was called upon again as a young officer to fight again in Korea; which he did.

So it is with the Robert Shirkeys of America that that war was prosecuted, that freedom came to pass in South Korea, that the resolve of America became known, and that America was able to say we are the bastion of freedom for this globe.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding this time.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I would like to thank the gentleman from Missouri (Mr. SKELTON) for yielding time to our side.

Mr. Speaker, I rise today in strong support of the resolution. Certainly as we are hearing from other speakers on both sides of the aisle, I join in that support. However, Mr. Speaker, I would like to just put a different angle on this for all of our Members who are listening and will come over shortly to vote. As the chairman of the Subcommittee on Benefits of our Committee on Veterans' Affairs, we are always talking about forgotten veterans, and we have heard this war be referred to as the forgotten war.

I would like to suggest to all of our Members that when we have to fight budget numbers, when we have to talk about funding things in this institution of ours, that we take the opportunity to make sure that this forgotten war is not forgotten; that all of our veterans are not forgotten. We take the opportunity to fight for every single penny we can for our veterans who have served this country.

So this resolution, Mr. Speaker, is absolutely the right thing to do, to ask our members to continue in that vein, to fight with us for proper funding.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

(Mr. MORAN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, I am honored to be here today as a Member of the House Committee on Veterans' Affairs, and I am honored to be a sponsor of this resolution. House Joint Resolution 86 calls upon the people of the United States to observe the 50th anniversary of the Korean War with appropriate ceremonies and activities. I am pleased to note that in Kansas we are going to do that, and I encourage all citizens of my State to look for other opportunities to say thank you to the veterans of the Korean War.

On July 25, 2000, the 50th anniversary of the beginning of the Korean War, in Salina, Kansas, a Korean War Veterans Planning Commission is planning a parade and other festivities to acknowledge the service to our country of our Korean War veterans.

On May 29, Memorial Day, I am planning a ceremony in Abilene, Kansas, at the Eisenhower Center to honor the Korean War veterans of the First District. I look forward to seeing them and their families there and we will pay tribute to their service to our country.

Eisenhower Center is an appropriate place for this ceremony as President Eisenhower played a significant role. A year after he became President, Eisenhower obtained the truce. So today I ask that we all join in supporting this resolution and that Kansans and all Americans recognize the important role these veterans played.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, the year 2000 does recognize the 50th anniversary of the Korean War, and this joint resolution recognizes the important anniversary and sacrifices of all Members of the armed services who served in that conflict.

This summer, Communist North Korean forces, fifty years ago, invaded across the 38th Parallel and invaded South Korea. Two days later on June 27, 1950, President Harry Truman called on the American forces to intervene; and over the next 3 years, over 5 million Americans served. 54,000 of them died in the conflict, and when the call to duty came, South Dakotans were there to answer the call.

There are 70,000 South Dakota veterans, roughly one-tenth of the entire population of our State. 13,200 of those veterans are Korean War Veterans, which is about 20 percent.

The Korean War is often referred to as the forgotten war. This joint resolution will help ensure that those who served and fought to preserve democracy and freedom in the Korean Peninsula are never forgotten. This historic event is a good opportunity to pay tribute to our Nation's veterans and to ensure they receive the care and treatment they have earned in return for their service.

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

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

Mr. Speaker, H.J. Res. 86 sets the record straight. Never should our courageous veterans, whether it is Bill Green of White County, Indiana or my father, Dr. John Buyer, or the millions who served in the Korean War ever, ever, ever doubt that this Nation understands and appreciates their sacrifices and their contribution to freedom that we enjoy, not only in our Nation but around the world. We must never allow a veteran who fought for this Nation or a family who lost a loved one by either death or is missing in action to ever say that their war was a forgotten war.

Mr. Speaker, I commend the gentleman from Illinois (Mr. EWING) for bringing this resolution to the attention of the House and to the country. I urge my colleagues to send a message that the people who fought in Korea will not be forgotten and to vote in favor of adoption of the resolution.

I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), for his words in support of this resolution and for his contribution to the House.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Joint Resolution 86, legislation I am an original cosponsor of to recognize the 50th anniversary of the Korean War.

It was on June 25, 1950 that Communist North Korean forces crossed the 38th Parallel and invaded South Korea. Two days later, on June 27, 1950, President Harry S. Truman called on American military forces to intervene and protect South Korea's democratically elected government and the freedom of the South Korea's democratically elected government and the freedom of the South Korean people. Over the next three years, 5,720,000 Americans would respond to the call to service.

After three years of battle, the fighting came to an end on July 27, 1953. The American casualties were high. More than 54,000 paid the ultimate price in the defense of freedom, another 92,000 suffered casualties, and 8,176 soldiers never returned home and are listed as missing in action.

Mr. Speaker, the Korean War is often referred to as the forgotten war. Tell that to the families of the more than 158,000 Americans who died, were wounded, or remain missing in action in Korea. Tell that to the People of

South Korea who were able to repel the onslaught of Communism and remain free. Our nation and the entire world owe a debt of gratitude to the millions of Americans, Allied and South Korean troops that defended a free nation. It is fitting that today our nation pays tribute to veterans of the forgotten war and promises that they will never be forgotten.

This resolution expresses the appreciation and gratitude of this Congress and the American people for those who served in uniform during the Korean War. It honors the memory of those who died, were wounded, or never returned home. And it calls upon the President and communities throughout our nation to observe the anniversary of this conflict with all the appropriate and just-deserved ceremonies and activities.

Mr. Speaker, this victory over the forces of evil served as a stepping stone to the ultimate demise of communism almost 40 years later, when President Reagan uttered those now famous words, ''Mr. Gorbechev, tear down this wall.'' Our nation has taken great pride in honoring its commitment to provide the best in medical care, compensation, and services to those who have fought to preserve freedom throughout the world. At a time when American servicemen have taken up humanitarian causes half-way around the globe, it is essential that Congress continues to send a strong signal that our nation will make good on its promises to all veterans. It is my hope that in this 50th anniversary year of the Korean War, every American school child will learn of the sacrifices and victories of so many courageous Americans. We owe our Korean veterans nothing less.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of House Joint Resolution 86, which recognizes the 50th anniversary of the Korean War. I thank my colleague Congressman TOM EWING for introducing this legislation and for helping to bring it to the House floor today.

The resolution seeks to end the Korean War's unfortunate status as the ''Forgotten War.'' We must never, ever forget the more than 90,000 veterans who were wounded in combat between 1950–1953. We must never, ever forget the 54,000 who died in a just and righteous cause. We must never, ever forget the more than 8,000 men who are still unaccounted for—missing in action. We must also never forget the immense sacrifices of our allies—particularly the South Korean people themselves. They, too, suffered terribly from the North's invasion.

The resolution we have before us today is a painful, but powerful reminder of the immense sacrifices made by the 5.72 million Americans who bravely responded to the call of duty. We are all personally grateful for their service and their many sacrifices. Ensuring that the 50th anniversary Korean War is appropriately recognized is the least we can do to honor these brave Americans.

Beyond recognizing the sacrifices made in blood, sweat and tears, we must also remember how pivotal the Korean War was to halting the spread of Communism worldwide. The sacrifices made by American soldiers on battlefields and mountains of the Korean peninsula helped make the containment of Communism, and its eventual demise, a reality some four decades later. Reflecting on the conflicts of the 20th Century, Communism along with Nazism will certainly go down as one of the great stains on humanity's soul. Communism was responsible for more raw bloodshed, misery, and horror than any other single idea in the history of mankind.

The Korean War has many elements and characteristic that are unique to this struggle for freedom. For instance, the dangers from enemy bullets and bayonets was compounded by the extreme weather conditions of the Korean peninsula. In several battles of the Korean War, not only were American troops forced to fend off enemy fire in difficult terrain, but they had to do it sub-zero temperatures. Veterans lost limbs and fingers to frostbite. Others died outright from exposure. Veterans will tell you that nothing saps morale faster than being freezing cold. Yet for many years thereafter, these veterans received no disability rating from the VA that recognized their exposure to these harsh conditions.

During the 105th Congress I introduced legislation to create a presumptive disability for veterans with cold weather injury, to help those veterans of the Korean War and other conflicts receive the treatment and benefits they need and deserve. In response to the bill, the Department of Veterans' Affairs changed its regulations to make them more friendly to veterans who suffered from cold weather injuries. Those whose sacrifices were forgotten were finally being recognized, even if this recognition was long overdue.

One last point. I think it is particularly appropriate that on the 50th anniversary of the Korean War, that we remember the painful lessons of this conflict. There is a lot of feeling among historians that Secretary of State Dean Acheson's failure in January 1950 to clearly delineate South Korea as being within the U.S. defense perimeter in the Pacific lured the Communist Chinese and North Koreans into believing the U.S. would not respond to an invasion. 50 years later, I fear our nation is dangerously close to making the same mistake on the issue of Taiwan. If our nation fails to make it clear to the same Communist Chinese leadership that the United States will respond with decisive military force to any attempt by the People's Republic of China to invade Taiwan, Korean War veterans who went over at age 25 may be in the uniquely painful position of watching their 25 year-old grandchildren pay the price for appeasement once again.

So, I want to thank Congressman EWING again for introducing this resolution, and especially thank Korean War veterans for their heroic sacrifices.

Mr. MILLER of Florida. Mr. Speaker, I rise today with my colleagues to commemorate those heroic Americans who served in the Korean War—some of whom serve in this House.

Mr. Speaker, like my colleagues, it bothers me that this War is called the ''Forgotten War.'' The brave men and women who sacrificed their lives fighting the iron fist of communism and defending freedom shall not be forgotten.

I will never forget the 5 million, seven hundred thousand service men and women who heeded the call to serve America and protect the World from Communism's attack on South Korea.

Mr. Speaker, the reported 33,665 battle deaths, or the 8,176 soldiers listed as ''Missing in Action'' or ''Prisoners of War'' can never be forgotten. These heroes made the ultimate sacrifice, for which our nation is eternally grateful.

I represent a Congressional district in Florida where many Veterans have chosen to retire. Many of these Veterans served in the Korean War. When I ask them about their time in the service, they tell me, ''Congressman, we just do not want to be forgotten.''

And so, Mr. Speaker, it gives me great pleasure to rise today and say once again, ''Thank You'' to those courageous Americans who fought to protect our freedom. As the Korean War Veterans Memorial here in Washington, DC expressly reads: ''Freedom is not Free.''

As we commemorate the 50th Anniversary of the Korean War, this year, we must not forget to thank those selfless Veterans of the Korean War.

Thank you, Mr. EWING for drafting this legislation.

Mr. BILIRAKIS. Mr. Speaker, this year marks the 50th Anniversary of the Korean War. It is often called ''the forgotten war,'' but for the men and women who served there and for the families of those who did not return, the Korean war will never be forgotten.

Only 5 years had passed since the end of World War II when another international conflict erupted. On June 25, 1950, the communist forces of North Korea crossed the 38th Parallel and invaded South Korea. The American response was almost immediate. Two days later, President Harry Truman called upon America's military to intervene, and the United States led a United Nations force to the Asian peninsula.

Over the next 3 years, over 5 million American men and women answered the call to duty, eventually defeating communism's attack on South Korea. Over 92,000 of these brave Americans would be wounded during the conflict. Approximately 8,100 would become missing in action or prisoners of war. By the time the fighting ended, 54,260 Americans would have paid the ultimate sacrifice—giving their lives in the defense of freedom.

While communism's defeat would come almost 40 years after our victory in the Korean War, the significance of what our soldiers won there cannot be understated. Our Korean War veterans must never be forgotten. As a Korean War era veteran, I salute these brave men and women.

I am proud to be an original cosponsor of H.J. Res. 86 and urge my colleagues to support this important resolution.

Ms. BALDWIN. Mr. Speaker, I rise today in honor of the men and women who served at a time in history when a war weary world longed for the quiet of peace.

The dedication to duty by our service men and women during the Korean war is a testament to the strength of our Nation's ideals and principles of democracy. It is right and fitting that during the 50th Anniversary of that sometimes forgotten war, we in Congress and the Nation, honor the service of Americans who helped defend the rights and freedoms of the people of the Republic of Korea.

We cannot forget and should not forget the countless sacrifices and hardships that these brave men and women endured at the outset of this war. We cannot forget the free nations of the world that banded together to fight the tide of aggression along the 38th parallel. We cannot forget the more than 36,000 American lives lost in the defense of democracy and freedom. We cannot and should not forget the hundreds and thousands of Korean War veterans whom we honor today on this House

floor, who still suffer the scars and pains of this conflict.

At a time in history where we see American service man and women deployed throughout the world, we cannot forget the men and women who went before them, who shouldered the burden of democracy and raised the torch of freedom for those who could not carry it by themselves.

Mr. Speaker, this Congress will not forget, nor will future generations of Americans who owe their liberty to these dedicated men and women who served us during the Korean War. I am proud to support this legislation and urge my colleagues to continue to work on behalf of all our Nation's veterans that we may never forget to whom we owe our freedom.

Mr. FRELINGHUYSEN. Mr. Speaker, I am proud to rise today as a cosponsor of H.J. Res. 86, which recognizes and honors the 50th Anniversary of the Korean War. It is high time that we stand up and recognize the veterans who fought in this ''Forgotten War,'' both in the Korean Theater and on the homefront.

These men and women have no ''Saving Private Ryan'' to stand as a testament to their heroism or to record their contribution to our security and our freedom. They have no spokesman on the national level to bring attention to their attention to their sacrifices, like Senators Dole and MCCAIN have done for World War II and Vietnam. They are, however, no less deserving of our thanks and our gratitude.

As it reads on the side of the Korean War Memorial, ''Freedom is not free.'' And no one knows that better than the men and women called upon to serve after the Communist forces invaded South Korea early on the morning on June 25, 1950.

In the shadow of a great war and a clear-cut victory, at the start of a period of amazing prosperity at home, America's sons and daughters went to serve half a world away. They ''answered a call to defend a country they never knew and a people they never met.'' They did so bravely, under adverse conditions, in a conflict that lasted far longer than most people predicted.

Over 19,000 Americans were killed in action in Korea. Nearly 800 of those who died in the war called New Jersey home, including over 30 from Morris County. Countless more of New Jersey's sons and daughters were among the nearly 1.5 million who served in the Korean Theater during the war, and millions more who served on the homefront.

There is one veteran who returned to New Jersey that I want to take a moment to honor named Joe Klapper. Joe was a tank commander during the war, and took part in the battle on Heartbreak Ridge. Joe was awarded the Purple Heart, Combat Infantry Badge and the Legion of Honor as a result of his service in Korea, and was fortunate to return home from the war to start a family. Joe was a ''veterans veteran,'' who worked tirelessly on behalf of his colleagues from Korea, and those who served during other wars as well. Sadly, Joe passed away last September. Had Joe been with us today, he would have been pleased to know that he and his fellow Korean War Veterans were finally getting some of the recognition they so bravely earned, and so rightly deserve.

But we must not let today be the only day we honor Joe and those who served with him in the war. I commend the many veterans in my home state of New Jersey who are pushing ahead plans to construct a memorial to our Korean War Veterans. In fact, next week, on March 14, veterans from across the state will gather in Atlantic City for the groundbreaking of this memorial. It may seem odd to place a monument to our nation's warriors on the busy, bustling Atlantic City boardwalk, but perhaps this central, well-travelled location will provide my state's forgotten heroes with some well-deserved, if belated, recognition.

I urge all my colleagues today to support H.J. Res. 86 and honor the legacy of the aging warriors who answered our nation's call to serve in Korea. These are the men and women who, as Korean War veteran and former FBI Director William Sessions ably noted, ''suffered greatly and by their heroism in a thousand forgotten battles they added a luster to the codes we hold most dear: ''duty, honor, country, fidelity, bravery, integrity.''

Mr. CAPUANO. Mr. Speaker, today I rise in support of H.J. Res. 86, recognizing the 50th anniversary of the Korean War and honoring the dedication of American soldiers who served in this conflict.

On August 14, 1945 an agreement was signed which divided Korea at the 38th parallel. The northern part of the country was transferred to Soviet control, while the southern portion was placed under control of the United States. Five years later, on June 25, 1950, in the early morning hours, the North Korean People's Army invaded South Korea with seven assault infantry divisions, a tank brigade, and two independent infantry regiments.

Despite a prompt response by the United Nations Security Council calling for an end of aggression from North Korea. The fighting escalated. Five days later on June 30th, 1950, the fate of American involvement in the Korean aggression was sealed. On that day, president Truman ordered U.S. ground forces into Korea and authorized the bombing of North Korea by the U.S. Air Force.

Three years later, 33,629 Americans were dead, 103,248 were wounded, 3,746 were captured and repatriated, and 8,142 were still missing in action. On July 27, 1953, the cease-fire was signed by Lieutenant General Nam II and Lieutenant General William K. Harrison at 10:00 am at Panmunjom. The Korean war had ended, but Americans had paid a heavy price to preserve freedom.

As an American and a patriot, I believe we have an obligation to remember and honor our nation's veterans. They fought to maintain and preserve our nation's pride and beliefs. What kind of men and women are these that we honor for their heroism and selfless sacrifice in Korea? They are Americans from all walks of life; ordinary people like our mothers and fathers, aunts and uncles. Americans who were inspired by the cause to defend our country, to protect and preserve our freedom.

American troops, time and again, have paid the supreme sacrifice for our nation's freedom. Many people refer to the Korean War as the forgotten war. Thirty-three thousand American soldiers perished in this ''Forgotten War''. We must never forget the ultimate sacrifice these brave men and women offered for the sake of freedom and democracy.

Mr. Speaker, as the son of a veteran, I am proud to join my fellow members in acknowledging the anniversary of the Korean War and saluting the hundreds of thousands of servicemen who answered to the call of duty.

Mrs. CLAYTON. Mr. Speaker, I rise today in strong support of House Joint Resolution 86.

In the year 2000 we will observe the 50th anniversary of the Korean War. I think it is appropriate that we pause to look back and reflect on the contributions and the sacrifices of all the members of the Armed Forces who served in the Korean War. Approximately 5 million, 720,000 service members, including my husband served in the Korean War which began on June 25, 1950 and ended on July 27, 1953.

The majority of Americans living today were born after the Korean War ended or are too young to remember anything about the Korea Era. Perhaps that is one reason the Korean War is often referred to as the ''Forgotten War.'' The purpose of this joint resolution on the Floor of the House today is to ensure that those who served, fought and died in Korea are never again forgotten.

In 1953, the Internet did not exist and in fact many homes had not yet acquired the era's latest technology—which was television—in black and white!

However, technological innovations made during the Korean War became part of the development of the U.S. armed services into the fine tuned machine it is today. It was in Korea that the U.S. began to learn that science and technology, not just manpower, was the key to winning conflicts.

Emphasis was given to protecting the combat soldier on the ground, and individual weapons to stop heavy armor were developed.

The helicopter became a tool to rescue downed airmen or to transport wounded soldiers to newly created Mobile Army Surgical Hospital (MASH) units, which moved with the troops. Plasma, the clear, yellowish portion of blood, was used in war for the first time to save lives.

Korea was the first integrated war for the United States. For the first time in U.S. history, black Americans fought alongside white Americans.

Public support for the Korean War, called a ''police action'' by President Truman in order to send troops without a declaration of war, was never equivalent to World War II.

Men and women went to fight the war, received the support of their families, but did not experience the triumphal welcome home of World War II veterans. They came home quietly, got jobs, and America forgot them.

Tainted by the fact that a few American prisoners of war had collaborated with the communists and 21 had refused to return home, the American people questioned the integrity of American troops. This would become America's first ''unpopular'' war.

In the late spring of 1953, after two years of stalemate and the failure of the last Chinese offensive, an armistice was signed. The artillery fell silent, the machine guns and rifles grew quiet. On July 27, 1953, the fighting had ended.

But many Americans have somehow forgotten this terrible conflict. How can it be that a war that cost the lives of so many Americans and wounded twice as many more, and also took the lives of millions of Koreans and Chinese, could be so overlooked by history?

For many Korean War veterans, the war has remained clear in their memories. Their sacrifices are as real today as they were 50 years ago.

I am proud to be one of the 210 Members who have cosponsored this resolution to pay tribute to the service members of the Korean War. We commend their valor, their selfless sacrifice and their love of country.

Mr. Speaker, I urge all our colleagues to support this resolution.

Mr. EVANS. Mr. Speaker, I am proud to join with my colleague from Illinois, Congressman TOM EWING, as on original cosponsor of H.J. Res. 86, a joint resolution which recognizes the 50th Anniversary of the Korean War. We live in peace today, and we owe our freedom as much to those who risked or sacrificed their lives in Korea as we do to the other brave men and women who have defended this Nation in the past century.

The bitter war in Korea was one of the defining conflicts of the 20th Century. Communist North Korea initiated the conflict on June 25, 1950 when it invaded South Korea with approximately 135,000 troops. President Harry S. Truman and the United Nations determined that this was an act of naked aggression that could not stand and committed ground, air and naval forces. Some 5,720,000 Americans served in the Armed Forces during the Korean War.

When it was over, the world was drawn up into two camps that nobody could envision ever changing. Korea was the initial confrontation of the nuclear age, a time President John F. Kennedy once described as ''the hour of maximum peril.''

There was a time when people called Korea ''the Forgotten War.'' Korean War veterans never felt they were accorded the respect and thanks of a grateful National in fair measure. Some 4.1 million Korean War veterans are alive today. They returned home with the same kinds of injuries and needs as veterans of any major war. And make no mistake about it—Korea was a major war.

The decisive struggles of the past century were the wars against totalitarianism. The World War II generation faced the Axis powers with distinction and valor. Those who served in Korea—and those who bolstered our defenses around the globe during the Korean War—faced the forces of Stalinism with honor and great courage. That same honor and courage were displayed in a long series of wars and struggles that led to the fall of the Soviet empire.

For those of us in the Vietnam generation, the Korean War was never ''the Forgotten War.'' It was part of our youth. I join my colleagues in honoring these gallant men and women.

I am honored to cosponsor this bipartisan joint resolution, which recognizes the 50th Anniversary of the Korean War and honors the sacrifice of those who served. Once again, I take this opportunity to say ''Thank you.''

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended.

The question was taken.

Mr. EWING. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to 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:

Senate Concurrent Resolution 91, by the yeas and nays; and

House Joint Resolution 86, 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.

CONGRATULATING LITHUANIA ON THE TENTH ANNIVERSARY OF ITS INDEPENDENCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 91.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 91, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 50, as follows:

[Roll No. 32]

YEAS—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
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)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
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
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
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
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—50

Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cooksey
Cox
Cunningham
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Granger
Hinojosa

Jones (OH)
Klink
Kucinich
Kuykendall
Lantos
Larson
LaTourette
Martinez
McKeon
Millender-McDonald
Miller, George
Napolitano
Norwood
Pascrell
Payne
Radanovich
Rangel
Rogan
Rohrabacher
Roybal-Allard
Rush
Sanders
Saxton
Scarborough
Schaffer
Sherwood
Souder
Spence
Velazquez
Vento
Waters
Woolsey

1606

Mr. LATHAM changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUNNINGHAM. Mr. Speaker, on rollcall No. 32, I was on a delayed flight out of Chicago and missed the vote. Had I been present, I would have voted ''aye.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR AND THE SERVICE BY MEMBERS OF THE ARMED FORCES DURING SUCH WAR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 86, 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 Indiana (Mr. BUYER) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 51, as follows:

[Roll No. 33]

YEAS—383

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
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)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
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
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
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
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
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—51

Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cooksey
Cox
Cunningham
DeFazio
Dooley
Dunn
Eshoo
Filner
Fletcher
Ford
Granger
Hinojosa
Jones (OH)
Klink
Kucinich
Kuykendall
Lantos
Larson
LaTourette
Martinez
McKeon
Millender-McDonald
Miller, George
Napolitano
Norwood
Pascrell
Payne
Radanovich
Rangel
Reyes
Rogan
Rohrabacher
Roybal-Allard
Rush
Saxton
Scarborough
Schaffer
Souder
Spence
Spratt
Velazquez
Vento
Waters
Watts (OK)
Woolsey

1616

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.

Stated for:

Mr. REYES. Mr. Speaker, on rollcall No. 33, H.J. Res. 86, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. CUNNINGHAM. Mr. Speaker, on rollcall No. 33, I was on a delayed flight out of Chicago and missed the vote. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Ms. VELAZQUEZ. Mr. Speaker, I was unavoidably detained earlier today. If I had been present for rollcall No. 32, I would have voted ''yes.'' If I had been present for rollcall No. 33, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Speaker, I was unavoidably detained in my district on official business and missed several votes. On rollcall vote No. 29, the Government Waste Corrections Act, had I been here, I would have voted ''aye.''

On rollcall vote No. 30, to redesignate the post office facility in Greenville, North Carolina, had I been here, I would have voted ''aye.''

On rollcall vote No. 31, to redesignate the post office facility in Charleston, South Carolina, had I been here, I would have voted ''aye.''

On rollcall vote No. 32, recognizing Lithuanian independence, had I been here, I would have voted ''aye.''

On rollcall vote No. 33, recognizing the 50th Anniversary of the Korean War, had I been here, I would have voted ''aye.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 396.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

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.

TIME TO MAKE INDIA A PERMANENT MEMBER OF U.N. SECURITY COUNCIL

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. Mr. Speaker, in a little more than a week, President Clinton will embark on an historic trip to South Asia. It will mark the first time a U.S. President has traveled to this vitally important part of the world since President Jimmy Carter went to India in 1978.

Mr. Speaker, yesterday, President Clinton announced that Pakistan would be part of his South Asian itinerary. Although I had previously opposed including Pakistan on the itinerary, in light of yesterday's announcement, I hope the Presidential visit will provide an opportunity for candid, productive discussion between our President and the generals in Pakistan now with regard to the need to dramatically change Pakistan's course in a number of key areas.

It is important that President Clinton express to Pakistani General Musharraf that the United States is very concerned about Pakistan's role in fomenting instability in Kashmir, about the links between Pakistan and terrorist organizations, and about Pakistan's role in the proliferation of nuclear weapons and missile technology.

I think that General Musharraf and the other leaders of the Pakistani ruling junta must hear the message that the United States does not consider last year's military coup to be acceptable, and that the overthrow of a civilian government cannot be allowed to stand as a permanent condition in Pakistan.

Mr. Speaker, I include for the RECORD an editorial that appeared in today's New York Times called ''Troubled Trip to Pakistan'' as follows:

[From the New York Times, Mar. 8, 2000]

TROUBLED TRIP TO PAKISTAN

President Clinton's decision to include a stop in Pakistan in his visit to South Asia later this month should not be seen as an American endorsement of Gen. Pervez Musharraf, that country's military ruler. Since seizing power last October, General Musharraf has ignored Washington's concerns in three vital areas. He refuses to cut links with international terrorist groups, resists treaty commitments to curb Pakistan's nuclear weapons program and declines to take steps toward restoring democratic rule.

For these reasons, Mr. Clinton would have done better to skip Pakistan, limiting his visit to India and Bangladesh. But since he has chosen to add a stop in Islamabad, he should use his time there to encourage constructive changes in Pakistani behavior.

Administration officials concluded that a snub of Pakistan might drive the country toward even more belligerent conduct. With only 10 months remaining in Mr. Clinton's term, this is probably his last chance to visit Pakistan as president. He enjoyed some success interceding with General Musharraf's deposed predecessor, Nawaz Sharif, getting him to pull back from a dangerous military confrontation with Indian in Kashmir last summer. That border remains dangerous, with Pakistani-backed militants regularly attacking Indian positions.

Since both countries became independent a half-century ago, Pakistan has been challenging India's control over this restive Muslim-majority state. Mr. Clinton now seems eager to offer American help in resolving the longstanding dispute. But India remains opposed to any form of international mediation on Kashmir, and without New Delhi's cooperation any American effort would be doomed. For now, America should limit its role to trying to prevent further armed clashes.

Mr. Clinton should also press General Musharraf to sever ties with Harakat ul-Mujahedeen, a Kashmiri terrorist group backed by the Pakistani Army. He ought to insist that Pakistan use its close links with the Taliban government in Afghanistan to press for the expulsion of Osama bin Laden, the international terrorist implicated in the deadly bombings of two American embassies in Africa. Another goal should be to persuade Pakistan, as well as India, to sign the nuclear test ban treaty.

South Asia is home to more than a sixth of the world's population and is of growing economic importance. For too long it has been neglected by American presidents. This is not the ideal moment for Mr. Clinton to visit Pakistan. He should keep his visit as brief as possible and not flinch from telling General Musharraf what he must do to win American and world respect.

Mr. Speaker, this editorial basically expresses my sentiments in regard to the fact that Pakistan should not have been included on the itinerary, but now that it is, what positive steps need to be taken by Pakistan and what the President could hopefully accomplish in that regard.

I want to say, Mr. Speaker, that despite my initial reservations, I hope that the President's visit to Pakistan will offer an opportunity for some straight talk on these important issues.

On the issue of the Pakistani coup, Mr. Speaker, I believe that this Congress must make a firm statement of our opposition and displeasure with the seizure of power by means of a coup d'etat and that civilian, democratically-elected government be restored.

Last October, right after the coup, legislation was introduced in this House by the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the House Committee on International Relations. Unfortunately, that resolution has not yet been acted upon by this House.

Today I am sending a letter to the distinguished Speaker of the House, Mr. HASTERT, urging that this important resolution be scheduled for a vote as soon as possible. I urge my colleagues in joining me on this initiative.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, pursuant to clause 7c of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference of the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference should have its first substantive meeting to offer amendments and motions within the next 2 weeks.

While I understand that House rules do not allow Members to co-author motions to instruct, I would like to say that the gentlewoman from New York (Mrs. MCCARTHY) supports this motion and intends to join me in speaking on its behalf tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 5 minutes.

(Mrs. CHENOWETH-HAGE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MILITARY FAMILY FOOD STAMP ACT

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. Mr. Speaker, recently the Center for Strategic and International Studies issued a report last month on the American Military Culture in the 21st Century.

In its research, the Center surveyed 12,500 military personnel and found that within the armed services, morale is declining.

The report summarizes, and I quote, ''Every member of the CSIS team who

visited our men and women in uniform was impressed by their skill, dedication, and patriotism. When CSIS asked military personnel about their life in their services and their units, however, they often found disappointment and frustration. In spite of the high level of pride and commitment, our dedicated people in uniform did not typically have high morale and revealed far less satisfaction from their service than one would expect. Overall, the armed forces are overcommitted, underpaid, and undersourced in the units that form their cutting edge. Expectations for a satisfying military career are not being met.''

Mr. Speaker, that is the reason I am on the floor again. I bring my family to the floor because we have 60 percent of men and women in uniform who are married. In addition, we have approximately 10,000 men and women in uniform on food stamps.

Mr. Speaker, I think this is deplorable. The reason I say that is because no one that is willing to give their life for this country should be dependent on food stamps. My colleagues can see that this Marine, who is getting ready to deploy to Bosnia, has his daughter Magan standing on his feet. She is looking at the camera. In his arms, he has a 4-month-old baby named Britney.

Mr. Speaker, this Marine represents everyone in uniform that is willing to give for this country. Again, I say it is unacceptable and deplorable that men and women in uniform are dependent on food stamps.

I introduced, this past year, H.R. 1055. It is signed by about 90 Members of Congress, both Democrat and Republican, that would give a $500 tax credit to men and women in uniform who are dependent on food stamps. My purpose in saying that is that I do not know that that is the answer or not, but it is a vehicle to find an answer to help those on food stamps in the military.

I look at this photograph, and I look in the eyes of the little girl. She is looking, and in her eyes you can tell she does not know if her daddy will be coming back or not. Hopefully, we pray that all men and women in uniform will be coming back when they are deployed. But there is no guarantee.

So, again, I say to the Republican leadership, I say to the Democratic leadership, please, before this session ends in September, October this year, let us pass legislation to help the men and women in uniform that are on food stamps, because, again, this country is the safe Nation that it is because we have dedicated men and women in uniform that are willing to die for America. Let us not, as a Congress, let us not as a government, allow anyone serving this Nation to be on food stamps.

The SPEAKER pro tempore. 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

(Mr. HERGER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GUN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am going to do something a little bit different this afternoon and speak to a number of topics during the time frame that I have for this special order.

First of all, I think it is appropriate to again do something that many of us wish we did not have to do, and that is to offer sympathy for those who have died at the hands of reckless gun violence. Just about an hour or so ago in Memphis, Tennessee, five individuals were shot, we understand that two fatally, by a seemingly deranged individual. But the facts are not in, and I do not want to speculate.

The police personnel who came upon the house, found a deceased woman in the house. The house was set on fire. Other police personnel came and fire fighters. I believe the news reports indicate that one fire fighter is down along with a police officer. As I said, additional facts are still coming in.

Now, as I indicated last week, I am going to be a regular fixture on the House floor discussing gun violence. I believe that, if we would listen to the American people and listen to good common sense and depoliticalize this issue, we might be able to come together in a conference committee and get this matter resolved.

This is not an issue that should be dominated by the National Rifle Association. It should not be dominated by fear. It should not be dominated by misinterpretation of the Second Amendment, which was actually written in the course of history where many Americans were fearful of those from other countries, in particular a recently formed nation, that would take up arms and try to seize this nation back, a foundling nation of some 13 colonies. It was to establish a well-organized militia.

There is no intent on behalf of those who believe in gun regulations and gun safety to take away guns from law-abiding citizens. But we have to close the gun show loopholes and take the guns out of the hands of criminals. We must have trigger locks. We must, in fact, hold adults responsible for children who accidently or otherwise shoot others. We must, in fact, eliminate the fact that children can go to gun shows, which in my community are about every week, without an adult.

We must, frankly, be serious about the fact that America is looked upon as a Nation under the siege of gun violence, with more guns in this Nation than human beings. Frankly, people are living in fear.

1630

Now, many would say, Let me arm myself and I will protect myself from those who have the guns. It does not work that way, for we are arming ourselves and endangering other law enforcement officers, and we are creating a Nation at war.

It is time now for Republicans to lay down their political hats. And if one would think Democrats have theirs on, all of them need to be on the conference committee, of which I am a member, and discuss this in a manner that will bring realistic gun regulation to America.

I would hope that as we have marched this past week in commemoration of the march from Selma to Montgomery, which I had the honor in participating in, with faith in politics in Selma, in Birmingham, in Montgomery, that we will see that America can draw upon its spirit. It can draw upon its spirit to create opportunities in civil rights; then it can draw upon its deeply embedded spirit of the fact that we are all human beings and we deserve that kind of respect to pass gun safety legislation.

In addition, I had the honor, I guess, or the challenge of joining some 25,000-some individuals in the capital of Florida, in Tallahassee, to stand up for equal rights for all and oppose the One Florida concept that would eliminate affirmative action. For many, I believe, this is a confused position. Affirmative action is not quotas. They are illegal. Affirmative action is simply outreach to minorities and women, creating an equal playing field.

It seems disappointing that we in America, in the year 2000, have individuals who wish to turn back the clock; who would smile when we talk about civil rights; who would whisper when we talk about affirmative action; and who would snicker when we talk about gun safety. Well, my friends I believe that if we are going to be the world power, the trading Nation of the world, if we are going to promote a strong America, a one America, including everyone at the seat of empowerment, then the snickering and the snide remarks have to stop. We have to realize that 6-year-olds have guns because they come from dysfunctional families but, more importantly, because criminals get guns and others do not.

So I hope that Americans who are fearful of us coming into their homes and taking their guns, if they are law-abiding citizens, they will realize and encourage this conference committee to meet and do plain and simple and real gun safety legislation. Otherwise, we will see us day after day bemoaning the fact of those who have lost their lives to gun violence. How much and how long do we have to see this occur as we near the commemoration and the sadness of April 20, a year after the

tragedy of Columbine High School? We have still not acted and Americans are asking us to act.

I believe the commemoration of the Selma to Montgomery march, the March 7, 1965, Bloody Tuesday, or the Bloody Sunday it was called at that time, where we turned people back because they wanted the right to vote, out of that act the Congress passed the Voting Rights Act of 1965. Does America have to wait for more violence and more bloodshed to pass real gun safety laws? I would hope not.

Frankly, I hope America will come together with people of good will, put the snickering aside, the snide remarks aside, and get the good people of America to join us and encourage us to pass real gun safety legislation.

MINIMUM WAGE AND ECONOMIC GROWTH

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I want to first mention to the gentlewoman from Texas who just spoke, it was in fact a senior member of the Democratic caucus that may have derailed the efforts on gun safety that she claims today on the floor.

I would also like to strongly suggest that we keep talking about the NRA as if they are somehow responsible for the deaths around this country. Last I checked, none of the crimes committed were perpetrated by a member of the NRA. Now, we can have different positions on this issue, but how anyone can think for a minute that that crackhead, where that gun was found and that young innocent life was snuffed out by a gun, would have put a trigger lock on their gun, is beyond me.

Mr. Speaker, that is not what I am here to speak to, however. I do not want to talk about this issue. We do need to debate it in fairness. We will have an opportunity to have this debate, but I want to strongly urge Members once again not to point fingers or accuse groups, whether it is the NRA or Hollywood, for the decline of values in America. Let us talk constructively on trying to make something that will work, that people will obey and abide by. Let us construct a law that will have some teeth for those criminals who are violating the law.

I applaud the President on his efforts to increase funding for ATF, to increase the outreach to find out who is selling guns illegally. There are a lot of things we can do. But let us not sit here and point fingers and say it is the Republicans or it is the Democrats, it is that or that. It is too serious of an issue.

Let me also rise today to talk about an issue that is coming to the floor tomorrow, and that is on minimum wage and the economic growth act that we will be discussing tomorrow.

The President said clearly today that it should be a clean bill and it should not have amendments. But I would urge the President once again to at least tone down the rhetoric and discuss this in a very fair manner.

I can assure all of America that members of the Republican Party have in fact been meeting in good faith to try to structure a bill that will in fact increase the minimum wage. I commend people like the gentleman from New York (Mr. QUINN), the gentleman from New York (Mr. LAZIO), the gentleman from Illinois (Mr. SHIMKUS), and others who have been working constructively to find a way to increase incomes for those at minimum wage.

I was involved in a restaurant. I owned a small business. I understand full well the impact of increasing expenses, such as payroll, through minimum wage increases. But at the same time I recognize that with rising gas prices, insurance costs, health care, it is probably timely that we look to seek to raise the level of people who are in fact working at minimum wage.

Let me also suggest to the President that we can in fact come to some kind of agreement here today or tomorrow and discuss this with some clarity. Raising the minimum wage will in fact cost small businesses money. What is the solution? Offset the cost with some benefits that we could structure, that are targeted, that are reasonable, that will be effective to not only assisting the low-income worker on minimum wage but helping the business owner meet the obligation of continuing to provide things for his community, his family.

We could accelerate the increase in the self-employment health insurance deduction to 100 percent. That would help insure more people and provide a good write-off for that business owner. We could increase section 179 expensing. We could raise the business meal deduction. As a restaurant owner, raising meal deductions would in fact incentivize people to come to eat in a restaurant, would increase income, and would allow the employer to increase minimum wage through that effort.

Real estate tax relief is in the bill tomorrow that we can talk about. Tax credits encouraging the move from welfare to work. Getting people off of welfare into the workplace. This is something that would extend work opportunity tax credits. So there are some very, very good things in this bill. Tax relief for America's farmers and ranchers. Death tax relief.

The bill is constructed in such a way that I think, if we can talk logically and fairly, we can find an increase in minimum wage over 3 years, we can provide some relief and incentives for small businesses, and we can go away making a lot of people happy.

Regrettably, though, I hear the word bipartisan used around here a lot. If they would only work in a bipartisan manner, we would solve this issue. But that only assumes that one side agrees 100 percent with the other side's argument. Nowhere can we disagree without being accused of being obstructionists, stalling or doing those types of things. I would suggest to my colleagues that we could in fact work very clearly and quickly on this very, very important issue.

We want to help Americans, but I will also say that 1.2 percent of the American work force is at minimum wage. Those that are on minimum wage are usually just starting their job, or teenagers seeking their first jobs. Yes, I agree, and I said it before, I will vote to increase over 3 years a dollar per hour because I think it is important and it is warranted. But make no mistake about it, those people who are successfully fulfilling their jobs in the workplace are exceeding minimum wage because employers need employees and they will pay in order to retain good qualified workers.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

LAWSUIT ALLEGES VIOLATION OF EQUAL PAY ACT BY ARCHITECT OF THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor to report to my colleagues something that I am certain is as much of a piece of embarrassment to them as it is to me, and that is that on February 29 a Federal Court declared a class in a lawsuit against the Architect of the Capitol, our agent, that is to say the Congress of the United States, alleging that there has been a violation of the equal pay act; that we have been paying women less for doing the same work as men.

The women I am talking about are the women who clean the offices of Members, who keep this Capitol clean, and who, in fact, are responsible for the maintenance and cleanliness of the place where we work.

This was the first class action under the Congressional Accountability Act, the new act we passed, in order to hold Members and Congress itself accountable in the same way that we hold others. May I say that it should not have been necessary for this case to go this far. I am a former chair of the Equal Employment Opportunity Commission, and I have to tell my colleagues that when a case that looks like this is filed before the commission today, and for years now, they simply get settled out before they get this far.

This case not only did not get settled out when it was in our own administrative process, in the Office of Contract

Compliance, but it has now had to be filed in Federal Court against our own Architect of the Capitol. Now they are about to embark on costly interrogatories, which of course comes out of our budget, or the funds that we allocate to the Architect of the Capitol.

This body needs greater oversight of the Architect of the Capitol and of the new Office of Compliance when a suit can get this far. Apparently these people were willing to settle. And when a party is willing to settle, it is usually on the basis that they may not get everything that they want, but what they certainly are entitled to is to have their work reclassified so that they are paid for doing the work they are performing. And, of course, in any such case there would be back pay.

What we are talking about here, to make myself clear, is that laborers who are men make more money for doing the same work as custodians, formerly called charwomen, who are women in the House.

When the President of the United States in his State of the Union message for the last several years has gotten to the part where he talked about equal pay for equal work, all Members rise as if to salute in majesty the women of America. And yet right here, in the House where we work, the first class action certified has been a simple equal-pay case of the kind rarely found in civilian society today. If this case goes much further, it will become an open embarrassment to this body.

As my colleagues are aware, there is no disagreement among us when it comes to the Equal Pay Act, passed in 1963. We all agree that if women are doing the same work as men, they should not be paid less, and in this case perhaps as much as a dollar or more less, by classifying them by some other name. Whether we call her a laborer or a custodian, we must pay her under the act for the work she is doing.

I regret that the case has gone this far. I feel it is my obligation, as a former chair of the EEOC, to bring this matter to the attention of Members. Because I am certain that Members on neither side of the aisle understand or know or have reason to know this case has gone this far, and that when we go home into our districts women are likely to ask us how in the world have we allowed ourselves to be sued by our own employees for not paying them the same wage as men for doing the same work.

It is time that we rectified this situation. If not, I can assure my colleagues, I have spoken with the plaintiffs, I have spoken with their lawyers. There is no turning back now. They are not afraid that it is the Congress of the United States that is involved. After all, we said in passing the Congressional Accountability Act that we wanted to be treated the way civilian employers are treated. Please treat the women who clean our offices the way we would want always to have people treated under our jurisdiction.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

(Mr. COLLINS addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THOSE WHO SERVED IN THE KOREAN WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, at 22 years old, a young man, a loving husband, with yet an unborn child, was called to serve the United States Government in the Army. He served 21 months active duty, 11 months in Korea. During that time in Korea, his first son was born.

1645

He served and returned home. Upon his return, he continued being a model citizen, raising seven children. The young man in this story is my father. He is emblematic of all our Nation's heroes who served and then went home.

I voted ''yes'' commemorating the 50th anniversary of the Korean War to thank my dad and all those dads and granddads in our country who laid down their lives for the cause of freedom.

Well done. We will not forget you, and we will not forget your sacrifice.

HMO REFORM

The SPEAKER pro tempore (Mr. TANCREDO). 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. GREEN of Texas. Mr. Speaker, I thank our Democratic leader for allowing us to take the first hour tonight to talk about the Patients' Bill of Rights.

I know that we have been talking about this for many years now it seems like, not only the last Congress but also last year and this year. We actually have a conference committee that is meeting now and had their first meeting. The concern has been expressed. It took that conference committee a good while to meet since it was appointed last year, and the concern was that the conference committee was not reflective of the final vote on the House floor.

But be that as it may, that is the way life is. And so now a number of us are trying to make sure that we continue the effort to have real managed care reform in this Congress, not next year, because the issues are so important.

American people support the need for real HMO reform. In fact, last year, with the bipartisan support of the Norwood-Dingell Patients' Bill of Rights bill, I think most Americans felt like we were going to see some Federal consumer protections. And yet, what we have seen is a bill passed in the Senate that was much weaker even than current law but that the American people supported.

The Kaiser Family Foundation shows that 58 percent of Americans are very worried and somewhat worried that if they become sick their health care plan will be more concerned about saving money than providing the best treatment.

According to the Kaiser Family Foundation, a full 80 percent of Americans support comprehensive consumer protections. That is up from 71 percent last year. So the support is building; it is not decreasing.

The Dingell-Norwood bill is so strongly supported by Americans, by moderates in both political parties, because it holds five principles that are so important. A person that buys insurance should get what they pay for, no excuses, no bureaucratic hassles. A lot of people think bureaucracy is just a function of the Federal Government. That is not the case. We can have insurance company bureaucracy that just cause hassles for people.

What we need is an appeals process, independent external appeals, that if an insurance company or HMO company decides that you should not have a certain procedure, then you should be able to go to someone, an outside appeals process, that will work and be swift. Because if it is not swift, then they will just delay the coverage; and health care delayed is health care denied, Mr. Speaker.

In an experience in Texas, and we have had an outside appeals process since 1997, so we have had over 2 years of experience in Texas with an independent appeals process, and frankly a little over half the appeals are being found for the patient.

My constituents in Texas say, well, we would rather have better than a chance of a flip of a coin when somebody is making a decision on our health care. So we need to have an independent external reviews process that is timely.

And again, the Texas experience shows that it is not that costly. In fact, it has actually cut down on lawsuits; and I will talk about that later. But it is being found in favor of the patient over half the time. And that is what is important, the people are getting their health care that they deserve quickly.

The second issue is that we need to eliminate gag clauses from insurance policies, that physicians can communicate openly and freely with their patients. A lot of companies are already doing that. And that is great. I want to

congratulate them. But we also know that that standard does not only need to go from A-B-C company to X-Y-Z company, it needs to be a standard that everybody ought to feel comfortable with no matter who their insurance carrier is. They ought to be able to go to their physician and be able to have that physician tell them the best possible treatment.

Now, whether their company covers it or not, that is not the case. It is the physician that ought to be able to talk to their patient.

Third, a person who buys insurance ought to be able to have access to specialists. Women and children who are chronically ill should not need to get a referral every time they go see a physician. If you are a cancer patient or if you are a heart patient, or whatever, you should be able to go to your cardiologist or your oncologist without having to go back to your gatekeeper every time. Because, again, that is bureaucracy thrown up by the private sector, not the public sector, to ultimately limit people's ability to go to the doctor.

The access to specialists is so important. I have a situation in my own district. I have a young lady who is in Humble, Texas, the northeast part of my district, and she was getting treatment at a local hospital complex that was close to her; and, all of a sudden, that doctor in that complex lost their contract; and so she was sent across town to Pasadena, Texas, which is also in our district. And that is great; I like them to go in our district. But, Mr. Speaker, for a person to go from one community to the other community because the HMO provider changed the contract is just wrong. Because, again, they were making her travel a great distance to get that specialist care that she needed.

The fourth issue that needs to be included is that, when someone buys insurance, they need to know that they can get emergency treatment, they can go straight to the hospital.

We all know the reason HMOs are successful. They go to providers and say, we guarantee you a thousand or 5,000 or 10,000 patients; and so they will go to the doctors, the hospitals, and emergency rooms and say, we will put you on our preferred list and that way you will get patients.

The problem is that when someone has an emergency, they need to be able to go to the closest emergency room possible. And again, I use the example and have used on the floor here of the House many times that, if I am having chest pains in the evening, how do I know that it is not a heart attack and it may just be the pizza I had. I need to go to the closest hospital or the closest health care provider. And then once the decision is made, then you can go on to your hospital that has a contract with your HMO provider. But you need to be able not to have to pass by emergency rooms to go to an emergency room that may have a contract. So that is important.

Also, oftentimes you cannot always get preauthorization for emergency room treatment. The last thing people need is to have the toll-free number and to be put on hold while they are having their chest pains or whatever illness or emergency they may be having.

Fifth, a person who buys insurance should be assured that an insurance company is accountable if that insurance company is making decisions in the place of a health care provider or doctor. And we need to make sure that the decision maker is the one responsible and that the decision maker be held accountable if that patient is harmed by that decision.

I would like to tell a story. I spoke a couple of years ago to the Harris County Medical Society, Mr. Speaker; and after it was over, during the speech, I talked about my daughter who had just started medical school. She had been in medical school for 2 weeks. And I laughed and I said, my daughter is in medical school. She has been there for 2 weeks, but she is not ready to be in competition to do brain surgery.

After I finished talking about Social Security and the budget and everything else, the first question was a doctor said, you know, your daughter, after 2 weeks in medical school has more training than the people who are telling me how to treat my patients.

That is wrong, and that is what we need to change. And that is why real HMO reform is important. If doctors are being second guessed by a decision-maker who may not have the training that they need, that decision-maker needs to be accountable.

Hopefully, they do have some training and they are. I know the ideal for HMOs and managed care is it can work. But what we have seen in our country is that the managed care issue and the companies have gone from providing whole-person coverage to actually denying coverage in a lot of cases.

That is why one of the most important parts of the bill that passed this House with an overwhelmingly bipartisan vote was the decision-makers need to be accountable. If doctors are accountable, then decision-makers need to be if they are telling those doctors how to practice medicine.

Now, what we will hear from the insurance company, and we have heard it when this passed that bill last year, is that we are going to have the cost increases, that we will see the cost of insurance going up. Well, Mr. Speaker, we had increases in HMO costs this last year and that bill had not even become law yet. So I think we are seeing increases where that happens.

Again, going back to my own experience in the State of Texas. The State of Texas passed what I consider and I think a lot of folks around the country consider the best managed care reform in the country in 1997; and there had been no overwhelming increases other than what happened based on HMOs increasing everywhere.

Dallas, Ft. Worth, Houston, Harris County, there have been no increases based on Texas law as compared to other parts of the country that do not have it. Typically, they have increased the same. So we have not seen a huge number of lawsuits or cost increases.

The other thing they say, well, you are opening up the court system to lawsuit. Again, after 2 years' experience in Texas, we have not seen but four or five lawsuits filed. In fact, three of them are filed by one attorney in Ft. Worth, Texas.

What we have seen, though, is that if you have strong accountability and strong independent reviews, the independent reviews actually will take the place of having to go to the courthouse.

In fact, people do not want to go to the courthouse. They typically want the health care. And if you have an external appeals process that is swift and fast, that will save people from having to go hire an attorney and go to the courthouse.

Again, in the State of Texas, because over half the cases of the appeals are being found for the patient and the insurance companies are saying, okay, we will pay for that, there is no reason to go to the courthouse. Frankly, if the insurance company is found to be okay, their decision had some medical benefit, then that gives that patient a little saying, well, sure you can go hire your attorney, but now we know when everything is on the table. So we have not had that overwhelming cost increase.

One other thing I want to mention is the concern about employers being sued. In fact, in our debate last year and even as recently as last week, I had an employer express concern that, I do not want to be sued. In the Dingell-Norwood bill, or the Norwood-Dingell, depending on which side you are on, I guess, there is specific language in there that prohibits an employer being sued unless this employer is making medical decisions.

Again, I use the example of my own experience of purchasing insurance before I was elected to Congress for a small company. And we contracted with three different insurance companies, or contacted them to get prices, and we were not in the position of making those medical decisions or saying to deny coverage.

Now, we could buy a Chevrolet plan or we could buy a Cadillac plan. But employers should not be held responsible. In the bill that passed this House, employers are not responsible, although we are hearing that thrown up by a lot of these associations here in Washington, and sometimes I think they mostly want to raise funds and get membership instead of actually address the problem of people having real health insurance that their employers buy. And, as an employer, we paid for that insurance. And I wanted to make sure that my employees received the insurance that we paid for, and oftentimes I felt like I was the arbitrator

between the insurance company and my own employees because oftentimes they did not want to pay.

We have some great Texas experience over the last 2 years. I know other States have passed legislation like what Texas has passed that set the groundwork. It is ideal. We have used the States as a laboratory. We see it has worked in Texas in a large, urban State with both rural and urban area, both poor and wealthy population. It is something we can do on a national basis to make sure that every insurance policy, not just those that are licensed by the State Board of Insurance in the State of Texas or the Insurance Commission, but all insurance policies are covered.

The reason we have national legislation is that over two-thirds of the insurance policies in my own district in Houston are not covered by State law. They are covered under ERISA. They are covered under Federal law. And that is why we need to pass Federal law to complement what the States can do.

I see that my colleague, the gentleman from Texas (Mr. RODRIGUEZ), is here and my colleague, the gentleman from Arkansas (Mr. BERRY), is here. It is great to have two Members from our part of the country who do not have accents speaking.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Texas (Mr. GREEN), for yielding; and I appreciate his leadership in this matter and also the leadership of the State of Texas. I believe they were the first State to actually deal with this on the State level, and it is a good thing.

1700

It is amazing to me, Mr. Speaker, that here we are, it is 5 o'clock in the afternoon, and we are doing special orders. That is not what the American people sent us here to do. They sent us here to deal with things like the Patients' Bill of Rights, prescription drug coverage for our seniors, many other issues that we need to be taking care of. Yet here we are basically shut down at 5 o'clock in the evening.

Mr. Speaker, 80 percent of the American people have private health insurance plans. They are enrolled in managed care plans. In many cases, they are required to be enrolled in managed care plans because their employers have contracted with these companies to achieve cost savings. We need managed care. We know that we have got to control the cost of health care. But it can be done right. We must leave the health care decisions to our professionals, the people that know what they are doing when they make a decision. It should not be left to someone with no training and their only objective is to save the insurance company money.

Unfortunately, because we are enrolled in managed care plans, patients are forced to battle with their HMOs when their only concern should be to recover from an illness. There have been many stories from people who have lost loved ones or had loved ones seriously damaged because someone behind a desk, not a doctor, made a bad decision. The Norwood-Dingell bill allows managed care, and it allows it to do what it is set up to do; and at the same time it protects businesses from unnecessary lawsuits and does the job that we are going to have to do to continue to have managed care in this country.

Last October, the House passed a sound Patients' Bill of Rights, the Norwood-Dingell bill that gave the protection and rights to medical patients. While we delay passage of a strong bill, millions of American families needlessly suffer from the consequences of allowing HMO bureaucrats to make medical decisions. The American people deserve a Patients' Bill of Rights.

This is not a Republican or a Democratic issue. When you have a heart attack and you need to go to an emergency room, they do not ask you which party you vote in, which party you support. We need a Patients' Bill of Rights that ensures patients receive the treatment that they have been promised and paid for, that prevents HMOs and the other health plans from interfering with doctors' decisions regarding the treatment of their patients, ensures that patients could go to any emergency room during a medical emergency without calling their health plan for permission first, ensures that health plans provide their customers with access to specialists when needed because the complexity and seriousness of that patient's illness, allows HMOs to be sued or held accountable if a patient is denied care in States that choose to allow such suits.

The American people are asking us to pass this legislation. Both Democrats and Republicans want this legislation to become law. Let us give the American people what they want. Let us do what we were sent here to do. We all need to take a stand for the rights of managed care patients and make sure they receive the high quality of health care they deserve. We need to pass a Patients' Bill of Rights that is meaningful and that provides real patient protections.

I know with Democrats and Republicans working together, we can put together a strong bill in the conference committee that will give us the protections that will protect business, that will provide for an efficient system to provide health care for our people. It has been 4 months since the House passed this bill. It is time for the House to do something about this. It is time for the Senate to do something about this. The American people should not have to wait any longer. We need to get to work on finishing the job that the American people sent us to do.

Mr. GREEN of Texas. Mr. Speaker, I want to compliment the gentleman from Arkansas (Mr. BERRY) for his leadership on this issue not only here on the House floor tonight but for the last over a year with our moderate-conservative coalition of Democrats, our Blue Dog Coalition. And I will not ask you what a Blue Dog is, but your leadership has helped a great deal.

Mr. Speaker, I yield to my colleague from San Antonio, Texas (Mr. RODRIGUEZ), a former roommate for a year and served with him in the State House when I was in the legislature.

Mr. RODRIGUEZ. I thank the gentleman from Texas (Mr. GREEN) for taking the leadership to talk about the importance of access to health care throughout this country. Managed care reform is needed drastically.

I will just quickly give an example of some of the problems we have encountered in Texas. We have recently had a situation where one of the particular companies decided to cut a lot of the rural counties out from having access to health care. The reason why is the reimbursement on Medicare is lower for rural areas than it is for urban areas, so there is definitely areas that we need to work on to make sure that those people in rural Texas and rural America also get the same type of access to health care that is drastically needed.

In addition to that, one of the things that I know the gentleman from Texas (Mr. GREEN) knows full well is the fact when we talk about the Patients' Bill of Rights, the right for everyone to be able to see the doctor of their choice, especially when they encounter a situation where they need to see a specialist, an accountant, an insurance person should not be the one to dictate whether they should see that doctor or not. It should be that particular doctor, the one to have the say-so.

So the Patients' Bill of Rights that we have been pushing for the last 2 years is critical. I am hoping that the Congress will decide to do the right thing on an election year, and hopefully we will be able to make something happen when it comes to the Patients' Bill of Rights bill. I also wanted to touch base, and I know the gentleman from Texas (Mr. GREEN) knows full well the fact that we have a large number of uninsured in this country. It has gone over 44 million now. Texas is one of the largest of uninsured individuals. We are talking about individuals, working Americans, working Texans. These are people that are making too much money to qualify for Medicaid, not old enough to qualify for Medicare, yet at the same time are not making a sufficient amount of resources to be able to cover their families and have access to insurance.

I know that the CHIPs program, the children's insurance program, has been a great program that has been in the forefront and thank God for President Clinton's effort and the Democrats in pushing that program forward. But we

still have a lot to do. States such as Texas, for example, that was one of the last States who actually moved to approve the CHIPs program, decided to move and only fund 55 to 60 percent, so that means that 10 kids that qualify, we will only be able to service six of those based on the resources that were allocated.

So there is a real need for us to reach out and making sure that those youngsters get access to health care. I know from a Hispanic perspective, and I head the task force for the Hispanic caucus, we want to make sure that the parents of those children also have an opportunity to get insurance. Those individuals, those parents are also parents that are out there working hard and trying to make things happen for their families. We are hoping that we can expand that CHIPs program to the parents of those children to make sure that they get access to health care.

Aside from the fact that things are getting worse in terms of the uninsured and things seem to be getting worse also for managed care systems, we also need to look at Medicare. In the area of Medicare, it is ironic to think that right now if you are on Medicaid for the indigent, you get access to prescription coverage. Yet if you are a senior citizen, you do not have access to prescription coverage.

It does not make any sense. It was started, Medicare, during a time when not too many prescriptions were being utilized in the area of getting people taken care of, and now there is a need for prescription coverage and the cost to those senior citizens as we well know is astronomical. In fact, studies that were done throughout this country and specifically in my district, we did a study and we found that our senior citizens are getting charged more for the same prescription than someone who is on a major insurance company. So that the pharmaceutical companies are basically giving breaks and giving discounts to individuals, but when it comes to our senior citizens that are on Medicare they are not getting those same prescription coverages.

I know that they are spending a lot of money on lobbying; I know that again some of our legislation to allow our senior citizens to have access to Medicare, but it is something that I feel real strongly about, that we need to make sure that our senior citizens get that access to that prescription coverage and if nothing else for them to get it at the same cost that those other individuals get when they go out there and purchase that prescription.

One of the other things when we look at the issue of health care, and it goes beyond in terms of not only the uninsured, the importance of prescription coverage but also in terms of veterans. Last year we worked real hard to try to get a $3 billion increase in the veterans for access to health care. I know that in committee, the Republican side fought us extremely hard. They also fought us on the House floor on an amendment to add those $3 billion. We were able to add $1.7 billion. This year, I was real pleased to see the administration come up with a $1.5 billion increase on veterans health care; but in all honesty, that is just to keep up with existing cost.

There is a real need for us to reach out to those veterans. There is a need for us to make sure we fulfill that agreement that we made to all those veterans out there to have access to health care. One of the things that I have seen up here in the last 3½ years is the fact that as Americans and as agencies that are responsive and talking in our behalf, they definitely did tell our veterans that they were going to have access to health care. That is one of the things that we have neglected to do.

One of our obligations is that we have to make sure that those individuals get access to that health care. This year, we are moving forward to try to fulfill some of those needs in the area of veterans needs as well as TRICARE. If I could, I want to just touch base with the gentleman from Texas (Mr. GREEN) on TRICARE. TRICARE is an issue of those retirees that are out there. A lot of them are having a great deal of difficulty, and these are the retirees, military individuals, a little different than the VA, a different source; but it is one of the areas that they are also having a great deal of difficulty. We are hoping to put some additional resources in that area and to make some things happen for our military retirees that are out there. In conjunction with all the other needs that we have on health care, there is a real need for us to move forward in these areas.

I want to thank the gentleman from Texas (Mr. GREEN) for the leadership that he has taken in this area.

Mr. GREEN of Texas. I thank the gentleman from Texas (Mr. RODRIGUEZ) for being here today. In fact you have covered so many issues that are important. TRICARE obviously even in Houston where we do not have an Army medical hospital, a Navy hospital or whatever, we have a VA but we have a lot of veterans. It is an issue there. You were in the state legislature and a State House member in 1995.

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. In 1995, the State of Texas passed the first strong managed care reform bill, HMO reform bill, passed both the House and the Senate and the governor vetoed it in 1995.

Mr. RODRIGUEZ. Exactly.

Mr. GREEN of Texas. In 1997 you were elected to Congress in a special election, I believe.

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. Were you in the legislature in 1997?

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. You remember when the legislature passed the HMO reform bill or managed care reform bill in Texas and it was passed by the legislature and it became law this time, though; but the governor did not veto it, he did not sign it, it became law without his signature.

Mr. RODRIGUEZ. That is right.

Mr. GREEN of Texas. That is the history of managed care reform in Texas. There are things that I am proud to be a Texan always; but obviously we have not done as well as we should on the CHIPs program and those prescriptions that you talk about on Medicaid; I think our seniors in Texas only receive three prescriptions. That is better than none, obviously, if you are poor and on Medicaid.

Mr. RODRIGUEZ. Let me just share in that area, other States actually get more. We as a State have chosen not to participate fully on that. That is why we only get three prescriptions, because the State chooses to put a limit on those prescriptions. In fact, I authored some legislation to force the Texas House to move forward on that, and I was able to get six prescriptions if you are in a nursing home, six prescriptions if you are in a hospital; but if you are at home, you still just get three.

Mr. GREEN of Texas. That is just for people who qualify for Medicaid.

Mr. RODRIGUEZ. That is right. Medicaid, which means indigent. One of our biggest problems as you indicated is those people who make a little bit above the indigent level, which is $12,700 a year for a family of three, those that make a little bit over that find themselves not being able to qualify for Medicaid but find themselves without any insurance whatsoever and having a job where they cannot afford to have insurance.

The other issue as we well know is the issue of Medicare. That is an issue that also we find ourselves with a lot of senior citizens not being able to have access to prescription coverage.

Mr. GREEN of Texas. Let me get back to our managed care issue. Sometime we can have a discussion on the floor on that. I know I have some other colleagues who are going to be here. Mr. Speaker, let me talk about some of the numbers that we have seen. I quoted earlier the Kaiser Harvard study of doctors. Almost 90 percent of doctors report denials by managed care plans of services they requested for their patients.

1715

We can see how many, over 80 percent overall portion of doctors saying their request for some type of health, 87 percent; 79 percent portion saying their request for prescription drugs had been denied; 69 percent portion say their requests for diagnostic tests have been denied. Sixty-nine percent of the doctors are saying they have had experience with that.

Again, that is why we need to make sure that doctors can talk to their patients and have the freedom of speech when they talk to their patients.

That is why it is so important that we pass the conference committee

work as diligently as we can, but that they make sure they do not send us out a fig leaf, they do not send us out something in an election year that is just saying the House and the Senate passed a managed care reform. We need a real Patients' Bill of Rights, real HMO reform.

This House took the bold step last year and passed, on a bipartisan vote, the Dingell-Norwood bill. That is a strong bill that was patterned after what States have found successful.

I see my colleague from Houston, the gentlewoman from Texas (Ms. JACKSON-LEE). We share Houston, Texas, and I would like to yield time to her.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. GREEN) for his leadership. This is a particularly important special order, and it is long overdue for us to find common ground on HMO reform.

It is extremely important because, Mr. Speaker, Americans are asking us in a bipartisan manner to address this issue. I do know that the conferees have been appointed; and I do know, however, that their work is not done and that is really the crux of the issue.

My good friend, the gentleman from Texas (Mr. GREEN), did do very able work, both, I believe, in the House in the State and as well as in the Senate in the State of Texas. I, like him, am proud of the legislators who a long time ago, 1995, and that is a long time ago, 5 years ago, passed a Patients' Bill of Rights. Unfortunately, those bills did not deem to find their way on our governor's desk to be signed, but they were in place.

I think the key that I want to say, besides the fact that it did not get signed by our governor, is that it works; that we have not heard any complaints or any outrageous imbalance that has occurred. It has not gone far enough, of course; but we have not heard any major complaint from constituents or managed care entities or hospitals about how that particular legislation has worked. I think that is a good point, and the reason why it is a good point because what we have heard in the discussion, even though we managed to get this bill off the floor of the House and passed, is the apprehension and fear of what will happen, what disarray will occur in the insurance industry if we pass a Patients' Bill of Rights.

I just simply want to share these very simple aspects of the Norwood-Dingell bill, bipartisan bill, hard-worked bill, and, Mr. Speaker, I want to know whether or not these are endangering our system as we know it. Direct access to specialty care simply means that if someone is a diabetic or if they have high blood pressure and they need specialists in that area, they can immediately go to their HMO, go to that particular specialist, rather than having the referral.

I have a mother who obviously is a senior citizen, and every time I have to hear her saying I have to get referred to the doctor who deals with diabetes or I have to get referred to the doctor that deals with my heart disease, that kind of almost denial of service to our seniors and others who need this kind of care makes it more difficult for them to access health care. They have to worry about the appointment with the specialty person by way of waiting for the referral to come through, and I think that that makes it very difficult.

Emergency room care is enhanced and improved under the Norwood-Dingell bill. That means that someone is not turned away. We have heard so many tragic stories. One young man, who was an amputee, who was here on the floor of the House, and the reason is because when something happened to him as a little nine year old, I believe was his age, his parents had to travel past a close emergency room because they were not covered or that emergency room said they were not covered.

These are tragedies in America, in a country as wealthy as we are, that should not occur.

The bill also includes an HMO appeals process by a panel of experts and HMO liability for refusal to authorize lifesaving treatments. In essence, it allows one to hold their HMO accountable.

A Kaiser Family Foundation study found that 73 percent of voters believe that patients should be able to hold managed care plans accountable for wrongful delays or denials. The same study also found that 61 percent of patients complained of the decreased amount of time doctors spend with patients; 59 percent complained of the difficulty in seeing medical specialists; and 51 percent complained of the decreased quality of care for the sick. We can address this.

First of all, we can applaud those medical professionals that we do have but we can address this by simply passing the Patients' Bill of Rights.

I would like to share, before I close, a sample of some stories that would argue that we need to hastily run to the conference and get this bill out and to the floor and to the Senate and let it be signed by the President of the United States.

First of all, I think it is important to note that we have a lot more to do other than the Patients' Bill of Rights and that is, of course, we need to deal with the prescription discount for our seniors. I have had a study done in my district. It has shown that one can get drugs cheaper in Mexico and elsewhere other than the City of Houston. It shows that, in particular, my seniors have to take monies that they would use for food and rent to be able to pay for their drugs, a huge cost, $800 a month or more for some seniors who have lifesaving needs or drugs that provide lifesaving opportunities for them.

Why can we not simply pass a very simple bill that allows for those drugs to be discounted? Why are we not adhering to the heed and the cry of those we pretend to represent and provide seniors with that discount?

As I have said, this Patients' Bill of Rights, a part of HMO reform, really is urgent; and I have examples right out of my community. John McGann found that he had AIDS and thought that he would be covered adequately by his health insurance. When he filed a claim for AIDS-related treatment, he found out that his benefits had been capped retroactively. Since his insurance was through an ERISA group health plan, the State consumer protection plan did not apply. He sued claiming discrimination and lost. Unfortunately, John McGann died, and the ruling on his case was upheld by the Supreme Court.

Therein lies a great need for us to intervene legislatively.

Let me lastly say, Wendy Connelly from Sherwood, Oregon, went to a local hospital with symptoms of what she thought was a heart attack. When she got to the hospital, she found out that she was suffering from a previously undiagnosed thyroid imbalance, not a heart attack, and she might have been at that point a little grateful.

The bill arrived for her treatment and the HMO denied her claim because her treatment was not considered to be emergency care.

The HMO based its decision on her final diagnosis, not on the symptom that caused Wendy to go to the hospital.

Wendy fought the decision by her HMO with the help of her doctors and the hospital. She prevailed on her appeal, but she found out that the denial was a routine practice of insurance companies that emergency room visits had to result in a final diagnosed emergency.

Then what are we saying, Mr. Speaker? That when people feel that they are having a heart attack or some other dangerous symptom that may result in a loss of life that they should just sit here and say, my God, let me sit down and think is it my thyroid or something else because I will not get the benefit of my HMO that I am paying for because they will deny me the access to emergency room care?

We do want more of our citizens to be preventive or to deal with medicine from a preventive way to take care of themselves, but there are tragedies that are occurring every day. John McGann lost his life. Wendy Connelly was insulted with her HMO denying her a coverage. Joyce Ching had rectal bleeding and wound up dying, who she had in her family, her father died of colon cancer at a young age, and she was referred or denied a specialist, unfortunately, even though she had a history of colon cancer when she had rectal bleeding.

All of those are, I believe, indications, as my colleague has indicated by this special order today, that we are at a crisis in health care. We need to have the Patients' Bill of Rights. We need to have the prescription discount for our seniors; and, frankly, we need to have the Norwood-Dingell bill that will hold

HMOs accountable for some of the negative aspects of health care that they generate.

I hope that we can move this legislation along, and I thank the gentleman from Texas (Mr. GREEN) for his leadership on this issue in bringing this particular special order to us. I would frankly say, can 73 percent of the American population be wrong? Can those who believe we can do better be wrong?

I would simply ask that we quickly pass these legislative initiatives so we can bring real health care to the American public.

Mr. Speaker, I rise today to add my voice in support of the Bipartisan Consensus Managed Care Improvement Act, the Norwood-Dingell patient protection legislation. This legislation sets a Federal standard to ensure that Americans will have basic consumer protection in their health care plans.

Americans have waited a long time for us to enact this legislation. This balanced, reasonable legislation represents the best hope for passing meaningful protection from abusive practices for patients.

In the past few years, there has been a dramatic change in the way people receive and pay for health care services. More than three out of four people are enrolled in managed care plans—health maintenance organizations (HMOs), preferred provider organizations, and point of service plans.

Managed care is an attempt to improve access to preventive and primary care, and to respond to high health care costs. Managed care plans were designed to control unnecessary and inappropriate medical care.

However, many Americans believe that instead of improving the health care system, managed care plans have increased the number of problems through bureaucratic redtape and denials of care.

Thus, the reform movement here in Congress sought to give consumers certain protections when receiving health care services. The original Patient's Bill of Rights was one attempt at patient protection legislation. In an effort to propose managed care reform that could be supported by everyone, the Bipartisan Consensus Managed Care Improvement Act was offered by Representatives NORWOOD and DINGELL.

There are four key elements to the Norwood-Dingell managed care reform proposal. These reforms include: (1) direct access to specialty care; (2) emergency room care; (3) an HMO appeals process by a panel of experts; and (4) HMO liability for refusal to authorize life-saving treatments.

These reforms are basic consumer protections that ensure that patients receive the best quality of care needed. In addition, this bill provides for an expanded choice of physicians, access to prescription drugs and continuity of care when a doctor leaves a network.

I support this legislation because I believe Americans deserve quality health care from their managed care plans. I have received many letters from constituents that express their dissatisfaction with the care that they received from HMO's.

A Kaiser Family Foundation study found that 73 percent of voters believe that patients should be able to hold managed care plans accountable for wrongful delays or denials. The same study also found that 61 percent of patients complained of the decreased amount of time doctors spend with patients; 59 percent complained of the difficulty in seeing medical specialists; and 51 percent complained of the decreased quality of care for the sick.

Last spring, many of my constituents used the power of the Internet to add their names to a national online petition in support of the Patient's Bill of Rights. These constituents believed that this legislation was crucial to provide consumers with the basic protections that are necessary to ensure that they receive quality care.

To further Illustrate how important this legislation is to the American people, here are some stories of people who have true HMO horror stories:

In Houston, TX, John McGann found out that he had AIDS and thought that he would be covered adequately by his health insurance. When he filed a claim for AIDS related treatment, he found out that his benefits had been capped retroactively. Since his insurance was through an ERISA group health plan, the state consumer protection plan did not apply. He sued claiming discrimination and lost. Unfortunately John McGann died, and the ruling on his case was upheld by the Supreme Court.

Wendy Connelly from Sherwood, OR, went to a local hospital with symptoms of what she thought was a heart attack. When she got to the hospital, she found out that she was suffering from a previously undiagnosed thyroid imbalance, not a heart attack. The bill arrived for her treatment and the HMO denied her claim because her treatment was not considered to be ''emergent care.'' The HMO based its decision on her final diagnosis, not on the symptoms that caused Wendy to go to the hospital. Wendy fought the decision by her HMO with the help of her doctors and the hospital. She prevailed in her appeal, but she found out that the denial was a routine practice of insurance companies—that emergency room visits had to result in a final diagnosed emergency.

Glenn Nealy suffered from unstable angina and was treated with a strict regimen by his cardiologist. His employer changed health plans, but Glenn was assured that he would continue to be treated. Glenn attempted to go to a doctor that participated in the plan, but after several administrative delays he suffered a heart attack and died. Before his death, he had also requested several times to see his original cardiologist, but was denied.

Joyce Ching from Agoura, CA, died from misdiagnosed colon cancer in 1994. When she complained of severe abdominal pain and rectal bleeding, an HMO doctor told her that her symptoms could be treated with a change in diet. She was refused a referral to a specialist until it was too late. In the early diagnosis stage, the doctor failed to ask Joyce for a family history, which would have revealed that her father also died of colon cancer at a young age.

Buddy Kuhl, from Kansas City, MO, required special heart surgery after a major heart attack. He could not get the surgery in his hometown, so he was referred to a hospital outside of the HMO service area. Initially, the HMO refused to certify the surgery, but later agreed after a second doctor confirmed the recommendation of the first doctor. A few months later, Buddy found that he needed a heart transplant. The HMO refused to pay for a transplant, but Buddy got on a transplant list anyway. However, he died while waiting for a transplant.

In each of these cases, an HMO bureaucrat made a decision that caused the death, or delayed care for a patient in need. Although Wendy Connelly survived her illness, she had to fight for her benefits. The other patients were not so lucky.

I once heard someone say, ''As long as you are healthy, HMO's are fine, but the trouble starts when you get really sick.'' This statement is a sad commentary on the state of health care service in this country. That is why the Norwood-Dingell bill is so important. People need quality health care whether or not they are sick.

The Norwood-Dingell proposal includes access to specialty care. In the cases I cited several of the patients were denied access to specialists. Joyce Ching was refused an initial referral to a gastroenterologist and Glenn Nealy was refused an initial referral to a cardiologist. In these cases, the delay was fatal. If a specialist is needed, patients should be able to receive those services.

The Norwood-Dingell bill also includes access to emergency room care. Wendy Connelly received emergency room care, but her claim was denied because her final diagnosis differed from the heart attack symptoms she first experienced.

Under this proposal, no patient would be denied a claim for non-emergent care if the symptoms seemed more serious. Emergency care should be available at any time without prior authorization for treatment.

The third major reform is an HMO appeals process by a panel of experts. In each of these cases, an independent review panel probably would have overturned each of the decisions made by the HMO.

The expert panel would consist of an independent group of professionals, not a panel of insurance agents. Particularly in the case of Buddy Kuhl, a review panel would have determined that his condition was too serious to wait as long as it took for a confirmation of the original diagnosis.

Finally, the Norwood-Dingell proposal would impose liability on an HMO for refusal to authorize life-saving treatment. Although this is one of the most controversial aspects of this legislation, the ability to hold an HMO liable for certain decisions is an important reform for patients.

In some of the cases I cited earlier, the victims' families could not recover damages from the HMO because it was governed by ERISA (the Employee Retirement Income Security Act regulations), which only allows a patient to recoup losses caused by the delay or denial of care.

The Norwood-Dingell measure expands health plan tort liability by permitting state causes of action under the ERISA to recover damages resulting from personal injury or for wrongful death for any action ''in connection with the provision of insurance, administrative services, or medical services'' by a group health plan.

In my home State of Texas, we have The Health Care Liability Act that allows an individual to sue a health insurance maintenance organization, or other managed care entity for damages for failure to exercise ordinary care when making a health care treatment decision.

The first lawsuit to cite Texas' pioneering HMO liability law, filed against NYLCare of Texas, demonstrates why this measure is important. NYLCare's reviewers made the decision to end hospital coverage for a suicidal patient. Despite his psychiatrist's objections, the patient did not protest the HMO's decision to release him from the hospital, and, shortly after discharge, he killed himself.

In her decision in this case, 5th Circuit Judge Vanessa Gilmore wrote:

[I]n light of the fundamental changes that have taken place in the health delivery system, it may be that the Supreme Court has gone as far as it can go in addressing this area and it should be for Congress to further define what rights a patient has when he or she has been negatively affected by an HMOs decision to deny medical care. . . . 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 ensures every patient has access to that care. Corporate Health Insurance v. The Texas Dept. of Insurance, 12 F. Supp. 2d, 597 (S.Tx. 1998).

This case will set a standard for patients who have been denied care or refused treatment. Critics claim that this provision will expand employer liability, but this is not true. Detrimental HMO decisions will effect the HMO, not the employer. As in any case of liability, the decision-maker must accept the consequences of an unwise decision.

The Norwood-Dingell proposal should not be controversial for any Member of Congress who is serious about protecting patients from insurance company abuses. The patients, families, and doctors deserve to make decisions about health care services.

If the health care industry continues to act as a well-heeled special interest group that puts profits ahead of patients, then these reforms deserve our unequivocal support. I urge my colleagues to support this bill.

Mr. GREEN of Texas. Mr. Speaker, I am so glad the gentlewoman from Texas (Ms. JACKSON-LEE) brought up those because oftentimes to pass legislation we have to show the public support and, like the gentlewoman said, over 80 percent support now for a real Patients' Bill of Rights and managed care reform.

We have to show the need for it, not just the public support. The gentlewoman's example of the three people she gave, particularly the last one, and March being colorectal cancer month it is so important that we look at our family history and that HMO and the physicians need to look at that so someone can go and be screened to make sure, because colorectal cancer like anything else, the earlier the detection the more chance there is of survival, and the less money it will cost for treatment.

All of us do lots of newsletters, Mr. Speaker, and I know I read all of mine, particularly the ones that people write in and give particular opinions. So we sent one out and had town hall meetings in January and February of this year and so some interesting ones came back, particularly on HMO reform, and to point out the need for it. This person from Humble, Texas, part of the district I represent, every time I get my referral, my 6-month referral for my cancer, I get a 9-month checkup not 6 months as I should get, and a lot of things they should pay for they will not.

Instead of a person obviously who has had a history of cancer and has to go back, should be going back for every 6 months, her HMO says, no, she has to go back every 9 months and she has to get permission even to go back for that 9 months.

That is what the Dingell-Norwood bill would change, that that person should go back and get that checkup and they should not have to go back to their gatekeeper before they can go to their oncologist or their specialist, hopefully for a 6-month checkup instead of waiting another 3 months for it.

Another from north side Houston, in fact an area where I grew up, why cannot our family doctor have more control over us in the hospital? Please answer why that is the case.

Well, what happens with HMOs is that they will assign a physician to someone and their family doctor or their gatekeeper that they have selected oftentimes loses that control. Let me give an example of what happened in my own district. We had an individual in Pasadena that the HMO doctor came in, the family doctor or their gatekeeper said this person actually was terminal, with cancer, and the HMO doctor came in and said, you need to be released, you cannot go here and if you come back to the hospital you have to go across town.

So those constituents contacted our office and they expressed, our father is terminal and even our family doctor said he should stay in. After talking to that insurance company, they understood the error of their ways and they agreed to let that patient stay in there.

A person should not have to call their Member of Congress to get adequate health care. We should be able to pass the legislation, have the President sign it and they should not have to do that so that HMO doctor, who was assigned, cannot go in and say you need to be released, not consulting with the family doctor. That came again from North Side Houston.

I had another case in Pasadena. East End, in fact we share near East End where our new ball park is going to go up and the Astros are going to have their opening game, make HMOs accountable for better care. They have had horrible experiences. This is from Hagerman, near East End, almost in the district of the gentlewoman, but part of my district in East End Houston.

Again, these are newsletter responses that come back and say how they need. Remove restrictions that HMOs and PPOs place on doctors. Again, the gag rules that are placed on them and also the restrictions that a doctor cannot say what to do.

That is why this House last year passed a strong Patients' Bill of Rights bipartisanly and that is why the conference committee hopefully will, as we say in Texas, get up and do what is right. We need to do what is right and pass something for the whole country, not just say in Texas. I imagine the percentages in the district of the gentlewoman are the same. Two-thirds of the insurance policies in my district come under Federal law and not State law. So only a third of the people have the protections they have.

Two-thirds of the people need us to pass a bill that is as strong as the bill for Texas, that they did in Texas, and that is why it is so important.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the gentleman sharing with us real-life stories because every time we do have our town hall meetings or we interact with constituents, there are a number of tragic stories. As I indicated, Mr. McGann passed away. He was suffering from HIV and was distraught to find out that his illness, which we all know now is an illness that can attack almost anyone, was not covered. It did not provide him the care that he needed.

1730

What we need to do is to break the shackles or the intimidation process, so that, as the gentleman has so aptly said, access to health care does not have to be on the order of getting permission from the United States Congress, meaning that Congresspersons have to then intervene on behalf of their constituents to get simple health care.

Mr. Speaker, I want to bring up the point of the specialty care and the block that most individuals get. It may be that they are suffering from sickle-cell; it may be that they are senior citizens with a number of ailments. People do not realize how difficult it is to get around as a senior citizen and to go to one primary care physician just to get, it is almost a ticket, just to get a slip of paper to say that you are referred to a specialist.

Then one has to wait for a long period of time for that specialist to have time on his calendar, if you will, a physician's calendar. That is not necessarily an attack on the physician who is overwhelmed and overworked possibly, but then one has to wait to be seen by that particular specialist which delays one's diagnosis, and it also speaks to what the gentleman has just noted. The person who needed a 6-month checkup is given a 9-month. Why? Not for any other reason but to save money. But it is well known that the illness that they have needs a 6-month detection.

So what we are asking for is that there should not be a bar or a closed door to the need of our citizens to get health care in this great country where they are saying in one voice, whether

it is the east end or the fifth ward, or whether it is the Heights, whether it is downtown Houston since that population is growing. I have heard that the stories do not respect whether or not one is a working person with an income of $25,000, someone who does not have health insurance, or someone who happens to be well-to-do. The problem is that the HMO, if you will, ties the hands of those who need health care; and we need to have those hands untied.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Houston. That is so true. That is why this is not an issue of economics or demographics or anything else, whether one makes $100,000 a year, $25,000 a year. If one is in an HMO, one's health care can be delayed, it can be denied, unless we pass a strong managed care HMO reform bill.

One of the issues I talked about a little bit earlier, and I want to address particularly, because I do not know if my colleague has heard about it, but I have, and particularly in meeting with some of my employers in the district, and that is again, their fears that they will be sued. I want to quote from the bill, section 302 of the bill that passed this House that says: nothing in this subsection should be construed as a cause of action under State law for the failure to provide an item or service which is specifically excluded under the group health plan for the employer. It does not authorize any cause of action against the employer or other plan sponsor maintaining a group health plan or against the employee of such person.

The intent of this legislation is not to sue the employer or sue the employee of that employer unless they are making those medical decisions, unless they are involved in it. Again, my real-life experience before getting elected to Congress is that employers do not make that kind of decision. Employers go out and buy an insurance plan, what they can afford; and they do not decide whether someone should go to this doctor or that doctor or this hospital or that hospital. That is up to the plan to make that decision, with the premiums that they charge.

So this bill actually prohibits lawsuits against the employer or the employee of that employer, based on health care, unless that employer is making that decision. Again, that is not the case. I do not know how we can make it any stronger. Frankly, during the debate last year on this legislation, I asked some employers, I said, if you can make it any stronger, please give me the language and we will make every effort to put it in. I never received any language.

So this bill, the Dingell-Norwood bill, does not allow for employer lawsuits. So that is one of those straw men that get thrown up oftentimes during legislative debate. But managed care reform, real managed care reform, over 80 percent of the people support: Democrats, Republicans, Easterners, Westerners, Midwesterners. And that is why this Congress needs to pass it. If it is not in the year 2000, then hopefully the voters and the folks will remember this November that this Congress needs to be responsive to their requirements, particularly when we see 80 percent, and we hear the examples that we have given today and heard about.

That is why it is so important that this Congress address a real Patients' Bill of Rights and include the 5 issues that we want to make sure they have: independent appeals, so they can get a timely medical decision; that we can eliminate those gag clauses; that we can have access to specialists; like my colleague said, women can go to their OB–GYN, not only for a specialist, but for their primary care; adequate emergency room service, and again, the example of not having to pass by an emergency room, or going to an emergency room with pain and then the doctors find out that you have some other illness and say no, you should have gone to your regular doctor. That is not the case. The issue is that they were experiencing pain originally, and whether it was the thyroid or heart or whatever should not matter.

The last point, the best one, we can pass all of the legislation that we want in this bill, but if it does not hold the medical decision-maker accountable, if the person is telling that person no, you should not get that test, if that person is not accountable, and again, they have been accountable under Texas law now for 2½ years and we have not seen a huge number of lawsuits. Again, Texans are not normally shy about going to court if they feel that they are aggrieved.

Mr. Speaker, I yield to my colleague.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for that very excellent summary. I just wanted to go back to the point about pain, because the new science from medical professionals is that we should listen to the signals of pain. Just as the gentleman has indicated, here we have HMOs who tell us to go back home because in the example that I gave, she thought she was having a heart attack, but it happened to be thyroid, so that is contradictory to what the medical professionals are telling us, which is to listen to pain symptoms and act on them and not to ignore them.

Let me just add that we holistically need to look over all at health care, and I hope at some time we will be able to pass the mental health parity bill. I think all of us have been supportive of that. That has not come to the floor. It has been filed every year, but we have not done that.

Then, one of the issues that we need to continue to address, and that is why we should know that we are not solving everything with the Patients' Bill of Rights, so people who are fearful of it should realize that there are still issues to deal with.

I have an omnibus mental health bill for children called Give a Kid a Chance, which is to give greater access to mental health care to our children and our families. There is certainly evidence through what we have seen in gun violence and children using guns that families are in great need of support systems. Mental health is a health issue, but we have not yet been able to address the question of mental health the way we should in this Congress.

So I hope that this Special Order today emphasizes not only the HMO reform, but the overall need of addressing health care issues. I am looking forward to bringing my mental health bill both to committee and then to the floor of the House. But I want to do that as we move the Patients' Bill of Rights along, as well as the prescription drug discount, and finally address the questions that Americans have asked us to address.

I thank the gentleman for yielding this time to me and for bringing to the attention of this Congress the need for HMO reform. I am happy to yield back to the gentleman.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague again, because there is no doubt that this Congress needs to address a broad range of health care. We have a bill that passed the House, that is a strong Patients' Bill of Rights; and we need to take one step at a time, Mr. Speaker. If the conference committee will come out with a strong Dingell-Norwood bill just like passed this House, then we can put this issue behind us and we can address health care for veterans; we can address mental health and get on to other issues that are important.

But, first of all, when people pay a premium, they have to make sure that they receive the health care that they are paying for; and that is what is so important about this Patients' Bill of Rights. They have to know that when they pay the money for their premium, that they are getting health care and not just getting a denial slip or delayed health care, because someone is making a decision that they are looking at the bottom line instead of the health care of that person.

Mr. Speaker, again, I thank not only our Democratic leader, but also the colleagues of mine who have been here tonight.

Mrs. MALONEY of New York. Mr. Speaker, last session, this House passed a sound and responsible managed care reform bill with solid support from both sides of the aisle.

The conference committee has finally met and the appointees are now negotiating critical provisions such as direct access to OBGYNs for women and direct access to pediatricians for children.

Faced with a daunting number of managed care reform bills, our fellow lawmakers in all 50 state legislatures are urging us to take action soon.

Their pleas echo those of millions of patients, family members, and providers who feel disenfranchised and exploited by the Big Business of Big Medicine.

These are real patients with real diseases, real pain, and real fear.

We have heard for so long about the onerous obstacles that patients face in getting the care they need.

We have come together as a House to pass sound legislative remedies.

Now let us finish the job we began last session without further delay.

Mr. Speaker, these patients don't have any more time to wait, nor should they have to wait . . . We owe it to them to finally deliver the relief that is promised in the Norwood-Dingell bill.

And the Patient's Bill of Rights isn't just about patients—it's about beleaguered health care providers gagged from speaking their expert opinion and prohibited from practicing to give the best medicine they know.

No single piece of legislation passed during this Congress has more support and more urgency than the Patients' bill of rights.

I call on my colleagues assigned to the conference committee to waste not one more minute in bringing this legislation to the desk of the President, so that the Patients' Bill of Rights can become law.

DEPARTMENT OF EDUCATION UNAUDITABLE DUE TO SLOPPY RECORDKEEPING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I want to talk tonight about some of the work that we have done in our committee over the last few months, and I chair a subcommittee that has oversight responsibility for the Education Department.

It was back in October, October 29, that me and some of my colleagues from the committee, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Arizona (Mr. SALMON), walked down Capitol Hill. We walked to the Department of Education. We wanted to meet with some of the people at the Department of Education, and we wanted to meet with Secretary Riley to find out if we could help the Secretary find a penny on the dollar of savings. It was when we were going through the budget negotiations and a various range of activities. One of the things that we were saying is, can we find some savings in our various departments so that we can stay within the budget caps, make sure that we do not raid Social Security and actually develop a surplus in the general fund, as well as in the Social Security fund.

Well, when we went there that day, we found out some interesting things. For 1998, the fiscal year of 1998, the Education Department had just received their audit, the financial audit completed by Ernst & Young, which is a report that Congress mandated that every agency go through, that they bring in independent outside auditors to review the books. What did we find out? We found out that for 1998, the Education Department was 7 months late in meeting their statutory deadline. That is the good news. The bad news that we found was that Ernst & Young was not going to give them a clean audit. Actually, they did not render an opinion on any of the 5 financial statements that the Education Department was required to complete. So basically, their books could not be audited.

What we also found out is we went and dug through this, and we found that there was an account called the ''grant-back account.'' It had $594 million. This is money that is recovered or supposed to be recovered from schools and universities who have had some problems with the grants that they are receiving. They returned this money back to Washington; that is why it is called the grant-back account. It had $594 million in it. The auditor stated that of this, only $13 million could actually be attributed to grant-back activities, meaning that over $580 million of that account could not be reconciled, that the Education Department could not tell us how the money got there, what accounts that this money had come from, or where this money was going to be used. As a matter of fact, under law, most of this money should have gone back to the Treasury, but it was still sitting at the Department of Education.

Mr. Speaker, they receive $35 billion a year. As they were going through the process, the auditors had found an instance where, in 1998, as they were adjusting their books, they had made a $6 billion, that is with a B, a $6 billion adjustment in their books. Now, this did catch the attention of the auditors, and they went back to the Education Department and said, could you please explain to us why in this preliminary statement it was *x* amount, and why in this follow-up statement you had made a $6 billion adjustment.

Can you perhaps explain to us and give us the paperwork and the background so that we can understand how this first statement was so totally inaccurate and where the documentation was and why it was not there in the first place, and the answer coming back from the Education Department is no, we do not have the backup data to explain exactly why we needed to make this $6 billion adjustment.

We found out that in 1998 in the audit that there were $76.8 million in improperly discharged student loans. These are young people who had received student loans, but the Education Department, rather than expecting these students to repay these loans, had improperly discharged $76.8 million worth of student loans, a great deal for these students. The problem is, we expected these students, and these students had agreed, to pay us back and the Education Department discharged those student loans. They said well, let it go. These are kids that completed college, not a big deal. It is a big deal. The $76.8 million could have funded 20,000 new loans for students.

There was $177 million in improper Pell Grant awards. That is enough for Pell Grants for 88,500 students.

1745

There was $40 million, and this is one that is very interesting, there was $40 million in duplicate payments in August of 1998 alone. What does that mean, duplicate payments? It means that the Department of Education has a list and says, hey, we have to cut checks. We have to write checks to these students, to these organizations today. They cut the checks, they cut checks for $40 million, and they run it through again, and they run another set of checks for $40 million. In many cases, they find these duplicate payments.

But the problem in this, and we will talk about what happened in 1999, is that these duplicate payments have now continued for a period of over 13 to 15 months, meaning that on occasion after occasion after occasion, the Department of Education continues to make duplicate payments. I believe in most cases they are catching them, but we do not know if they are catching them in all cases or not.

Again, it is gross mismanagement of taxpayers' dollars, of some of perhaps the most important dollars we are spending in Washington: It is the dollars we are spending and investing in our kids' education.

So what do we find now in 1999? There was a hearing, and probably one of the more disappointing hearings that I have had since I have been here in Washington. It was last week. We will also talk about a hearing that we had on Friday, because it was one of the most exhilarating hearings that I have had and have had the opportunity to participate in since I have been in Washington, but it is a sharp contrast.

On Wednesday, we brought in Ernst & Young, the auditors. We brought in people from the Department of Education. We brought in people from the General Accounting Office and the Inspector General's office to tell us about the results of the 1999 audit: Could the Department of Education now account for where their $35 to $38 billion of money went that the taxpayers gave them to invest in our kids in 1999?

That was on Wednesday. On Friday, we brought in some individuals who are having an impact on education at the local level, three people who are running charter schools in their local communities, one from the Los Angeles area, one from Colorado, and another from Washington, DC.

What a sharp contrast between the answers that we got from the Department of Education on Wednesday as to what they were doing with their $35 billion, and these individuals who are running charter schools in their local communities, in some areas going to some of the toughest neighborhoods in the communities and reclaiming those kids, those schools, and those neighborhoods through their activities.

Obviously, what happened on Wednesday was not good news. The Department of Education came in and said, well, we have made progress. At least this year our report is not 7 months late. Actually, it is the Inspector General who is responsible for doing the audit work. They came back, and she hit the date. She was supposed to be done by the end of February, and she worked with Ernst & Young, and the Inspector General did a great job to inform Congress as to the status of the Department of Education books for 1999.

The good news is they hit the target. The bad news is, the books cannot be audited. They have to, again, do five statements. Four of the statements have qualified opinions. The fifth statement the auditors did not render an opinion on, meaning the fifth statement again cannot be audited.

On the other four statements there were serious concerns about each one of those statements that would lead one to question the accuracy of the numbers as to what they represented, as to whether they accurately represented what went on in the Department of Education in 1999.

They call these material weaknesses. Some might say, it is a material weakness, but you have the statements. What are you worried about?

What I am worried about is that if this would happen in the private sector, if there were a company that was listed on NASDAQ, a publicly-held company, and they came back and said, here is what our auditors say about our books, we asked the auditors what would happen.

They said, this would be a huge problem, because what you would be telling your shareholders is, we cannot really tell you what your investment is worth because your earnings per share, your costs, your net worth, and all of those types of things, are not accurately reflected in the statements. Most likely what would happen is that the trading of the stock would be suspended until the company could get its financial house in order.

In 1998, the books cannot be audited. In 1999, a failed audit. What the Department and what the other people told us is that the reason they are failing their audits is because they do not have systems, automated systems, in place that provide protections that indicate that the way you are spending the money is an accurate reflection of actually what is really happening.

How does this then manifest itself? How does this make a difference to the people back in Michigan, the people back in Colorado, or whatever? It is kind of like, well, the money is coming out of Washington. It is getting to my schools, right? If they are just a little off on their numbers, what are you worried about?

Number one, I am worried about it because it is $35 billion. It is a lot of money. The second thing that I am worried about is, coming from the private sector background, we know that when we have an organization that does not have the correct systems in place to manage its business and its activities, we are creating an environment that is ripe for fraud and abuse, inefficiency, ineffectiveness, and mistakes.

Do we see any of that in the Department of Education? Here are just some recent examples: In 1998, duplicate payments. What did we see in 1999? In December, because their fiscal year starts on October 1 of 1999, they had duplicate payments in 1998, they had them in 1999, and they have had them in this current fiscal year. They had them in December and January of what would be their fiscal year 2000. Duplicate payments are continuing.

Sloppy management leads to mistakes. The Department, for student loan applications, printed 3.5 million forms incorrectly. They need to be scrapped. We know there is fraud in the student loan program. The auditors have reported that as they have tried to work with the Department of Education to try to identify how this money got into this grant back account, this $594 million, and they have asked for the backup data. The Department of Education still cannot provide the appropriate backup data to say how money flows in and out of this account.

Fraud? In our hearing on March 1, the IG, Inspector General, and the Department of Education indicated that they have, and we cannot go much beyond this, but they currently have a vigorous investigation that is ongoing to investigate the theft of computers within the Department; that the controls for maintaining their capital assets, for the purchasing of computers, technology, software, that the controls were not in place to enable the Department to track and monitor its computer equipment, so they currently have a vigorous investigation that is ongoing.

Perhaps one of the most disappointing things that indicates how sloppy management, failed audits for a $35 billion agency, translates itself into having an impact on an individual within one of our districts, here is an example of what happens when we have sloppy management and we do not have good controls in place.

The Jacob Javits scholarship program, this is a program that is awarded to students who are graduating from college and provides them with the opportunity to continue their work in graduate school, it can be up to a 3- or 4-year program, and in some cases providing benefits to the students of up to $30,000 per year, because there is a living stipend along with an agreement to pay for the student's tuition.

So we have these students out there. They see this Federal program out there, a Federal scholarship program, the Jacob Javits scholarship program. They are going to go out and compete for it. I know what is going on because I have an 18-year-old at home who is looking at going to college next year, and she is competing for some scholarships.

I know the excitement on her face when I call her at night and she says, hey, Dad, I just got notified last night that if I go to XYZ college, I have a $3,500 scholarship for each of the next 4 years. She is excited. She feels great. I feel great because it means that maybe my investment will be a little bit less, but she is excited because of the recognition that institutions and others have made on her achievements.

What happened with the Jacob Javits scholarship this year? Failed audits, $35 billion, an agency that does not have proper controls in place, how does it affect these students applying for the Jacob Javits scholarship program?

It was not all that long ago, in the last few weeks, that 39 students, college students who had applied for one of the nicest and most plum scholarships that one could get, 39 students were notified that they won the Jacob Javits scholarship. The bad news is that two or three days later, these students were notified and were told, sorry, it ain't so. Really, you didn't qualify. You didn't win the award. You have really just been selected as alternates, and if some of the real award winners have gotten other scholarships or have decided they are not going on to graduate school at this time or whatever, then you are in line to be eligible for a Jacob Javits scholarship.

Can Members imagine these 39 young people and the excitement that they must have felt on the day they got the call that said, you have qualified for a 3- or 4-year scholarship of $30,000 per year? It is like, yes, the work that I have done for the last few years has been recognized and the dream that I have for the next 3 or 4 years of continuing my education has been realized, and all of a sudden, you are knocked off the pedestal and your dreams are shattered when someone calls you back and says, I am sorry, we made a mistake. You really did not qualify.

Now, the Department of Education is going to make it right. They are going to provide these students with the scholarships that they promised them. That is probably the right thing to do. But the problem is, they do not have the money to do it. They award *x* number of scholarships because that is how much money they have. If they are now going to give 39 more, they are going to have to come up with this money from someplace else. They are probably going to come back to Congress and say, well, it is only $1 million.

Yes, for Jacob Javits, it is only $1 million. But how much have the duplicate payments cost? How much have the 3.5 million forms that were printed incorrectly, what has that cost us? What has the computer theft within the Department, what has that cost us? What is the cost of the fraud in the student loan program? What is the cost of the grant back account?

What we are finding here is that this is an agency that gets some of the most important dollars and is focused on one of the most important issues that we are dealing with in Washington, and they are not meeting the basic test. They cannot keep their books, and they cannot even tell the students which ones received a scholarship and which ones have not qualified.

1800

The bottom line when one takes a look at the Department of Education is that, what this is, and we ask ourselves the question, is this an agency that educates kids? How many kids are enrolled in schools run by the Department of Education? Zero. The Department does not educate kids. The Department does not run any schools.

What the Department does is it distributes roughly $35 billion around the country. What we are now finding is that, after the last 2 years, and based on the feedback from the external auditors, that for at least the next 2 years, there is a high probability that they will fail their audit for 4 years in a row.

What the Education Department is, it is not a school educating our kids, it is a bank, it is a financial institution; and it is not doing that job very well. It is failing some of the basic tests. It is failing some of the basic tests at a time when the Education Department should be one of the most exciting places to work in in Washington.

Why do I say that? I say that because of the hearing that we had on Friday. The hearing on Wednesday was an absolutely miserable hearing where the Department of Education came in and told us that their books could not be audited. On Friday, we met some people where the rubber hits the road. These are the people who are running some public schools, in this case, they were running charter schools, in Los Angeles, in Colorado, and in Washington, D.C.

To listen to what they are doing in their communities, in Los Angeles, this is a group of teachers and administrators that went out and said, we are going to take this school, and we are going to turn it into a charter school. It is going to free us up from some of the bureaucratic red tape and the rules and regulations that just encumber, at least in that case, encumber them from achieving what they wanted to get done in their local schools.

What did they do? They went in, they formed their charter school, and their kids' test scores have improved. They used to have a high turnover rate. The families would move and the kids would just transfer from one public school to the other. Families are still moving. But the kids in some cases now are traveling an hour to go to this school because of the results that they are getting. Significant improvement in the test scores and in the performance of the students in these schools.

It is the same story in Colorado, and it is the same story that we have heard about Washington, D.C. Committed teachers, committed administrators, committed parents, and committed communities going out and making a difference in their kids' lives.

The other exciting thing is, in many cases, they are all breaking the mold of education for their kids. In Los Angeles, again, they have embraced technology. The computer-student ratio in this school is one to one in the seventh grade. They are taking new models of learning for their kids.

One can see the interaction as these individuals who are running these schools, as they were talking to each other, and as they were sharing with the panel, the excitement that they felt as the woman from Los Angeles was talking about the one-to-one computer-student ratio, as she was talking about the learning that was going on, as she was talking about the improved test scores, and how kids were commuting up to an hour to come to that school.

One could see the excitement and the enthusiasm in the other two as they were saying, when we leave here, I have got to call her and find out exactly what she is doing because I think there are some things that I can maybe learn from her that I might want to take and put into my charter school.

Then as the other two talked about the programs that they were running, the woman here in Washington, D.C. talking about the 15, the 20, the 30 students that they take to Cornell in the summer because, for many of these kids in this neighborhood, going to a prestigious school never even was a dream that they could think about. It was the impossible dream. It was the impossible dream because they could not even think about escaping the environment they were in or believing that, when they graduated from school, when they graduated, that those kinds of opportunities would be available to them.

Now, what they are doing is they are going there for a week in the summer, and they are experiencing it, and they are also learning that, when they go, they are knowing they have got the background, the knowledge that they have completed the learning that will enable them to be successful when they graduate from high school, that they can dream about going to Cornell, that they can dream about going to some of our prestigious universities, or they can just think about going on to college.

They will know that, when they get there, they will be successful. That is what education is about. I think, as we take a look at the Education Department and where it needs to go, I think there are some things that we need to recognize, that there is a role for a Department of Education.

But what the role of the Department of Education should not be is distributing dollars and managing dollars. We do not need an agency that is just distributing and trying to be a bank and not doing a very good job.

What we need is we need a Department of Education that can be a resource to the types of individuals that testified at our committee on Friday, that they can be a resource so that, as people at the local level either are dealing with challenges, opportunities, or have some significant breakthroughs, that they can communicate with the Department of Education and say, you know, we just did this great program, we have got a great model for integrating technology into the classroom for seventh graders, here is how we are doing it, you know, please share this with other schools so that, if they have got some questions or comments, we have got a great resource here.

Or if they have got a great challenge that they are facing, perhaps the community, the face of the community is changing, and the school board or the administrators are struggling with how do we change this or how do we face this changing face of the community, how do we deal with it in our schools, that they can go to the Education Department and say, you know, have you got other school districts that have faced these kinds of challenges or these kinds of issues that we can talk to, not for them to tell us what to do, but that we can talk to them, and they can tell us what they tried, what worked, what did not work, so that, as we design a school and a school system that meets the needs of our community, we can learn from others that have already done that. An Education Department that funds basic research in to learning.

We see a lot of the people now talking about how technology can impact the learning process. Have we fully researched the broad, new avenues of learning that technology opens up for us? I do not think so. But that is an area where Department of Education, perhaps through grants to the private sector or whatever, can foster the basic kind of research so that, as schools are contemplating integrating technology, they can go somewhere and get the latest research that says, if you are going to try to teach reading in this kind of environment, here is how perhaps you can integrate technology. Here is how you can use technology for math. If you have got a problem with class size, maybe technology can deal with an issue of large class size.

So there is a wonderful role and a potential role for the Department of Education to kind of like become the National Institutes of Health, a research-based, a learning organization that is on the cutting edge that others can learn from and that others can take the research and apply to their learning opportunities in their local community.

What a different vision for a Department of Education that is a cutting edge, research-based department that helps local parents and school administrators learn, learn about how most effectively to teach our kids.

That I think is a future vision for the Department of Education, compared to

a Department of Education today which has $35 billion per year going through it along with another $80 billion to $85 billion in student loans; and what they actually cannot do is keep their books. An organization that consistently is failing their audits versus one which is on the cutting edge, which is a breakthrough type of agency.

There is a role. It is time to reform that role. Why is it time to reform that role? It is time to reform that role, number one, because the current model is broken. The other is that we are not doing nearly well enough with our kids' education.

The TIMS study, this compares our kids with kids on an international basis in the 12th grade. How do our kids rank? In math, out of 21 countries, our proficiency, we are 19th out of 21. That is not good enough. I spent a lot of time going to high schools and different schools throughout the district over the last 9 months. Actually, I have been doing it much of the time I have been here in Washington.

But when looking at these kids, they want to learn, they want to be successful, and they are going to be competing against other kids from around the world as they enter the job market.

What is their vision about their educational system? Being 19th out of 21 is not good enough for them. Whether we are in the Bronx in New York, and we have had hearings in 19 different States with our Education at a Crossroads Project, whether one is in the Bronx, whether one is in Cleveland, whether one is in Milwaukee, whether one is in Muskegon, Michigan, whether one is in L.A., whether one is in Albuquerque, these kids all have the same vision. They want to be number one, not selfishly, but what they want to have is they want, as they are going through the education process, they want to be the best educated kids in the world; that when we put them through a battery of tests on math or reading or any other kind of measurement, they want to be at the top. Because they know that, if they are not at the top, they may not be prepared to compete in a global economy.

The TIMS study for reading, how did we do in reading? We did better than what we did in math. In math, we were 19th out of 21. In reading, we moved all the way up to 16. We were 16th out of 21 countries.

What else is going on? We know that at the fourth grade in reading, 38 percent of our kids are below basic. In eighth grade, 26 percent are below basic skills. At 12th grade, still 23 percent are below basic. That means that they have not achieved what we consider the basic skills necessary or required at that level.

How about in math? In the fourth grade, 36 percent of our kids are below basic. In the eighth grade, 38 percent of our kids are below basic. By the 12th grade, we are still at 31 percent, or roughly one out of every three of our kids are below basic levels.

That means we are in danger of losing almost a third of our kids because we have not provided them with an environment of academic excellence that will allow them to achieve, not only at the basic, but well beyond the basic. Thirty-one percent of our kids at the 12th grade in math are still below basic.

Is it any wonder that, as we have gone around the country with our hearings, Education at a Crossroads, that one of the fastest growing programs in our colleges is remedial education. We talk to different college administrators, and it struck me when we started this process 3½, 4 years ago, some of the first hearings that we had where the college administrators came in and they said, you know, whatever you do, do not cut out remedial education. If anything, we need more money for remedial education. They told us that in California. They told us that in Arizona. They have told me that in Michigan.

Finally, one kind of steps back and says, you know, why do you need remedial education? These are kids that you have accepted into your college programs. What is the need for remedial education for kids going into college?

The answers come back reflecting the test scores. Well, 23 to 25 percent of the kids coming into college are not proficient in reading at 12th grade proficiency when we get them. So we need to catch them up in reading. A third of the kids coming in are not at 12th grade proficiency for math. So what we have to do is we have to catch them up. Those are roughly the numbers. Roughly somewhere between a quarter and a third of the kids entering college have to go through some type of remedial education.

1815

So we are seeing the standards. We are seeing how our educational system and our students are stacking up. On an international basis, we rank 19 out of 21 in math and rank 16 out of 21 in reading. And then, as we compare our kids to a standard that we have established for reading and for math, we consistently find that by the 12th grade we are still having a quarter to a third of our kids leaving our high schools without basic proficiency in reading or math.

It is not good enough. And the Washington response has been an education department that does not give our people at the local level a lot of information about how to improve their systems. It just funnels money back and forth and ties a lot of strings and a lot of red tape to it. It is not working.

Washington has hundreds of programs in the education area, each of these going back to a local level, telling people at the local level that if they want this money this is what they need to do. These are the forms that need to be filled out so that we can see that you actually did what we said had to be done. And, by the way, at the end of the year we will send an auditor in to make sure your books are auditable even though ours cannot be.

There is a better way to do it. We talked about one of the elements of a new vision for an education department and a reformed education department, which is that we have an education department that is a leading-edge educational department; that it can identify best practices so that it can be a resource to parents, teachers and administrators at a local level.

What is another part of our vision? Another part of our vision says that perhaps we can increase funding not by spending more but by being more efficient in how we spend it. What if instead of having 200 or 300 K through 12 education programs in Washington that really control how local schools are run, what about consolidating some of those programs and giving States and local schools a tremendous degree of flexibility in how they can spend those dollars and on what programs and in what areas they will spend those dollars?

By consolidating, perhaps we can save 5 percent of the dollars that we spend on education and ensuring, in the process, that rather than spending this 5 percent here in Washington, we spend 5 percent where the real leverage point is; that we spend 5 percent in the classroom, with a teacher that knows our children's names. That is one reform that we can make: getting more money out of Washington and getting it into the classroom with a much higher degree of flexibility.

A second thing that we can do is eliminate some of the red tape. As I said, when we have all these programs, local school districts have to find out about the programs, they have to apply for the programs, then they have to report back, and they have to be prepared to be audited. What if we can cut out some of that red tape and some of that bureaucracy through that process and give those local schools a whole lot more flexibility.

And, really, what we are going to be focusing on will not be on the process of how they spend the dollars; we will not focus on the process of did they do the right reports at the right time and get the money back and report everything correctly. But what we are going to do is we are going to focus on whether they actually improved the learning of the students in their school. Has their performance improved or has their performance declined or has it stayed the same? Where we still have young people at 31 percent below basic in math, where we have 23 percent below basic in reading, are we turning out students where we have 95 percent at basic or above in both reading and math so that we are not letting kids fall behind?

Let us focus not on the process. It is time to focus on the results. We should not have a department focused, and we, as a Congress, should not be focused on telling local schools what to do. We

ought to be talking to States and local school districts and holding them accountable for what they have achieved. Because this is not about managing process. If it is, we know this education department cannot do it. This is about something much more important. It is about educating our children.

So we give the schools more flexibility, and we eliminate the red tape, which gets more dollars into that local classroom. And from a practical sense, what does this mean? It means that a school, rather than getting money for class-size reduction or hiring teachers and getting another pot of money for technology, getting another pot of money for some school construction or school modification, getting some other money for the arts, getting some other money for some other kind of training and these types of things, it is giving the money to the States and to the local schools and telling them that if they need to focus on technology, if they think technology is the answer, that we will give them the flexibility to improve the technology within their school.

That may be exactly what some of the schools in my congressional district would need, and they would have the flexibility to go out and do that. For others, they might say that they have invested in technology; but when they did, they found out that what they really needed to do, in addition to that, but they do not have the money to do it, is they need to invest in teacher training so that they could use these tools to be most effective with our kids. Let them use the money for teacher training.

If they need to use some of the money for school construction, let them use the money for school construction. But allow them the flexibility of designing the programs that are most effective for the problems, the issues, and the opportunities that they have in their local schools. Because this is about our kids. It is not about process. It is not about the education department. This is about how do we get the maximum impact in learning for our kids.

Are we going to get it by mandating from Washington and controlling from Washington; or is it going to be by continuing to invest in education through Washington, through an education department, but allowing a great degree of latitude and flexibility to the people at the local level? The local people know our kids' names, they are the people that know the school, the problems, the opportunities, and the issues that they face. The local people know the neighborhoods, know the communities, knowing exactly, maybe not exactly, it is not a science, but the local people will have the best idea as to how they could improve education in their local community.

And if they then had a resource of a Department of Education where they could go to for best learning practices or best teaching practices, what a great partnership that might be. Local decision-making; research-based data and information to empower people at the local level to make the best possible decisions for our kids.

It is not an issue about money. We have spent and invested a lot of money in education over the years. This is a question of how we invest that money most effectively. Not even necessarily most efficiently, although that would be nice, but how do we invest it most effectively. Do we invest it through a Washington-based model or do we invest it through a locally based model?

The difference was so striking last week. The Washington-based model, with quality individuals working at the Department of Education, who have the best interests of our kids in mind, but for the second year in a row cannot even be held accountable for how they spent these education dollars on our kids. Compare that picture with the education department who cannot even take the time to put in place the policies, the procedures and the practices to track $35 billion. Compare that to the caring and the passion that we saw on Friday where we had these individuals coming in and talking about what they were doing, improving test scores; integrating technology; reclaiming their kids; reclaiming their neighborhoods; and making a difference in their communities.

There was a concern demonstrated in attention to detail. A Department of Education that does not have the right policies and practices in place sends out erroneous information to 39 young people telling them they have a scholarship, when they really did not and then has to call them back, versus the local decision-making where the people that we saw last Friday are concerned about each and every child in that school and making sure that each and every one of those children is going to be successful, and doing what needs to be done to ensure that that is the result, forming the partnerships with business leaders, forming the partnerships with parents to make a real difference in their communities and these children's lives.

It is a really sharp contrast; a department that erroneously identifies scholarship winners, a department that makes duplicate payments, a department that prints forms wrong, a department that currently has a vigorous investigation into computer theft, a department that has fraud in a student loan program, and a department that has an account with over $500 million in it, or at least in 1998, that they cannot tell us how it got there or where it is going.

Then compare that to the passion that, in many cases where these are charter schools, they are facing a lot of odds against their success. They have to build those schools. They do not get construction dollars. They just get their per-pupil funds. And in many cases they do not even get all the Federal dollars. The Federal dollars do not follow these students. But in each one of these cases, they are people passionate for what they are doing in their communities.

I think the final element of a reform package in education is reforming the Department of Education into a research-based learning think tank that is a resource to the rest of the country, freeing up dollars within the bureaucracy to invest in our kids. So taking money out of Washington and putting it back in the classroom, that is the second step. The third step is taking money out of the process and moving it back to the local level, out of the red tape. And the fourth part is investing more in education by providing parents and businesses the opportunity to take credit, tax credits, for investing in education.

There is a formula for improving education, but it is taking decision-making out of Washington and moving it back to parents and local school districts where we can really make a difference.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of my special order and the special order of the gentleman from Texas (Mr. GREEN).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

GLOBAL HEALTH ACT OF 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes.

Mr. CROWLEY. Mr. Speaker, today, we here in the United States, and throughout the world, are celebrating International Women's Day.

1830

Unfortunately, too many women in the world today have no cause for celebration. Nearly 600,000 women die each year from complications of pregnancy and child birth. That is one woman every minute. Of these deaths, 99 percent take place in the developing world, where maternal deaths account for up to one-third of all deaths of women of child-bearing age.

According to the World Health Organization, for every maternal death that occurs worldwide, an estimated 30 additional women suffer pregnancy-related health problems that can be permanently debilitating. A woman's lifetime risk of dying from pregnancy-related complications or during child birth can be as high as one in 15 in developing countries, as compared to one in 7,000 in developed countries.

Mr. Speaker, more than 150 million married women in developing nations

still want to space or limit child bearing but do not have access to modern contraceptives. Yet, Mr. Speaker, despite these startling estimates, the U.S. commitment to women's health remains woefully inadequate. And that is why I, along with 22 other colleagues, have introduced legislation to increase the U.S. commitment to women's health by $300 million as part of a legislation known as the Global Health Act of 2000.

Mr. Speaker, H.R. 3826, the Global Health Act of 2000, authorizes additional resources to improve children's and women's health and nutrition, provide access to voluntary family planning, and combat the spread of infectious diseases, particularly HIV/AIDS.

Only the Global Health Act represents a comprehensive, balanced approach that builds upon proven existing programs to increase the U.S. commitment to go balance health as effectively as possible.

Over 100 groups, such as the Global Health Council, Save the Children, the Salvation Army World Services, and the Global AIDS Action Network support the Global Health Act 2000.

Mr. Speaker, in August of 1999, my constituents were shocked to learn that an outbreak of West Nile-like encephalitis had surfaced for the first time in the western hemisphere in the heart of my congressional district in Queens and the Bronx. This outbreak was a wake-up call for every American, not just New Yorkers. It illustrated that the Global community has truly become a local community.

As demonstrated by HIV/AIDS, West Nile-like encephalitis and tuberculosis, a disease, Mr. Speaker, respects no borders. An outbreak in Africa, Europe, Asia, or South America can travel to U.S. shores within days. No longer can diseases occurring in far-off lands be ignored. They pose a direct threat to the national security of our great country and must be addressed by the U.S. Government, this Congress, and the international community as a whole. Diseases cannot be seized by Customs, and they do not apply at the U.S. Embassy for a visa. The only way to stop them is to target them at their source.

The Global Health Act recognizes this and emphasizes the interconnectiveness of global health by calling for increased funding for child survival, women's health and nutrition, reducing unintended pregnancies, and combatting the spread of other infectious diseases. It also calls for increased coordination between the different government agencies administering health programs.

Mr. Speaker, with the resources provided under the Global Health Act and the assistance of other nations, we can make a profound difference in the health and well-being of millions of the world's poorest citizens, especially women, and protect our own national security at the same time.

We are the greatest power the world has ever known. We cannot continue to keep our head in the sand on this international issue. We have to recognize that we do not live in a cocoon. We can tackle this problem as a Nation and as a world, but first we have to face up to it.

I had the great opportunity this afternoon to meet with the present Miss Universe. Her name escapes me at this time. But she is from Botswana, Africa. She came to talk to me today about the bill that I am sponsoring, the Global Health Act 2000.

To lend her voice in support, I know that she met with a number of Members of the House today, I believe also Members of the Senate, to bring attention, much needed attention, to this issue. She spoke personally to me about her homeland and about her home continent.

She is headquartered today in New York. She sees it and I view it myself as the headquarters of the world. We will not say the capital of the world, but certainly it is the headquarters of the world. It is convenient in that it is the home to the U.N. But also, New York at times can command international attention.

We are happy that she is in New York working on this very, very important issue and, at the same time, sparing some time from her busy schedule to come down here to Washington to lobby Members of the House and the Senate on this important issue to get their support. We need more support for this legislation. I hope we can all keep this in mind as we observe today International Women's Day.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for this opportunity to address an issue deserving of much attention by the international community and especially the U.S. government. In honor of International Women's Health Day, I believe it is especially relevant for us to reaffirm our commitment to global health.

I urge my fellow Members today to support the legislation that recognizes the overwhelming problem of the spread of infectious diseases across the world.

Children are suffering as we speak. More than 10,000,000 children under 5 years of age die annually in developing nations from preventable causes.

As founder and Co-Chair of the Congressional Children's Caucus, I must emphasize the tragic circumstances of children across the world.

As a Cosponsor of this legislation, I must stress the need for the Congress to increase our commitment to global health.

Global Health concerns all persons, American citizens included.

The CDC alone cannot stop the spread of disease worldwide and although imposing, Customs cannot seize diseases at country checkpoints. So we must not allow ourselves to assume that outbreaks in other countries will not affect Americans also.

Infectious diseases such as HIV/AIDs and malaria are of the type that must be continually monitored and studied in order to prevent future outbreaks.

Investing in global health will help prevent the spread of these types of diseases because it is a preventative measure and we all know that prevention is the best method of elimination.

Over 100 national organizations support our commitment to global health, which should signal to any skeptic the national appeal of this legislation.

Organizations such as Save the Children, the Salvation Army, and the Global AIDS Action Network are the type that all party member can recognize as being committed to the health of all notwithstanding their ethnic or religious affiliation.

In this Congress today, we will be continuing the debate over whether prescriptions can be included for Senior Citizens under a health insurance plan called Medicare, yet most persons across the world do not even have basic health coverage.

This is an issue that should cut across partisan lines. What we are asking for today simply is funding to provide such basic health coverage such as immunizations, reproductive health services and educational programs informing families about proper nutrition and infant care.

Furthermore, this legislation would assist in preventing the spread of HIV/AIDS, which has become the world's leading infectious disease threat, with 34,000,000 people infected worldwide.

This disease is spread between Children also. Daily, more that 7,000 new cases occur each day in people between the ages of 10 and 24.

An investment of an additional $1 billion dollars for global health for such a wealthy nation is not too much to ask for the survival of the people in this world.

Over 13 million die annually from preventable or curable diseases and we must not be so isolationists to believe that this number does not include American as well. Let us make the commitment to invest in global health—our health. This is a subject that can no longer to ignored.

Mr. CROWLEY. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCINTYRE).

HONORING UNIVERSITY OF NORTH CAROLINA AT WILMINGTON MEN'S BASKETBALL TEAM

Mr. MCINTYRE. Mr. Speaker, I rise today to honor the University of North Carolina at Wilmington men's basketball team for their tremendous accomplishment this week. Their spirit and determination throughout the entire season has been an inspiration to all of us and especially the young people everywhere.

This past Monday, the UNCW Seahawks defeated the University of Richmond 57–47 to win the Colonial Athletic Conference Tournament for the first time in school history. This is truly an amazing achievement for coach Jerry Wainright and the entire Seahawk team. UNCW was the number four seed in the CAA tournament and had to defeat the number one ranked team just to make it to the finals. The Seahawks will now embark on a new journey, playing in the NCAA tournament for the first time ever.

Throughout the year, the Seahawks have represented the students and faculty of UNCW well by sticking together and demonstrating good sportsmanship. Jerry Wainright, the coach, has

instilled in his players the ethic of dedication, sacrifice, and teamwork in the pursuit of excellence, following the rules, and instilled in the rest of us in this Nation a sincere and renewed appreciation of what it means to win with dignity and integrity.

I am sure that the Seahawks will demonstrate these important characteristics on the national stage as we all get ready for the March madness of the NCAA basketball tournament.

I hope my fellow colleagues will join me in congratulating this extraordinary group of young men and their coaches, parents, and classmates and others who support and cheered them on and made this year a special year to them and their example to others.

Congratulations to the Seahawks.

Mr. CROWLEY. Mr. Speaker, reclaiming my time, I just want to point out, for the record, that I know a number of Members have submitted statements on behalf of the bill that I spoke about this evening, the Global Health Act of 2000, including the gentlewoman from Texas (Ms. JACKSON-LEE). She has submitted statements. I want to thank the gentlewoman and the other original cosponsors of the original Global Health Act 2000, H.R. 3826.

BILATERAL AGREEMENT ON ACCESSION TO WORLD TRADE ORGANIZATION WITH PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–207)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Last November, after years of negotiation, we completed a bilateral agreement on accession to the World Trade Organization (WTO) with the People's Republic of China (Agreement). The Agreement will dramatically cut import barriers currently imposed on American products and services. It is enforceable and will lock in and expand access to virtually all sectors of China's economy. The Agreement meets the high standards we set in all areas, from creating export opportunities for our businesses, farmers, and working people, to strengthening our guarantees of fair trade. It is clearly in our economic interest. China is concluding agreements with our countries to accede to the WTO. The issue is whether Americans get the full benefit of the strong agreement we negotiated. To do that, we need to enact permanent Normal Trade Relations (NTR) for China.

We give up nothing with this Agreement. As China enters the WTO, the United States makes no changes in current market access policies. We preserve our right to withdraw market access for China in the event of a national security emergency. We make no changes in laws controlling the export of sensitive technology. We amend none of our trade laws. In fact, our protections against unfair trade practices and potential import surges are stronger with the Agreement than without it.

Our choice is clear. We must enact permanent NTR for China or risk losing the full benefits of the Agreement we negotiated, including broad market access, special import protections, and rights to enforce China's commitments through WTO dispute settlement. All WTO members, including the United States, pledge to grant one another permanent NTR to enjoy the full benefits in one another's markets. If the Congress were to fail to pass permanent NTR for China, our Asian, Latin American, Canadian, and European competitors would reap these benefits, but American farmers and other workers and our businesses might well be left behind.

We are firmly committed to vigorous monitoring and enforcement of China's commitments, and will work closely with the Congress on this. We will maximize use of the WTO's review mechanisms, strengthen U.S. monitoring and enforcement capabilities, ensure regular reporting to the Congress on China's compliance, and enforce the strong China-specific import surge protections we negotiated. I have requested significant new funding for China trade compliance.

We must also continue our efforts to make the WTO itself more open, transparent, and participatory, and to elevate consideration of labor and the environment in trade. We must recognize the value that the WTO serves today in fostering a global, rules-based system of international trade—one that has fostered global growth and prosperity over the past half century. Bringing China into that rules-based system advances the right kind of reform in China.

The Agreement is in the fundamental interest of American security and reform in China. By integrating China more fully into the Pacific and global economies, it will strengthen China's stake in peace and stability. Within China, it will help to develop the rule of law; strengthen the role of market forces; and increase the contacts China's citizens have with each other and the outside world. While we will continue to have strong disagreements with China over issues ranging from human rights to religious tolerance to foreign policy, we believe that bringing China into the WTO pushes China in the right direction in all of these areas.

I, therefore, with this letter transmit to the Congress legislation authorizing the President to terminate application of Title IV of the Trade Act of 1974 to the People's Republic of China and extend permanent Normal Trade Relations treatment to products from China. The legislation specifies that the President's determination becomes effective only when China becomes a member of the WTO, and only after a certification that the terms and conditions of China's accession to the WTO are at least equivalent to those agreed to between the United States and China in our November 15, 1999, Agreement. I urge that the Congress consider this legislation as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

1845

NATIONAL MONEY LAUNDERING STRATEGY FOR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Judiciary and Banking and Financial Services:

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105–310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

2215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 376, THE ORBIT ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–514) on the resolution (H. Res. 432) waiving points of order against the conference report to accompany the Senate bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1695, IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–515) on the resolution (H. Res. 433) providing for consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3081, WAGE AND ECONOMIC GROWTH ACT OF 1999, AND PROVIDING FOR CONSIDERATION OF H.R. 3846, MINIMUM WAGE INCREASE ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–516) on the resolution (H. Res. 434) providing for consideration of the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and providing for consideration of the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of Ohio (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. GRANGER (at the request of Mr. ARMEY) for after 3 p.m. today until March 14 on account of personal reasons.

Mr. LATOURETTE (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today and March 9 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. PALLONE, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCHUGH, for 5 minutes, March 13, 14, and 15.

Mr. MORAN of Kansas, for 5 minutes, March 14.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. HERGER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, March 14.

Mrs. MORELLA, for 5 minutes, March 9.

Mr. COLLINS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 2000, 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:

6479. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon; Pesticide Tolerance [OPP–300978–FRL–6492–7] (RIN: 2070–AB78) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6480. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diclosulam; Pesticide Tolerance [OPP–300977; FRL–6492–3] (RIN: 2070–AB78) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6481. A letter from the Department of Defense, transmitting notification that the Commander of Elmendorf Force Base (AFB), Alaska, has conducted a cost comparison to reduce the cost of the Telephone Switchboard Operations function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6482. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Chronic Beryllium Disease Prevention Program [Docket No. EH-RM–98–BRYLM] (RIN: 1901–AA75) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6483. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices: Reclassification of the Penile Rigidity Implant [Docket No. 97N–0481] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6484. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Utilization of Small, Minority, and Women's Business Enterprises in Procurement Assistance Agreements—received February 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6485. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Recovered Materials Advisory Notice III [SWH-FRL 6524–3] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6486. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 2000 Grant Funds for the Support of a Pollution Prevention Information Network [OPPTS–00280; FRL–6391–3] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6487. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 1998 Multimedia Environmental Justice Through Pollution Prevention Grant Funds [OPPTS–00230; FRL–5766–1] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6488. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 1999 Multimedia Environmental Justice Through Pollution Prevention Grant Funds [OPPTS–00273; FRL–6085–8] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6489. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability [OPPTS–00251; FRL–6037–9] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6490. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Justice Through Pollution Prevention Grant Guidance 1999 —received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6491. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Incentives for Tribes Grant Guidance—received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6492. A letter from the Director, Office of Regulatory and Management Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Revisions to the Georgia State Implementation Plan [GA44 & GA36–9948a; FRL–6547–4] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6493. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Optional Certification Streamlining Procedures for Light-Duty Trucks, and Heavy-Duty Engines for Original Equipment Manufacturers and

for Aftermarket Conversion Manufacturers; Final Rule [AMS-FRL–6545–7] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6494. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—180–Day Accumulation Time Under RCRA for Waste Water Treatment Sludges From Metal Finishing Industry [FRL–6547–6] (RIN: 2050–AE60) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6495. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation Number 37–NOx Budget Program [DE046–1022a; FRL–6547–9] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6496. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Qualtiy Implementation Plan; Connecticut, New Hampshire, and Rhode Island; Approval of National Low Emission Vehicle Program [CT–054–7213A; A–1–FRL–6545–9] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6497. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA 184–0220a; FRL–6546–8] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6498. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District [CA 179–0178; 6546–6] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6499. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period December 1, 1999 January 31, 2000, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

6500. A communication from the President of the United States, transmitting a report to the Congress on cost-sharing arrangements, as required by Condition 4(A) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; to the Committee on International Relations.

6501. A communication from the President of the United States, transmitting a report in connection of Condition (9), Protection of Advanced Biotechnology; to the Committee on International Relations.

6502. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6503. A letter from the Merit Systems Protection Board, transmitting the Board's report for fiscal year 1999 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Government Reform.

6504. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea [Docket No. 00119015–0015–01; I.D. 022200C] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6505. A letter from the Assistant Attorney General, Department of Justice, Office of Legislative Affairs, transmitting the Department of Justice's prison impact assessment (PIA) annual report for 1999; to the Committee on the Judiciary.

6506. A letter from the Chief, International and General Law, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels [Docket No. MARAD–1999–5915] (RIN: 2133–AB39) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Changes in Permissible Stage 2 Airplane Operations—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, NC [Airspace Docket No. 00–ASO–7] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6509. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Standard Clause for Export Controlled Technology—received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6510. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Administrative Revisions to the NASA FAR Supplement— received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6511. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Correction of Inconsistency with FAR22.1103—received December 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6512. A letter from the Senior Attorney, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule —Offset of Tax Refund Payments To Collect State Income Tax Obligations— received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6513. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit [TD 8859] (RIN: 1545–AV44) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6514. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalty Relief for Certain Taxpayers Affected by Section 571 of the Tax Relief Extension Act of 1999 [Notice 2000–5] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6515. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 2000–4] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6516. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Plans Determination Letter Procedures [Rev. Proc. 2000–6] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6517. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes [Rev. Rule 2000–3] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6518. A communication from the President of the United States, transmitting Action under Section 203(b) of the Trade Act of 1974 Pertaining to the Safegaurd Action that I Proclaimed Today on Imports of Line Pipe; to the Committee on Ways and Means.

6519. A communication from the President of the United States, transmitting Action Under the Section 203(b) of the Trade Act of 1974 Concerning Steel Wire Rod; 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. SHUSTER: Committee of Conference. Conference report on H.R. 1000. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 106–513). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 432. Resolution waiving points of order against the conference report to accompany the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes (Rept. 106–514). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 433. Resolution providing for consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes (Rept. 106–515). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 434. A resolution providing for consideration of the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and for consideration of the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes (Rept. 106–516). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Ms. BERKLEY, Mr. DIXON, and Mr. WAXMAN):

H.R. 3840. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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 Mrs. MORELLA:

H.R. 3841. A bill to amend title 5, United States Code, to make permanent the Federal physicians comparability allowance authority, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. STUPAK, Mr. WOLF, Mr. DAVIS of Virginia, Mr. ACKERMAN, Mr. HOYER, and Mr. GILMAN):

H.R. 3842. A bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Government Reform.

By Mr. TALENT (for himself, Ms. VELAZQUEZ, Mrs. KELLY, Mr. DAVIS of Illinois, Mr. HILL of Montana, Mr. PASCRELL, Mr. SWEENEY, Mrs. MCCARTHY of New York, Mrs. BONO, Mr. HINOJOSA, Mr. ENGLISH, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. MOORE, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. BAIRD, and Mr. PHELPS):

H.R. 3843. A bill to reauthorize programs to assist small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. POMBO:

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes; to the Committee on Ways and Means.

By Mr. TALENT (for himself and Ms. VELAZQUEZ):

H.R. 3845. A bill to make corrections to the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SHIMKUS:

H.R. 3846. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BEREUTER:

H.R. 3847. A bill to amend the Agricultural Market Transition Act to authorize a program to encourage agricultural producers to rest and rehabilitate croplands while enhancing soil and water conservation and wildlife habitat; to the Committee on Agriculture.

By Mr. BRADY of Pennsylvania:

H.R. 3848. A bill to direct the Secretary of Transportation to enter into an arrangement with Temple University to conduct a study on the impact on highway safety of distractions to drivers operation motor vehicles in the United States; to the Committee on Transportation and Infrastructure.

By Mr. COLLINS (for himself, Mr. WATKINS, and Mr. KINGSTON):

H.R. 3849. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent per gallon increases in motor fuel taxes enacted in 1993; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mr. GORDON, Mr. PICKERING, and Mr. BARRETT of Wisconsin):

H.R. 3850. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce.

By Mrs. CUBIN:

H.R. 3851. A bill to provide an election for a special tax treatment of certain S corporation conversions; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3852. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; to the Committee on Commerce.

By Mr. DEMINT:

H.R. 3853. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3854. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3855. A bill to reduce temporarily the duty on Baytron M; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3856. A bill to reduce temporarily the duty on Baytron C-R; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 3857. A bill to amend the Internal Revenue Code of 1986 to provide that no portion of any benefit under a workmen's compensation act shall be treated as a Social Security benefit for purposes of the taxation of Social Security benefits; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3858. A bill to suspend temporarily the duty on iced teas; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. METCALF, Mr. SALMON, Mr. COLLINS, Mr. STEARNS, Mr. COBURN, Mr. RAMSTAD, Mr. SESSIONS, Mr. POMBO, and Mr. NETHERCUTT):

H.R. 3859. A bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, 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. KLINK:

H.R. 3860. A bill to provide that any visitor's center or museum located in the proximity of or within the boundaries of Gettysburg National Military Park that is constructed or designated as a visitor's center or museum after the date of the enactment of this Act shall be known and designated as the ''George D. and Emily G. Rosensteel Memorial Visitors' Center''; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Ms. WOOLSEY, Mr. SHAYS, Mrs. MINK of Hawaii, Mr. CONYERS, Mrs. THURMAN, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. ABERCROMBIE, Mr. TIERNEY, and Mr. LEVIN):

H.R. 3861. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to the Committee on Education and the Workforce.

By Mr. MCCOLLUM:

H.R. 3862. A bill to amend title 18, United States Code, to prevent certain frauds involving aircraft or space vehicle parts, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. HINCHEY, and Ms. BALDWIN):

H.R. 3863. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture.

By Mr. OBEY (for himself, Mr. HINCHEY, and Ms. BALDWIN):

H.R. 3864. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture.

By Mr. POMBO:

H.R. 3865. A bill to prohibit the use of Federal funds for any program that restricts the use of any privately owned water source; to the Committee on Resources.

By Mr. ROTHMAN:

H.R. 3866. A bill to reestablish the annual assay commission; to the Committee on Banking and Financial Services.

By Mr. SMITH of Washington:

H.R. 3867. A bill to give control of education back to local communities; to the Committee on Education and the Workforce.

By Mr. BOEHLERT:

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Commerce.

By Ms. BROWN of Florida:

H. Con. Res. 268. Concurrent resolution supporting a National Day of Honor for African American World War II veterans; to the Committee on Government Reform.

By Mr. EHLERS (for himself, Mr. THOMAS, Mr. NEY, Mr. BOEHNER, Mr. EWING, Mr. MICA, Mr. HOYER, Mr. FATTAH, and Mr. DAVIS of Florida):

H. Con. Res. 269. Concurrent resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities; to the Committee on House Administration.

By Mr. SCARBOROUGH:

H. Con. Res. 270. Concurrent resolution condemning the racist and anti-Semitic views of the Reverend Al Sharpton; to the Committee on the Judiciary.

By Mr. WEYGAND:

H. Con. Res. 271. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; to the Committee on Commerce.

By Mr. MEEKS of New York (for himself, Mr. ROYCE, Mr. GEJDENSON, Mr. CAMPBELL, Mr. PAYNE, Mr. HOUGHTON, Mr. HASTINGS of Florida, Ms. LEE, Mr. CLYBURN, Mr. TOWNS, Mr. WYNN, Ms. MILLENDER-MCDONALD, Ms. CARSON, Mrs. MEEK of Florida, Mr. CUMMINGS, Ms. WATERS, Mr. RANGEL, Mr. CONYERS, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. CROWLEY, and Mrs. MCCARTHY of New York):

H. Res. 431. A resolution expressing support for humanitarian assistance to the Republic of Mozambique; to the Committee on International Relations.

By Mr. SESSIONS (for himself and Mr. PETERSON of Minnesota):

H. Res. 435. A resolution expressing the sense of the House of Representatives that Medicare beneficiaries should have access to outpatient prescription drug coverage; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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 Mrs. WILSON (for herself, Mr. SKEEN, Mr. UDALL of New Mexico, and Mr. STUMP):

H. Res. 436. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued commemorating the 75th anniversary of the commissioning of U.S. Route 66; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EHLERS:

H.R. 3868. A bill to provide for the reliquidation of certain entries of vacuum cleaners; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 3869. A bill to provide for the liquidation or reliquidation of certain entries of copper and brass sheet and strip; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 3870. A bill for the relief of Anne M. Nagel; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. NETHERCUTT and Mr. SCHAFFER.
H.R. 59: Mr. BACHUS.
H.R. 73: Mr. DOOLITTLE.
H.R. 88: Mr. KILDEE.
H.R. 175: Mr. TRAFICANT, Mr. ISAKSON, and Mr. BARR of Georgia.
H.R. 218: Mr. SHAYS, Mr. INSLEE, Ms. BERKLEY, Mr. TERRY, Mr. ROYCE, and Mr. SKEEN.
H.R. 372: Mr. SANDERS and Mr. SAXTON.
H.R. 444: Mrs. THURMAN.
H.R. 483: Mr. BONIOR and Mr. EHRLICH.
H.R. 531: Mrs. MINK of Hawaii and Mr. BONIOR.
H.R. 534: Mr. SAXTON, Mr. FRANKS of New Jersey, Mr. ABERCROMBIE, Ms. MCCARTHY of Missouri, and Mr. THOMPSON of California.
H.R. 566: Mr. RAMSTAD and Mr. ANDREWS.
H.R. 568: Mr. BLAGOJEVICH.
H.R. 583: Mr. BARR of Georgia.
H.R. 612: Mr. STRICKLAND and Mr. MCDERMOTT.
H.R. 654: Mr. NUSSLE.
H.R. 688: Mr. ROHRABACHER.
H.R. 701: Mrs. THURMAN, Ms. ROS-LEHTINEN, Mr. MASCARA, Mr. STEARNS, Mr. SCOTT, Mr. WATTS of Oklahoma, Mr. BRADY of Pennsylvania, Mr. DEFAZIO, Mr. HILL of Indiana, and Mr. POMEROY.
H.R. 728: Mr. HUTCHINSON, Mr. HOUGHTON, Mr. ROGERS, and Mr. FLETCHER.
H.R. 730: Ms. HOOLEY of Oregon and Mr. WEINER.
H.R. 745: Mr. TIERNEY.
H.R. 803: Mr. GOODLING, Mr. FOLEY, Mr. ABERCROMBIE, and Mr. BONILLA.
H.R. 804: Mr. KILDEE.
H.R. 829: Mrs. MEEK of Florida, Mr. MCDERMOTT, Mr. PASTOR, Ms. MILLENDER-MCDONALD, Mr. DEFAZIO, Mr. WEXLER, Mr. DAVIS of Illinois, Mrs. TAUSCHER, Mr. HINCHEY, Mr. LUTHER, Mr. BONIOR, Ms. WATERS, Ms. DELAURO, Mr. BERMAN, Mr. LEWIS of Georgia, Mr. MARKEY, Ms. KILPATRICK, Mr. BROWN of Ohio, Mr. ENGEL, Mr. WAXMAN, and Mr. GUTIERREZ.
H.R. 835: Mr. NUSSLE.
H.R. 840: Mr. CUMMINGS and Mr. SERRANO.
H.R. 860: Mr. RANGEL, Mr. SAXTON, and Ms. JACKSON-LEE of Texas.
H.R. 904: Mr. MATSUI, Mr. HOEFFEL, Mr. WELDON of Florida, Mr. WAXMAN, Ms. DEGETTE, Mr. TIAHRT, Mr. DICKS, and Mr. POMEROY.
H.R. 923: Ms. MCKINNEY, Mr. NADLER, and Mr. KENNEDY of Rhode Island.
H.R. 985: Mr. GILLMOR.
H.R. 1001: Mr. SHOWS and Mr. COOK.
H.R. 1044: Mr. COMBEST.
H.R. 1046: Mr. LARSON.
H.R. 1068: Mr. NORWOOD.
H.R. 1071: Mr. DICKS, Mr. MATSUI, Mr. HOUGHTON, Mr. INSLEE, Ms. MILLENDER-MCDONALD, Mr. DOYLE, Mr. MCNULTY, Mr. BISHOP, Mr. BILBRAY, Mr. ROHRABACHER, Mr. BALDACCI, and Mr. POMEROY.
H.R. 1082: Mr. BORSKI.
H.R. 1102: Mr. RYAN of Wisconsin and Mr. REGULA.
H.R. 1109: Mr. PAYNE.
H.R. 1111: Ms. CARSON, Mr. ABERCROMBIE, and Mr. ROMERO-BARCELO.
H.R. 1129: Mrs. CLAYTON.
H.R. 1168: Mr. LATHAM, Mr. WOLF, Mrs. WILSON, and Mr. YOUNG of Florida.
H.R. 1187: Mr. HULSHOF and Mr. ISAKSON.
H.R. 1190: Ms. JACKSON-LEE of Texas.
H.R. 1196: Mr. DIXON.
H.R. 1217: Mr. ORTIZ, Mr. LUCAS of Oklahoma, Mrs. NAPOLITANO, and Mr. BLAGOJEVICH.
H.R. 1227: Ms. LEE and Mr. KUCINICH.
H.R. 1260: Mr. RADANOVICH and Mr. WATKINS.
H.R. 1271: Mr. WATT of North Carolina and Ms. HOOLEY of Oregon.
H.R. 1325: Mr. BARRETT of Wisconsin, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, and Mr. STARK.
H.R. 1354: Mr. STENHOLM, Mr. ORTIZ, Mr. RODRIGUEZ, and Mr. ISTOOK.
H.R. 1367: Mr. LAHOOD.
H.R. 1371: Mr. MCNULTY.
H.R. 1388: Mr. MORAN of Virginia, Mr. GILMAN, and Mr. MCINNIS.
H.R. 1398: Mr. MCINNIS.
H.R. 1413: Mr. ABERCROMBIE.
H.R. 1443: Mr. KUCINICH, Mr. RANGEL, and Mr. OWENS.
H.R. 1452: Mr. JACKSON of Illinois and Mr. BARCIA.
H.R. 1494: Mr. ROGERS and Ms. JACKSON-LEE of Texas.
H.R. 1495: Mr. EVANS and Mr. KLINK.
H.R. 1503: Mrs. EMERSON.
H.R. 1532: Mr. KUYKENDALL.
H.R. 1573: Mr. BENTSEN.
H.R. 1592: Mr. MCKEON, Mr. REGULA, Mr. MARTINEZ, and Mr. LAHOOD.
H.R. 1606: Mr. SESSIONS.
H.R. 1607: Mrs. ROUKEMA.
H.R. 1622: Mrs. JONES of Ohio.
H.R. 1625: Mr. RAHALL, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. GONZALEZ, and Ms. CARSON.
H.R. 1681: Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Ms. CARSON, Mr. RUSH, and Ms. MCKINNEY.
H.R. 1747: Mr. OSE and Mr. GUTKNECHT.
H.R. 1785: Mr. OWENS.
H.R. 1796: Mr. MINGE.
H.R. 1824: Mr. DEAL of Georgia.
H.R. 1975: Mr. COX and Mr. KOLBE.
H.R. 1976: Mr. DIAZ-BALART.
H.R. 2102: Mr. POMEROY.
H.R. 2121: Mr. KLINK.
H.R. 2200: Mr. GEKAS.
H.R. 2246: Mr. GUTKNECHT.
H.R. 2263: Mr. RAMSTAD and Mr. REGULA.
H.R. 2264: Mr. RAMSTAD and Mr. REGULA.
H.R. 2265: Ms. BROWN of Florida.
H.R. 2282: Mrs. MINK of Hawaii.
H.R. 2298: Mr. KUCINICH.
H.R. 2308: Mrs. JONES of Ohio, Mr. QUINN, Mr. HOBSON, and Mr. BOSWELL.
H.R. 2382: Mr. CHABOT.
H.R. 2451: Mrs. THURMAN.
H.R. 2498: Mrs. THURMAN and Mrs. NAPOLITANO.
H.R. 2554: Ms. RIVERS.
H.R. 2588: Mr. GREEN of Texas, Mr. FROST, Mr. DEUTSCH, Mr. HILLIARD, Mrs. THURMAN, Mr. SHOWS, Mr. UNDERWOOD, and Mr. WOLF.
H.R. 2631: Mr. KUYKENDALL.
H.R. 2655: Mr. RADANOVICH and Mr. ENGLISH.
H.R. 2686: Ms. NORTON.
H.R. 2738: Ms. LOFGREN.
H.R. 2749: Mr. OSE.
H.R. 2776: Mr. OWENS.
H.R. 2814: Mr. UDALL of New Mexico.
H.R. 2867: Mr. THORNBERRY and Mr. BONILLA.
H.R. 2870: Mr. COYNE, Mr. CRAMER, and Mr. ROMERO-BARCELO.
H.R. 2871: Mr. BARRETT of Wisconsin and Mr. SESSIONS.
H.R. 2892: Mr. ENGLISH and Mrs. CAPPS.
H.R. 2894: Mr. SHOWS.
H.R. 2902: Ms. CARSON.
H.R. 2938: Mrs. THURMAN.
H.R. 2964: Mr. DICKEY.
H.R. 2991: Mr. MCINTOSH.
H.R. 3132: Mrs. NAPOLITANO and Mr. JEFFERSON.
H.R. 3173: Mr. MCINTOSH and Mr. HILL of Montana.
H.R. 3180: Ms. JACKSON-LEE of Texas and Mr. ROGAN.
H.R. 3192: Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. GILMAN, Mr. WAXMAN, Mr. CAPUANO, Mr. EHLERS, Mr. SWEENEY, Mr. OBERSTAR, Mr. BONIOR, Mr. HINCHEY, Mr. PALLONE, Mr. LEACH, and Ms. HOOLEY of Oregon.
H.R. 3193: Mr. HOLT, Mr. HINCHEY, Mr. BENTSON, Mr. BASS, Mr. BARCIA, Ms. HOOLEY of Oregon, and Mr. DIAZ-BALART.
H.R. 3235: Mr. BILBRAY, Ms. CARSON, and Mr. HORN.
H.R. 3239: Mr. GOODE.
H.R. 3241: Mr. SPENCE.
H.R. 3256: Mr. ANDREWS.
H.R. 3299: Mr. TAYLOR of North Carolina.
H.R. 3301: Mr. LAFALCE and Mr. SKELTON.
H.R. 3313: Mr. KINGSTON and Mr. ENGLISH.
H.R. 3320: Mr. UDALL of New Mexico and Ms. DEGETTE.
H.R. 3405: Mr. MARKEY, Mr. ENGEL, Mr. MANZULLO, Mr. MATSUI, and Mr. BEREUTER.
H.R. 3408: Mr. DREIER, Mr. GOODLATTE, Mr. ROYCE, and Mr. CALVERT.
H.R. 3420: Mr. BENTSEN, Mr. OXLEY, and Mr. BOEHLERT.
H.R. 3429: Mr. REYES.
H.R. 3463: Mr. BORSKI.
H.R. 3518: Ms. JACKSON-LEE of Texas and Mr. TAUZIN.
H.R. 3519: Mrs. MORELLA, Mr. WEXLER, Ms. MCKINNEY, and Mrs. JONES of Ohio.
H.R. 3535: Mr. CAMPBELL.
H.R. 3552: Mr. DEAL of Georgia and Mrs. THURMAN.
H.R. 3563: Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. WAXMAN, Mr. LIPINSKI, Mr. CARDIN, Ms. CARSON, and Ms. JACKSON-LEE of Texas.
H.R. 3568: Mr. RIVERS.
H.R. 3571: Ms. CARSON.
H.R. 3573: Mr. EVANS, Mr. HOLDEN, Mr. JONES of North Carolina, Mr. PAYNE, Mr. ROMERO-BARCELO, Ms. SANCHEZ, Mr. WISE, Mr. WEINER, Mr. ROHRABACHER, and Mr. JOHN.
H.R. 3576: Mr. BENTSEN.
H.R. 3578: Mr. COBURN, Mr. GREEN of Wisconsin, Ms. PRYCE of Ohio, Mr. SCHAFFER, and Mr. CHAMBLISS.
H.R. 3581: Mr. KUCINICH, Mr. OWENS, Mr. REYES, Mr. CLYBURN, Mr. SAWYER, Ms. JACKSON-LEE of Texas, and Mrs. THURMAN.
H.R. 3591: Mr. ARCHER, Mr. BATEMAN, Mr. BASS, Mr. BOEHNER, Mr. CASTLE, Mr. COMBEST, Mr. COSTELLO, Mr. CRANE, Mr. DIAZ-BALART, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOSSELLA, Mr. GANSKE, Mr. GREENWOOD, Mr. HANSEN, Mr. HOLT, Mr. HUTCHINSON, Mr. LUCAS of Oklahoma, Mr. MCHUGH, Mr. MCNULTY, Mr. NEY, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. RANGEL, Mr. ROMERO-BARCELO, Mr. RYAN of Wisconsin, Mr. SANFORD, Mr. SHERWOOD, Mr.

SMITH of New Jersey, Mr. TAYLOR of North Carolina, and Mr. TAYLOR of Mississippi.

H.R. 3594: Mr. MCINTOSH, Mr. BUYER, Mr. SHAYS, Mrs. THURMAN, Mr. DEFAZIO, Mr. PHELPS, Mr. GOODLING, Mr. BARCIA, Mr. GILLMOR, Mr. BEREUTER, Mr. BARRETT of Nebraska, Mr. LINDER, Mr. JONES of North Carolina, Mr. COBURN, Mr. GONZALEZ, Mr. NEAL of Massachusetts, Mr. BAKER, and Ms. RIVERS.

H.R. 3608: Mr. LAFALCE, Mr. GILCHREST, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mrs. MORELLA, Ms. CARSON, Mr. BISHOP, Ms. JACKSON-LEE of Texas, Mr. MINGE, and Mr. SPRATT.

H.R. 3641: Mr. ENGLISH.

H.R. 3682: Mr. HOEFFEL, Mr. SANDERS, and Mr. FRANK of Massachusetts.

H.R. 3686: Mr. CONYERS.

H.R. 3688: Mr. DINGELL.

H.R. 3691: Mr. RILEY.

H.R. 3692: Mr. CHAMBLISS.

H.R. 3695: Mr. SUNUNU and Mr. COLLINS.

H.R. 3698: Mr. CAPUANO.

H.R. 3702: Mr. REYES, Mr. HOLT, Mr. CLEMENT, and Mr. DAVIS of Florida.

H.R. 3705: Mrs. JONES of Ohio, Ms. BROWN of Florida, Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. BROWN of Ohio, Mr. BECERRA, Mrs. CHRISTENSEN, Mr. BISHOP, and Mr. BALDACCI.

H.R. 3732: Mr. DOYLE, Mr. HINCHEY, Mr. MCGOVERN, Mrs. CAPPS, Mr. BENTSEN, Ms. LEE, Mrs. LOWEY, and Mr. PETERSON of Minnesota.

H.R. 3766: Mr. PAYNE, Mr. YOUNG of Alaska, Mr. KLECZKA, Mr. CLEMENT, Mr. HOLT, Mr. MCGOVERN, Mr. GEKAS, Ms. MILLENDER-MCDONALD, Mr. TRAFICANT, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. VENTO, Mr. HOLDEN, Mrs. MALONEY of New York, Mr. GONZALEZ, and Mr. Peterson of Minnesota.

H.R. 3812: Ms. LEE, Mr. FROST, Mr. PAYNE, and Mr. MCDERMOTT.

H.R. 3825: Ms. MCKINNEY.

H.J Res. 64: Mr. SAXTON.

H.J. Res. 77: Mr. BILIRAKIS.

H.J. Res. 86: Mr. BONIOR, Mr. CLEMENT, Mr. POMBO, and Mr. ENGLISH.

H.J. Res. 90: Mr. CHENOWETH-HAGE.

H. Con. Res. 62: Mr. PRICE of North Carolina, Mr. LARSON, Mr. BACHUS, Mr. LEACH, Mr. WEYGAND, and Mr. RYUN of Kansas.

H. Con. Res. 174: Ms. MCKINNEY.

H. Con. Res. 182: Mr. NUSSLE.

H. Con. Res. 209: Mr. STUPAK, Mr. MINGE, Mr. PASTOR, Ms. LOFGREN, Mr. LAHOOD, and Mr. RAMSTAD.

H. Con. Res. 226: Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Mr. CLEMENT, Mr. ANDREWS, and Mr. ENGLISH.

H. Con. Res. 233: Mr. TAYLOR of North Carolina.

H. Con. Res. 238: Mr. DIXON, Mr. ABERCROMBIE, and Mrs. LOWEY.

H. Con. Res. 253: Mr. SAXTON and Mr. KNOLLENBERG.

H. Con. Res. 256: Mr. LAHOOD.

H. Con. Res. 259: Mrs. MALONEY of New York, Mr. TOWNS, Ms. NORTON, Mr. UNDERWOOD, Mr. DIXON, and Ms. HOOLEY of Oregon.

H. Con. Res. 260: Mr. SUNUNU, Mr. LINDER, Mr. CHAMBLISS, Mr. RAMSTAD, Mr. PETERSON of Pennsylvania, Mr. HILLEARY, Mr. EVERETT, Mr. FRANKS of New Jersey, Mrs. BONO, Mr. RILEY, Ms. DUNN, Mr. BACHUS, Mr. DOOLITTLE, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. NETHERCUTT, Mr. KNOLLENBERG, Mr. TAUZIN, Mr. HAYES, Mr. SCHAFFER, Mr. LARGENT, Mr. BALLENGER, Mr. LUCAS of Oklahoma, Mr. ROHRABACHER, Mr. ARCHER, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. MCCRERY, and Mr. MUNZULLO.

H. Con. Res. 261: Mr. MALONEY of Connecticut, Ms. LEE, Mr. MCGOVERN, Mr. LEVIN, Mr. VENTO, and Mr. STARK.

H. Con. Res. 262: Mr. EHRLICH and Mr. LANTOS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 979: Mr. SHOWS.

H. Res. 396: Mrs. CLAYTON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3832

OFFERED BY: MS. BERKLEY

AMENDMENT NO. 1: In section 274(n)(2)(B) of the Internal Revenue Code of 1986, as proposed to be added by section 103 of the bill, strike ''55 percent'' and insert ''75 percent'' and strike ''60 percent'' and insert ''100 percent''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, MARCH 8, 2000 *No. 25*

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:

Almighty God, we praise You for not making life a courtroom without a judge. We don't have to judge ourselves with self-condemnation or others with harshness. You are the judge of our lives, the one to whom we must account for our behavior, character, and relationships. We expose our private and public lives to Your judgment. There are no secrets from You. We spread out before You the work of this Senate and ask You to show us what You require. This is Your nation. The Senators and all who work for and with them are here by divine appointment. Your justice and righteousness are our mandates. May we see ourselves honestly in the pure white light of Your truth.

As we stand before You as our judge, we view You beside us with mercy and within us as perfect peace. Take our hands, dear Lord. Lead us on so that as this day closes and we say our prayers, we may have less to confess and more for which to give thanks. In Your righteous, all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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. ALLARD). The Senator from Washington is recognized.

SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will begin 1 hour of debate on the conference report to accompany the Federal Aviation Administration bill. Following that debate, the Senate will be in a period of morning business until 11:30 a.m. with the time under the control of Senators BROWNBACK and DURBIN. Following morning business, the Senate will begin consideration of the Export Administration Act with amendments to the bill expected to be offered. As a reminder, there will be three stacked votes at 5 p.m. The first vote will be on the conference report to accompany the Federal Aviation Administration bill, to be followed by the two cloture votes with respect to the Berzon and Paez nominations.

I thank my colleagues for their cooperation.

UNANIMOUS CONSENT REQUEST—S. RES. 237

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 237, which has been held over under the rule, that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, for the minority, we are grateful that we are now at a point where we can move forward on the FAA bill. It has been held up for a long time. It is very important to the country, and hopefully by the end of the day we will have the conference report approved.

We also hope, with the export administration bill that we have been waiting for weeks now to have debated in the Senate, we can move forward with that bill. We are very hopeful that the bill that comes out of conference is one that has the meat of what is needed to help our high-tech industry and not a watered-down version of a bill we may not be able to support.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 1000 which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1000, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 8, 2000.)

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate with 20 minutes under the control of the majority leader, 20 minutes under the control of the Democratic leader, and 20 minutes under the control of the Senator from New Jersey, Mr. LAUTENBERG.

The Senator from Washington.

Mr. GORTON. Mr. President, it is with great pleasure that I appear here today with my friend and colleague from West Virginia, Senator ROCKEFELLER, to present to the Senate the

Printed on recycled paper.

conference report on the Federal Aviation Administration reauthorization measure. The compromise reached in this legislation is not only fair but constructive. It will provide necessary increases especially in capital funds for our aviation infrastructure and does provide a reasonable balance with the needs of that system and our limited Federal resources.

I went to the conference committee on this bill with a unique perspective because I sit on the Budget and Appropriations Committees as well as serving as the chairman of the Aviation Subcommittee. My duties on these committees allowed me to see the hard choices that must be made to stay within our tight budgets.

The final agreement reached with Chairman SHUSTER in the House ensures the trust fund revenues will be used for aviation spending. I joined Senator DOMENICI in supporting the Senate position on this issue, a position that allows for expenditure of these revenues for their intended purposes without tying the hands of the Appropriations Committee. That was an integral part of the final passage, and I commend Senator DOMENICI for his hard work on this issue, together with the tremendous contributions we received from Senator STEVENS.

One issue with which I have some reservations is amending the Death on the High Seas Act. I am pleased that the resolution amends the statute to bring the anachronistic law more up to date by allowing the recovery of certain types of non-economic damages. The resolution removes the cap on these damages contained in the Senate bill. I am also pleased that we have clearly retained the prohibition on punitive damages, which are not designed to compensate and which are so often abused. I think the resolution is good insofar as it reflects the Senate approach of keeping most aviation accidents on the high seas within the statute, thereby providing some semblance of certainty and uniformity. I have reservations, however, about the change demanded by the House conferees retroactively to change, from three to twelve nautical miles, the distance from the U.S. shore at which the Death on the High Seas act applies. Those who have wanted to take commercial aviation accident cases on the high seas out of DOHSA altogether have argued that this will cure the unfairness of different recoveries based on the chance of the accident happening over land or over the high seas. I have strongly disagreed with that proposition. Eliminating DOHSA leaves you with a dizzying array of State, Federal, foreign, or perhaps, no, law about which lawyers can fight endlessly, further postponing recovery. I trust those who have demanded that we complicate the federal law retroactively to take TWA Flight 800 litigation out of the coverage of DOHSA have fully considered the effects of that change.

My concerns with this issue are balanced with the positive aspects of this bill such as the removal of slot restrictions at Chicago O'Hare, Washington National, and the two New York airports. These provisions will improve competition, reduce fares, and provide additional service to small communities.

Another provision which will stimulate competition and help to bridge the funding gap that currently exists is an increase in the cap on the passenger facility charge. This provision gets to the heart of my guiding philosophy, which is to give local officials more decision-making power.

Although I favor an increase in the cap on the PFC, I realize that this is just one piece of the puzzle. We must look at the issues of our national aviation system in a larger context if we are going to meet the capacity demands of the 21st century. We cannot rely on unlimited federal funding to solve all of our problems. We must stretch our finite resources as far as possible.

A prime example of this is the modernization of the air traffic control system. This process has been ongoing for more than 15 years. We can no longer allow the program to continue the ''stops and starts'' of the past. Improvements must get on track, or, as the National Civil Aviation Review Commission warned us, the growing demand for air services combined with outdated equipment will soon bring gridlock and serious concerns about safety.

The Federal Aviation Commission needs to spare no effort over the next few years to modernize the air traffic control system. All of this needs to be done right, and be done now, to ensure continued safety and efficiency in the aviation industry.

Reforming the way in which the Federal Aviation Administration does business, and ensuring it is as efficient as possible, is a positive first step. This bill contains provisions, which I worked on with Senator ROCKEFELLER, to move the Federal Aviation Administration in the direction of being a more business-like entity. Positive reforms, not just increased funding, are integral to achieving our goal.

Although these reforms are a positive first step, I will continue to explore other possible options such as corporatization of the air traffic control system as the 2nd session of the 106th Congress continues. I believe we can learn from the work of countries such as Canada, New Zealand, and Australia, which have moved to privately run systems. The concerns of general aviation will be of paramount importance to me as this debate continues, and I welcome the input of all interested parties.

In summary, this agreement will allow both sides to reach our common goal, which is to ensure that we continue to have the safest, most efficient aviation system well into the 21st century.

I would like to take a minute to thank the Senate staff who worked tirelessly on this issue: Aviation subcommittee staff, Ann Choiniere, Mike Reynolds, Sam Whitehorn, and Julia Krauss ably tended the technical provisions of the bill. Wally Burnett with Senator STEVENS, and Cheryle Tucker with Senator DOMENICI were vital in negotiations over budgetary issues.

I also thank Jim Sartucci and Keith Hennessey from Senator LOTT's staff for assisting with the final negotiations.

Last but certainly not least are my own staff members. I thank Jeanne Bumpus for her diligent efforts on the Death on the High Seas Act, and Brett Hale, who is with me today, and who left his name out of these printed remarks. He deserves thanks for the hundreds and hundreds of hours he has put in on this bill from beginning to end.

Finally, as I began, I want to say it has been a great pleasure to me to work with my friend from West Virginia, Senator ROCKEFELLER, whose interest in this subject is very high and whose competence in coming up with correct answers is equally high.

This bill is a true partnership, and I have enjoyed working with him on coming up with these solutions on that score.

I ask unanimous consent a summary of the major issues included in the FAA conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR ISSUES INCLUDED IN THE FAA CONFERENCE REPORT

LENGTH OF AUTHORIZATION

4 years (2000–2003) except Research title.

AIP AUTHORIZATION

$2.475 billion in 2000.
$3.2 billion in 2001.
$3.3 billion in 2002.
$3.4 billion in 2003.

F&E AUTHORIZATION

$2.68 billion in 2000.
$2.66 billion in 2001.
$2.799 billion in 2002.
$2.981 billion in 2003.

FAA OPERATIONS

$6.6 billion in 2001.
$6.886 billion in 2002.
$7.357 billion in 2003.

RE&D (3 YEAR AUTHORIZATION)

$224 million in 2000.
$237 million in 2001.
$249 million in 2002.

PASSENGER FACILITY CHARGE (PFC)

House provision, but would allow FAA to approve a PFC only up to $4.50. Basically, it increases PFCs by $1.50. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

AIRLINE CUSTOMER SERVICE

Plans to be submitted to DOT which in turn transmits a copy to the authorizing committees. DOTIG to monitor the implementation of each plan, evaluate and report on how each airline is living up to its commitment. DOT IG status report due to Congress on 6/15/00 and final report due 12/31/00. Directs DOT to initiate a rulemaking within 30 days of enactment to increase the domestic baggage liability limit; penalty for violations of aviation consumer laws and regulations are increased from $1100 to $2500 per

violation; GAO directed to study ''hidden city'' and ''back to back'' ticketing. The Conference also added a reference preventing discrimination against the handicapped as one of the responsibilities of the DOT consumer office. The DOTIG final report will also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans.

COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY (TRAVEL AGENTS)

Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effects this will have on consumers, if any, and what, if anything, should be done about it.

SLOTS IN NEW YORK

New York specific provisions

Slot restrictions are eliminated after January 1, 2007.

In the interim, DOT is directed to provide exemptions to any airline flying to the 2 New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or a non-hub as a replacement for a prop plane.

DOT is directed to grant exemptions to new entrant and limited incumbents for service to New York.

Exemptions are only for Stage 3 aircraft.

General Provisions

DOT must act on slot exemption requests within 60 days. Exemptions may not be bought, sold, leased or otherwise transferred. For purposes of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The maximum number of slots or slot exemptions that an airline can have and still qualify as limited incumbent is raised from 12 to 20.

SLOTS AT CHICAGO O'HARE

Chicago specific provisions

In addition, slot restrictions at Chicago are eliminated after July 1, 2002.

On July 1, 2001, slot restrictions will apply only between 2:45 pm and 8:14 pm. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane.

DOT is also directed to grant 30 slot exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days.

Slots will not longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international service can be converted to domestic use.

Exemptions are only for Stage 3 aircraft.

General Provisions

Same as described above for New York.

SLOTS AND THE PERIMETER RULE AT REAGAN NATIONAL

DOT is directed is grant 12 slot exemptions within the perimeter, and 12 slot exemptions outside the perimeter. These slots could go to more than one airline.

Exemptions must be for flights between 7 a.m. and 10 p.m. There can be no more than 2 additional flights per hour.

Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. 15 days are allowed to comment. After that, 45 days are allowed for DOT to make a decision.

Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

Exemptions are only for Stage 3 aircraft.

MWAA

Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also eliminates the requirement that the additional federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

DOHSA

The territorial sea for aviation accidents is extended from 3 nautical miles to 12 nautical miles. The affect of this is that DOHSA will not apply to planes that crash into the ocean within 12 miles from the shore of the U.S. The law governing accidents that occur between a 3 nautical miles and 12 nautical miles from land will be the same as those that now occur less than 3 nautical miles from the land.

For those aviation accidents that occur more than 12 miles form land, the DOHSA will continue to apply. However, in those cases, the Act is modified as in the Senate bill except that there is no $750,000 cap on damages.

UNRULY PASSENGER

Imposes fine of $25,000 on a person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

ANIMAL TRANSPORTATION

Modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants strong legislative remedies. Toward this end, scheduled airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry.

DOT and the Department of Agriculture must enter into a MOU to ensure that DOA receives this information. DOT must publish data on incidents and complaints involving animals in its monthly consumer reports or other similar publications.

In the meantime, DOT is directed to work with the airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

NATIONAL PARKS OVERFLIGHTS

Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a tour operator must apply to the FAA for the authority to conduct tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in a 30 day period.

FAA in cooperation with the Park Service shall establish an ATMP for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives to use quiet aircraft.

Prior to the establishment of the ATMP, the FAA shall grant interim authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the words of my friend from the State of Washington are not justified except if they are returned to him and to his staff.

The process of working legislation is extraordinary. This has been a very long process, more or less a 2-year process. Working with Senator SLADE GORTON from the State of Washington over the years has been a great privilege for me and continues on this bill, which is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, which is a long title, but we had to give it a long title in order to be able to give it an acronym, which is FAIR–21. FAIR, that is what the bill is.

Wendell Ford, should he be listening, should be very proud.

We have had half a dozen temporary extensions on this bill. It has been 2 years in the making. When Senator GORTON talks about the enormous number of hours spent by Sam Whitehorn of the committee staff, Kerry Ates of my own staff, and members of his own committee and personal staff, he is exactly right. It has been an extraordinary and frustrating process but a successful one.

There are many Members of the Senate and the House to thank. It was one of those situations where you had the authorizing committees, the budget committees, the appropriations committees, in both Houses, coming to an agreement—which is very rare in something of this sort, and all in a fairly short period of time. Frankly, including obviously Senator GORTON, I think I really want to thank the majority leader, Senator TRENT LOTT, for stepping in in a most remarkable way, most forcefully, at a critical time, to bring the parties together and make sure we pushed toward a solution.

In the end, I think we have achieved a bipartisan House-Senate compromise of which I, for one at least, am very proud. We have a final bill that will set us on an entirely new path in terms of the FAA, and in a larger sense for aviation in this country, which has enormous impact. For the aviation community, and those of us who work with them—and I thank them for their help on this bill, also; not all of them being happy about all aspects of it, but that is in the nature of things—hopefully this good economic news, of the passage of this bill, is, however, entirely overshadowed by fear that most of us have about the state of our system as it is now, of our aviation system particularly in regard to air traffic control and other matters in our infrastructure.

At current levels, our system is already so overburdened we are suffocating from congestion and delays. The country suffers through it. Is there a popular uprising? There does not seem to be one. But the fact is, it is a suffocating situation, a dangerous situation. We are increasingly concerned about safety, with every single reason to be, given the doubling of the number of air passengers and many more cargo planes and passenger planes to be built in the future. Whatever you see today, try to double it in your mind and then figure the same number of runways. How on Earth are people going to accept a situation where delays are growing longer and it becomes more dangerous unless we do something about it? This bill does. Delays have increased by 50 percent. Today, one in four flights is delayed more than 15 minutes. That is not what passengers want. That is not what airlines want.

To be very blunt about it, if there is no change in the way we are doing business, we will come to a situation before the year 2015 where there will be, somewhere in this world, a major airplane crash every 7 to 10 days. That is the course. It is a terrible course, a dangerous course, and one which this Congress cannot allow to go on and which this Congress, in fact, with this bill, does a great deal about.

We have fallen behind. Unless we get started immediately in the effort to modernize our air traffic control system, to fix our airports, we stand a very good chance of never being able to catch up, never catching up to the curve, much less getting ahead of it. That is fundamentally what this bill, FAIR–21, is about.

It is about fixing the system. It is about trying to get ahead of the growth curve with our most significant increase ever in airport and air traffic control funding, and some fundamental reforms in the way we do business in our system. It is about improving safety and service for the traveling public and supporting aviation employees under great stress in their challenging jobs. Senator GORTON and I have each seen that on many occasions. These people work under incredible tension all the time. They work with very old equipment.

It is about increasing competition. It is about giving a leg up, finally, to small communities such as I have in my State, as does Senator GORTON, as does every Senator in his or her State—small communities that were left behind when we did airline deregulation 20 years ago.

So, FAIR–21, this bill, will provide $40 billion for the FAA in fiscal year 2001 until fiscal year 2003. It is a 25-percent increase in total aviation funding. The key investments will be fixing aviation infrastructure, to wit, airport funding will increase by 33 percent, and air traffic control modernization funding will increase by 40 percent. That is so desperately needed. FAA funding operations will also increase by approximately 15 percent over the same period. We are beginning to nudge into the area to start fixing our problems.

This bill represents the will of the Congress, hopefully, and the will of the American people, to take a dangerous situation and start to fix it. For the very first time, FAIR–21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers, lo and behold, will be spent on aviation. That seems quite fair to me. That means that $33 billion of the $40 billion will be guaranteed from the trust fund, not taken off-budget, which this Senator would have liked to have seen but was not going to happen; so not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. This was part of the magic of the process that Senator TRENT LOTT, Senator GORTON, and others worked out to make people satisfied.

All told, this represents—and my colleagues should hear this—the biggest total increase in aviation investments ever. I know few problems receive that kind of boost unless the Congress perceives there is a crisis. What we learned over recent years about aviation was that a crisis was coming. I am thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, I want to point out a few of the key aviation law and policy changes contained in this bill which I think are very helpful and good:

Whistle-blower protection for aviation and airline employees who report safety problems;

A $1.50 increase on the cap of the passenger facility charge for airport projects, which is enormously helpful to local airports;

An Air Service Development Program, with grants up to $500,000 each for innovative efforts to improve air service in small communities; in other words, small communities can do something and get a match;

A ban on smoking everywhere, even internationally;

Easing of the slots rule at O'Hare, LaGuardia, and Kennedy Airports. This carries with it some controversy. Compromises were made. Not everybody was happy. But resolution was reached;

New criminal background checks and training for airport security personnel as the pressure on all of that continues to increase;

Increased funding for the essential air service program is enormously important in my State of West Virginia and every single area where there are rural airports. The State of the Presiding Officer has its fair share of those;

Finally, new and increased penalties for airline customer service violations. That goes along with the effort Senator GORTON and I led to have a passenger bill of rights, which the airlines could have first crack at, which seems to be working out very well but, on the other hand, we are watching very closely.

We have had a lot of time to work on this bill and, in my view, it has gotten better and better during the process and reached a crescendo in the last several days. It is a bold conference report designed to protect our future. I hope my colleagues will join me and the Senator from the State of Washington in sending this bill to the President.

So much of the work is done not just by Senators willing to compromise and House Members willing to compromise but, most importantly, by staff who worked through the night often to make sure things came out very well.

When we began the effort to enact meaningful legislation to address the needs of our air transportation system, we knew it would be a difficult process. Even anticipating that, I can tell you that it has been more difficult than any of us could have imagined.

This bill has been more than two years in the making, with nearly a half-dozen temporary extensions in the process. There are many Members in

the Senate and House to thank for all of the hard work and effort it took to bring this to a conclusion. Members on and off the conference committee have really rolled up their sleeves to work out a very difficult compromise. And above all others, the majority leader stepped in during these critical and delicate last few months to push us toward a final solution.

In the end, we've achieved a bipartisan, House-Senate compromise that I am very proud of. We have a final bill that I believe will set us on an entirely new path for the FAA and aviation.

Aviation in this country is at a crossroads. Aviation is a critical engine of economic development at the national and local levels, and it has the potential for unprecedented and incomprehensive growth over the next decade.

The travel and tourism industry employs 1 in 17 Americans.

Air travelers spend over $500 billion each year in the U.S. and generate more than $70 billion in federal, state and local taxes.

Aviation is the only U.S. industry that has consistently enjoyed a positive trade balance.

By 2009, enplanements are projected to increase to 1 billion people, from 650 million in 1999.

In many respects this is good news—it is one of the great success stories of our booming economy. Yet, for the aviation community and those of us who work with them, this good news is entirely overshadowed by fears about the state of our system. At current traffic levels, our system is already so overburdened that we are suffocating from congestion and delays, and we are increasingly concerned about safety.

Almost every week, another red flag goes up about the looming crisis in aviation.

Scheduled flying times have increased 75 percent on the top 200 routes in the nation.

Delays have increased by 50 percent, and today one in four flights is delayed more than 15 minutes, at a cost to the economy of more than $4 billion.

Recent data shows a rise in runway incidents (so-called runway incursions), and we read too often about near-misses in the skies.

If there is no change in the current accident rate before the year 2015, there is expected to be a major airline accident somewhere in the world every 7–10 days.

Yet, from 1998 to 1999, the FAA had to reduce safety inspections by 10 percent and cut 5 percent of its security staff.

All of us—the airlines, the airports, and the Congress—have had a difficult time keeping up with the pace of growth. The result is that, as a nation, we've fallen behind. Unless we get started immediately in the effort to modernize our traffic control system and fix our airports, we may never catch up.

That's fundamentally what this bill, FAIR–21, is all about. It's about fixing the system and trying to get ahead of the growth curve—with our most significant increase ever in airport and air traffic control funding and some fundamental reforms of our system.

And it's about improving safety and service for the traveling public; supporting aviation employees in challenging jobs, increasing competition, and giving a leg up finally to small communities who were left behind in airline deregulation twenty years ago.

FAIR–21 will provide $40 billion for the FAA for FY 2001–2003—a 25 percent increase in total aviation funding. The key investments will be fixing aviation infrastructure—airport funding will increase by 33 percent and air traffic control modernization funding will increase by 40 percent. FAA operations funding also will increase, by approximately 15 percent over the same period.

For the first time, FAIR–21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers will be spent on aviation. That means that $33 billion of the $40 billion bill will be guaranteed from the trust fund—not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. The remaining $6.7 billion would come from the General Fund, subject to appropriations.

For fiscal year 2001, the bill fully meets the President's budget request for FAA operations and air traffic control equipment, and it exceeds the President's budget request for AIP by $1.2 billion.

All told this represents the biggest total increase in aviation investments ever. I know that few programs receive that kind of boost—unless a crisis exists. What we have learned about aviation is that a crisis is coming. And I'm thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, let me also highlight a few of the key aviation law and policy changes contained in this bill that I think are particularly important. I am very pleased that the bill contains: whistleblower protection for airline and aviation employees who report safety problems; a $1.50 increase in the cap on the passenger facility charge for airport projects; an Air Service Development program, with grants of up to $500,000 each for innovative efforts to improve air service in small communities; a ban on smoking on all flights to and from the U.S., including international flights; an easing of the slot rules at O'Hare, LaGuardia and Kennedy Airports; a focus on reducing the number of runway incursions that can result in serious accidents; new criminal background checks and training for airport security personnel; increased funding for the Essential Air Service program; and new and increased penalties for airline's customer service violations.

We have had a lot of time to work on this bill, and in my view it has gotten better and better. It is a bold conference report designed to protect our future, and I hope my colleagues will join me in sending it on to the President for his signature.

Before we end the debate this morning, I want to say a few things. Again, all of the staff from the Commerce Committee, my office, the offices of the other conferees, and the House staff, deserve our thanks. They spent months working on this bill. In fact, this bill was started almost 2 years ago. Countless hours, late nights, lots of missed family events. We owe all of them our thanks.

I also want to thank, and I know Senator HOLLINGS and others share this, Hans Ephramson-Abt. Many of you probably have encountered him. He is a gentleman, first and foremost, who has worked for years to help the families of victims of aviation disasters. The conference report changes the liability laws for accidents offshore, preserving the ability of people like the children of Montoursville, PA, who vanished in the TWA flight 800 tragedy. Hans lost his daughter, Alice, on KAL 007, shot down off of Korea in September 1983. He has done a great service in helping others, and for that we all owe him a debt of gratitude.

Finally, I want to say that we have had a long debate over the last several years about FAA reform. For now, that issue has been resolved. Over the next several years, working with Administrator Garvey, or her successor, we will look at other ways to improve the FAA. Today, the bill before you does many creative things for the FAA—giving it the tools to be more business-like, but retaining its crucial role as safety arbiter. The bill, for example, gives the FAA the ability to enter into long-term leases for satellite communications services, something that will save the FAA money. It establishes a public-private funding mechanism to expedite the installation of air traffic control equipment, with the priorities set by the private sector. It structures the FAA after corporate models, establishing one person to be accountable for air traffic control operations and plans. It establishes a Board to oversee those activities. The FAA, because of actions led by the Commerce Committee and Senator LAUTENBERG, today has procurement and personnel flexibility that no other governmental agency has. We have achieved a lot over the last several years, and with this bill, continue to make progressive changes to the FAA, without compromising safety. I know that there are some in the Administration that are not satisfied, and probably will never be satisfied, but this is a good bill and one that will do a lot for our aviation system. I urge my colleagues to fully support this bill.

I ask unanimous consent that a more complete listing of staff who spent months working on this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRATIC STAFF

Kevin Kayes, Moses Boyd, Sam Whitehorn, Ellen Doneski, Julia Krauss, Jonathan Oakman, and Carl Bentzel.

REPUBLICAN STAFF

Mike Reynolds, Ann Choiniere, Scott Verstandig, Jim Sartucci, Keith Hennesy, Brett Hale.

BUDGET STAFF

Bill Hoagland, Cheryl Tucker, and Mitch Warren.

APPROPRIATIONS STAFF

Wally Burnett and Peter Rogoff.

HOUSE REPUBLICAN STAFF

Jack Shenendorf, Roger Norber, Sharon Barkaloo, Chris Bertram, Dave Schaeffer, Adam Tsao, Rob Chamberlin and David Balloff.

HOUSE DEMOCRATIC STAFF

Dave Hymsfeld, Ward McCarriger, Stacy Soumbeniotis, Tricia Loveland, Paul Feldman, who left last November, and Collen Corr.

Mr. ROCKEFELLER. I yield the floor, Mr. President, and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, how much time do the proponents have remaining?

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. GORTON. Mr. President, I yield 5 of those minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, the conference report before us has been a long time in the making. It is a comprehensive bill that successfully addresses many important aviation issues. Not the least of these is the eventual elimination of the so-called slot rules at three of our nation's airports, O'Hare, Kennedy and LaGuardia. It also adds additional slots at Reagan Washington National Airport. I support these measures.

I congratulate Senator MCCAIN, the Senate Commerce Committee Chairman, Senator GORTON, the Aviation Subcommittee Chairman, Senator HOLLINGS, the full committee ranking member, and Senator ROCKEFELLER, the subcommittee ranking member, for their efforts to bring about good public policy. This has not been an easy conference, and all of you have put forth a tremendous effort to see that it was concluded successfully. I wish to also thank their staffs.

I also express my thanks and admiration to my good friend, Senator DOMENICI, our Budget Committee chairman. Of all the issues before the conference, the resolution of the budget issues was the most trying and complex. Senator DOMENICI and his staff worked tirelessly to seek a fair and adequate solution to this problem.

I express my admiration for my friend and colleague, Senator STEVENS, the chairman of the Senate Appropriations Committee. Senator STEVENS has played a key role in reaching an agreement on spending.

The phase-out of the slot rule at O'Hare and LaGuardia will open a new era in aviation. Because it is a phase-out and not an immediate termination, that era should also give smaller airports a better chance for a piece of the economic pie at the national and international levels.

While e-commerce may be all the rage currently, people still need to travel for business purposes. Direct human contact is still the premium way to do business, and air travel is the fastest way to accomplish that over long distances and tight time frames.

This compromise follows the direction which my Iowa colleague, Senator HARKIN, and I set forth early in the debate on the slot rule. We looked at the needs of the airports in Iowa, and came to the conclusion together that it was time for a change if our State was to maintain its economic momentum in the national and international marketplace. Iowa does not have a major hub airport that guarantees low-cost or frequent flights. Like most States, we have smaller airports that are greatly affected by the traffic into and out of the major hub airports. In this case those airports are O'Hare and LaGuardia.

Our solution was to phase out the slot rule. The first step was to immediately give increased access to the hub airports by turboprop aircraft and regional jets. These are the aircraft that primarily serve our smaller airports. Giving them time before the slot rule is lifted for large airport-to-large airport competition should give the smaller airports time to establish the economic and market base needed to justify service. Otherwise, we would only see increased flights between major cities, to the exclusion of smaller airports.

We received the support of a large number of Senators who were also concerned about the future of their small hub and nonhub airports. Together, all of us have been able to accomplish what was unthinkable just several years ago, the eventual elimination of the slot rule at those two airports. I deeply appreciate their faith and support to accomplish this.

I also thank President Clinton for having the foresight and courage to recommend the elimination of the slot rule at these airports. He gave a legitimacy and momentum to the debate that would not have existed otherwise.

The States attorneys general, lead by Iowa Attorney General Tom Miller, also played a significant part and should be thanked.

Not everyone is entirely happy with the compromise solution in this conference report. I look upon that as ratification that it must be a pretty good compromise. I truly feel that the airlines were treated as fairly and equally as possible.

Our Nation's airports will be receiving additional funds for their capital needs under this legislation. I know that these funds are much needed and will be put to good use. Iowa's airports have rehabilitation and expansion plans that will be enhanced by these additional funds. This includes increased disbursements from the Airports and Airways Trust Fund and the increase in the passenger facility charge, PFC. It is important to note that the PFC will not increase at an airport until local authorities have approved an increase. It is entirely within their realm to grant or deny this increase at the local level.

However, I must again warn the Federal Aviation Administration that more money will not cure all of the problems facing the FAA and the aviation industry. Fundamental reform of the way the FAA does business and on a cultural level is necessary if we are to truly make the advances which are needed.

As a budget conferee, I believe the budget compromise is the best we can do at this time. I shall work with Chairman DOMENICI to secure the necessary funds through the budget process.

The biggest disappoint to me is the inclusion of a civil fine against airline employee whistle-blowers. While I am very pleased that whistle-blower protection has been extended to the aviation industry, I feel that it is flawed due to the civil penalty. Such a penalty does not exist in other whistle-blower statutes. I will work to correct this situation.

Whistle-blower protection adds another, much needed, layer of protection for the traveling public using our Nation's air transportation system. I am pleased to have worked with the Association of Flight Attendants AFL-CIO on this important, ground breaking legislation. They have worked tirelessly on this provision, and I know they will continue to work with me to correct this flaw. I call upon the airlines to do the same and seek the help of the public, also.

Mr. President, I urge my colleagues to vote for this conference report.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleagues who have worked so hard to get this bill to this point. It is not fun to oppose something that was reported out of the conference committee with such strong support.

But I have a different responsibility given the fact that I serve both as the ranking member of the Budget Committee and the Transportation Appropriations Subcommittee. In my view, this bill represents a missed opportunity to fully address the financing needs of our Nation's aviation system.

To the degree the bill actually guarantees any real funding increases, it does so in a manner that I consider grossly unbalanced. Mr. President, if

you ask the average Senator if they are willing to fund aviation at the expense of the Coast Guard, I guarantee you they would say no. If you asked each Senator whether they were willing to fund aviation at the expense of Amtrak, I guarantee you most would say no. If you asked the average Senator whether or not they were willing to fund aviation at the expense of our federal highway safety efforts, they would say: Certainly not.

But if this conference agreement becomes law, we run the very real risk of cutting back funds for NHTSA, the National Transportation Safety Board, Amtrak, the Coast Guard, and other areas just to boost funding for two aviation capital accounts by almost $2 billion next year. And those two aviation accounts don't even finance the core operations of the air traffic control system—the area where the FAA is facing its most difficult challenges.

Our national transportation system needs investments in several areas, not just aviation. Look at what is happening with the Coast Guard. All of us salute the Coast Guard. We saw in the papers just yesterday that they do not have enough people to monitor cruise ships that are dumping their waste in the oceans. They do not have enough maintenance funding to keep their aircraft in the air. They do not have enough people to monitor the attempts by illegal immigrants to enter this country. They don't have enough money for pollution control, for fisheries enforcement, and for recruiting. But I don't hear my colleagues on the Commerce Committee, who have jurisdiction over the Coast Guard, advocating for a Coast Guard ''guarantee.''

Mr. President, throughout my entire Senate career, I have led the fight for increased investment in transportation. My support for transportation started when I served as the Commissioner of the Port Authority of New York/New Jersey. At that time, I learned that you can't ignore the needs of one transportation mode in favor of another. Investments need to be made in a balanced way if you are going to avoid gridlock. You can't ignore the rail system or the highways to focus on aviation. You need to keep your eye on safety, not just construction. The requirement to reauthorize our aviation laws presented this Congress with a great opportunity to address the financing of our nation's aviation system in a comprehensive and bipartisan manner. Unfortunately, this bill misses the mark.

This Conference Agreement took so long to produce because so many Members wanted to provide big funding increases for aviation without paying for them. Mr. President, the simple fact is that the revenue stream to the Airport and Airway Trust Fund is not adequate to fund the substantial funding increases for aviation that many members want. Because of that basic fact, the aviation conferees have been haggling for the last year over methods to develop a new mousetrap to produce those funding increases without adequate revenue. Over the last week, the Majority Leader and the majority members of the conference committee reached the agreement that is currently before us. It seeks to guarantee a 64 percent increase in airport grants, and a 30 percent increase in modernization funding. These so-called ''guaranteed'' increases come at a time when the Republican Majority is debating among itself whether to impose a hard freeze on discretionary spending at the current year's level, or provide for a minuscule 2.4 percent increase. The arithmetic is simple. The $1.9 billion or 47 percent increase that this bill seeks to ''guarantee'' for airport grants and modernization will either require cuts in the rest of the Transportation Department or the rest of the discretionary budget.

I understand that the Chairman of the Budget Committee was a party to these negotiations. I am told that he is prepared to state that the Budget Resolution that he will propose fully funds the needs of these so-called aviation guarantees. While I have great respect for the Budget Committee Chairman, I have to say that I would like to know where the funding is coming from if he plans to impose a freeze on discretionary spending. That should be a concern to all Members, whether they care about the Coast Guard, Amtrak, education, health care, veterans benefits, agriculture, or anything else.

Mr. President, one of the areas that will face greater budget austerity as a result of these so-called ''guaranteed'' increases is the operating budget in the FAA. The operating account pays for the operations of the air traffic control system. It pays the salary of every air traffic controller and every aviation inspector. It pays for security at our airports. It pays for the publication of every safety regulation. Three quarters of the operations budget goes just to pay the salaries of the people that keep the system safe every day. This account is where the FAA faces the most severe funding shortfall. So it is absurd that we are now going to pass a bill that will boost capital funding while subjecting the operations budget to even greater austerity. Due to existing shortfalls in its operating budget, the FAA just canceled all training activities except introductory training for air traffic controllers for the remainder of the year. We also have problems with new state-of-the-art equipment sitting in warehouses because the FAA doesn't have the operating funds to install them. There aren't even adequate operating funds to train our air traffic controllers how to use the equipment. FAA has had to delay the certification of new aircraft and new equipment. Those delays are hurting our U.S. aircraft manufacturers. The number of aviation safety inspectors is being allowed to trickle down and FAA can't afford to hire new inspectors to replace them. With that backdrop, the Republican Conferees on this bill produced a conference report that loaded all of the so-called ''guaranteed'' funding increases on capital investment programs and ignored the operations budget. Just two days ago, the FAA released its updated forecast for future aviation traffic. That forecast indicates that domestic airline traffic will increase more than 60 percent through 2011. That increased traffic will also put incredible pressure on the operation budget of the FAA. We will need more safety and security inspectors, not less. We will need better trained controllers and more of them. But the bill before us ignores those needs. This bill is simply lopsided and unbalanced. And in time, Mr. President, I believe the Members championing this bill will realize that they made a mistake. In fact, they may realize it sooner than they think.

I am not sure, in the end, that all of these ''guaranteed'' funding increases will materialize. The point-of-order in the Senate that protects these funding guarantees is a 50-vote point-of-order. It will require 51 votes to waive that point-of-order. We all know that it is impossible to do anything in the Senate without 51 votes. So fiscal reality may require the Senate to revisit these guarantees sooner rather than later. It will only require a simple majority of the Senate to do so.

Maybe that will not happen for a year or two. Maybe it will happen later this Spring. In my capacity as Ranking Member of the Senate Transportation Appropriations subcommittee, I will manage only one more Transportation Appropriations bill. But I promise that I am not going to silently watch the Amtrak budget, the Coast Guard budget, or the FAA's own operations budget get ravaged to pay for the so-called ''guarantees'' provided in this bill. I will see to it that every Member here will have the opportunity to vote on whether we should shut down Amtrak lines, tie up Coast Guard ships, or lay off aviation inspectors, in order to pay for these guarantees.

In summary, Mr. President, this bill represents a missed opportunity. This bill missed the opportunity to provide momentum for funding increases in the FAA across-the-board to address all the agency's shortfalls, including the operations budget. By loading all of the so-called guaranteed funding on the capital accounts, it becomes plain as day, that the Airport and Airway Trust Fund is not adequate to fund all of our aviation needs. It will only be a matter of time before we have to consider a tax increase or new user fees in order to truly meet all of the FAA's needs.

Mr. President, this bill is shortsighted. It was produced in the back room without Minority Members present, and I do not believe it represents a sustainable aviation policy for our nation. The funding provisions in this bill may not even be sustainable for the coming fiscal year. For that reason, I cannot support this bill.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I intend to use my leader time for purposes of making a couple of statements this morning. I would like first to voice my support for the conference report to H.R. 1000, which, as has already been noted, is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

I hope our former colleague, Senator Wendell Ford, a dear and very special friend of mine who served as chairman and ranking member of the Senate Commerce Committee's Aviation Subcommittee for many years, is watching because this truly is a tribute to his dedication not only to aviation but to his country and to the Senate for a long time. It is a very appropriate designation for this legislation.

The conference report we are considering today will help repair our aviation system for the skyrocketing number of passengers who will travel in the 21st century. It is also a fitting tribute to Senator Ford's vision that he expressed to us on many occasions as he was leading us on this and many other issues.

I thank as well the majority leader, Senator LOTT, for his persistence in providing leadership on this matter and in getting us to this point. I think the credit also must go to our distinguished subcommittee chairman and ranking member. It is clear they have the chemistry and the working relationship it takes to accomplish something of this complexity, and I pay tribute to both of them for their efforts and for their arduous work in getting us to this point. We ought to be celebrating this morning the accomplishments of something that many of us have been hoping to achieve for a long period of time. Were it not for their leadership and support, it would not have happened.

I have been reminded oftentimes of the movie ''Groundhog Day'' with Bill Murray, with the Senate waking up once a year to consider the same FAA reauthorization bill. The Senate first began considering this bill in 1998 and passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act, in September of that year. Although there was overwhelming support for that legislation in the Senate, House and Senate negotiators could not agree on a multiyear bill at that time.

Last year, the Senate passed S. 82, the Air Transportation Improvement Act of 1999, in October. As my colleagues have recalled, this legislation was almost identical to the FAA reauthorization bill we approved the year before. Again, there was overwhelming support for the legislation in the Senate. However, House and Senate negotiators could not agree on a multiyear FAA reauthorization bill, just as they were unable to do the year before.

As the Senate has considered and reconsidered the FAA reauthorization bill in recent years, the FAA has been operating for the most part under short-term extensions. I have mentioned on many occasions my view that this is no way to fund such an important Federal agency. Short-term extension after short-term extension disrupts long-term planning at the FAA and airports around the country that rely on Federal funds to improve their facilities and enhance aviation safety. The only thing worse than passing a short-term extension is allowing funding for FAA programs to lapse altogether. Unfortunately, that is exactly what the Congress did when the House again refused to consider the 6-month extension the Senate passed on November 10 of last year. For the last 4 months, funds for airport improvement projects have been tied up because Congress has been unable to forge an agreement on the FAA reauthorization bill.

So today we begin to rectify that mistake and prepare for the increased demand that will be placed on our aviation system in the 21st century. This bill will authorize approximately $40 billion for aviation programs over the next 3 years. In fiscal year 2001, the bill will authorize $12.7 billion, an increase of $2.7 billion over current levels. In the next fiscal year, it will enhance aviation safety by authorizing $3.2 billion for airport improvement projects, $3.3 billion in fiscal year 2002, and $3.4 billion in fiscal year 2003.

It will also allow airports to increase passenger facility charges from $3 to $4.50. This PFC increase is expected to generate $700 million for much-needed construction projects that will improve airports in South Dakota and around the country, in every State.

The conference report to the FAA reauthorization bill also includes a number of provisions that would encourage competition among the airlines and ensure quality air service for communities. For instance, it would authorize funding for a 4-year pilot program to improve commercial air service in small communities that have not benefited 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.

We have often commented on how critical the Essential Air Service Program has been to small communities in South Dakota and around the country in their efforts to retain air service. The Small Community Aviation Development Program 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. I think it is one of the better features of this legislation. I commend my colleagues for their inclusion of it.

Mr. President, I know some of our colleagues may oppose this bill because it 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 again like to commend Senator ROBB for being a strong advocate for his constituents in northern Virginia.

I know some of our colleagues on the Appropriations Subcommittee on Transportation will also oppose this bill because of the budgetary treatment of the aviation trust fund. I understand their concerns and look forward to working with them to ensure that Amtrak, Coast Guard, the National Transportation Safety Board, and FAA operations are adequately funded.

Although there may be different provisions in this bill that each of us may find objectional, I hope my colleagues will join me in supporting H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Spring is just around the corner, and we cannot afford to delay construction on airport improvement projects any longer.

It is unfair to FAA, it is unfair to airports in South Dakota and throughout the country, and it is unfair to passengers who rely on the aviation system for their travel needs.

I encourage my colleagues to support the conference report to the FAA reauthorization bill.

Again, I commend my colleagues, especially the chairman and ranking member, for their work on this bill. I hope we can pass it this afternoon on a bipartisan basis.

NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mr. DASCHLE. Mr. President, among the constitutional responsibilities entrusted to the Senate, none is more critical to the well-being of our democracy than providing advice and consent on Presidential nominations. Later on today, we take up that solemn responsibility in connection with two very distinguished judicial nominees, Marsha Berzon and Judge Richard Paez.

Let me commend the majority leader for his commitment to the Senate, and to these nominees, that we would take up these nominees for consideration and ultimately for a vote on confirmation before the 15th of March. We

would not be here were it not for the fact that he persisted and that he was willing to hold to the commitment he made to us last year.

Both nominees have waited an extraordinarily long time for this consideration. Marsha Berzon, a nominee for the Ninth Circuit, has been kept waiting for a vote more than 2 years. Judge Paez, another Ninth Circuit nominee, has waited for more than 4 years. That is longer than any Federal court nominee in history—a statistic that should shame the Senate.

Judge Paez and Ms. Berzon are both exceptional legal minds and remarkable people. But before I discuss their qualifications, I wish to say something about the context in which these nominations are being considered. Since the 106th Congress convened in January, the President has nominated 79 men and women to fill the vacancies on the Federal bench. Without exception, these nominees have come to us with the highest marks from their peers. Yet of the 79 nominees, only 34—fewer than half—were confirmed last year, and only 4 have been confirmed so far this year.

Looking at those figures, one might assume we have no pressing need for Federal judges. In fact, just the opposite is true. Today, there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as ''judicial emergencies.'' The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country.

This cannot continue. As Chief Justice Rehnquist warns, ''Judicial vacancies cannot remain at such high levels indefinitely without eroding the quality of justice.''

The Ninth Circuit court, to which both Judge Paez and Marsha Berzon have been nominated, is also one of our Nation's busiest courts. It has also been hardest hit by our neglect. More than 20 percent of the Ninth Circuit bench is vacant. This is a court that serves almost 20 percent of the United States.

Procter Hug, the Chief Justice of the Ninth Circuit Court of Appeals, was appointed in 1980 when the court had 23 active judges and a caseload of 3,000 appeals. Today, with six vacancies, the Ninth Circuit has 22 active judges to hear more than 9,000 appeals. They have one fewer judge today than they had 20 years ago—with 300 percent more cases.

So I thank my colleagues for finally coming together to address this urgent question. The failure to fill Federal court vacancies harms plaintiffs and defendants alike. Both are forced to wait too long for justice. The failure to fill Federal court vacancies also imposes heavy and unjustifiable burdens on judicial nominees and their families. Can any of us imagine what it would be like to be kept waiting more than 4 years, as Judge Paez has? What would it be like to be unable to make personal or professional plans for 4 years? I have met Judge Paez, and I have to tell you, I am amazed by the dignity and grace he has exhibited during this ordeal. Perhaps that is not surprising, though, from a man lawyers routinely rate as exceptional in both his judicial temperament and his command of legal doctrine.

For a long time, those who opposed Marsha Berzon and Judge Paez would not say why. Now some of them say the problem isn't with the nominees, the problem is with the court itself. The Ninth Circuit, they claim, is a ''rogue'' circuit. They claim the Ninth Circuit's reversal rate by the Supreme Court is too high. They argue, therefore, that we should refuse to confirm anymore Ninth Circuit judges. We should just let the vacancies go unfilled.

The fact is, the Eleventh, Seventh, and Fifth Circuits all have a higher rate of reversal than the Ninth Circuit. The Ninth Circuit is completely within the mainstream of prevailing judicial opinion.

Even if that were not the case, this Senate has no right to attempt to punish the citizens who rely on the Ninth Circuit in this manner. Nor do we have the right to try to influence the independence of the court in this way. That is unconstitutional.

Our responsibility under the Constitution is to vote on whether to confirm judges. It is not our responsibility, and it is not our right, to try to influence or intimidate judges after they are confirmed.

As we consider the nominations of Judge Richard Paez and Marsha Berzon, let us remember that these votes are not a referendum on the Ninth Circuit, or on President Clinton.

And they should not be about partisan politics. These votes are about two people. Two distinguished and inspiring Americans who are eminently qualified for the bench.

Richard Paez has been a judge for 18 years. He is the first Mexican-American ever to serve as a federal district judge in Los Angeles. He was confirmed by this body in 1994; that vote was unanimous.

Judge Paez has received the highest rating the American Bar Association gives for federal judicial nominees. He has worked for the public good throughout his career, working first as a legal aid lawyer, and then, for 13 years, as a Los Angeles Municipal Court judge.

In his current position, as a United States District Judge, Judge Paez has presided over a wide variety of complex civil and criminal cases. For his work, he has garnered bipartisan support, and the support of such law enforcement organizations as the Los Angeles County Police Chiefs' Association and the National Association of Police Organizations.

Time and again, on the bench he has demonstrated the qualities that are essential to a strong and respected judicial system—wisdom, courage, and compassion. We need judges like Richard Paez on the bench. Without public servants like him, this system fails.

Marsha Berzon is equally qualified.

She is a nationally known and extremely well regarded appellate litigator with a highly respected San Francisco law firm. She is also a former clerk for the United States Supreme Court. She has served as a visiting professor at both Cornell Law School and Indiana University Law School. She is a widely recognized expert in the field of employment law—an area of the law that requires the increasing attention of our federal judiciary.

She has argued four cases in the Supreme Court of the United States, and has filed dozens of Supreme Court briefs on complex issues. To quote my friend Senator HATCH, her ''competence as a lawyer is beyond question.''

Ms. Berzon also has the support of the National Association of Police Organizations, business and Republican leaders. She enjoys a reputation among colleagues and opposing counsel for being a fair-minded, well prepared, and principled advocate. I have also met Ms. Berzon, and I find her temperament and seriousness well-suited for the job she has been nominated to fill.

The federal judiciary has been described as ''the thin black line between order and chaos.'' I have faith that Richard Paez and Marsha Berzon, once confirmed, will live up to that challenge.

Mr. President, I yield the floor.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

I thank my friend from New Jersey for yielding time.

Mr. President, for the third time in as many years, I am forced to express in this Chamber my strong opposition to a congressional proposal to meddle with Virginia airports. I will have to oppose the FAA conference report, most of which I strongly support and I believe is long overdue because it breaks a promise to the people of Northern Virginia—a promise that Congress would permit us to manage and develop our own airports.

While I will again vote against this bill to protest congressional interference in the operation of Virginia's airports, I would like to make clear that I fully support FAA reauthorization and release of the airport improvement funds. In fact, as someone who has long believed that we need to substantially increase our investments in transportation, I commend the conferees for crafting a conference report which does just that.

Under this bill, annual funding for many airports in Virginia will nearly

double, providing for critical safety improvement and expanding airport capacity. Nonetheless, I will have to vote against the bill.

By forcing additional flights on Ronald Reagan Washington National Airport, this measure breaks the 1986 agreement among the Congress with Virginia and the local governments to leave National Airport alone and to get Congress out of the business of managing airports.

Even at the time of the 1986 agreement, however, there was skepticism that Congress would keep its word. In the words of then-Secretary of Transportation William Coleman, ''National has always been a political football.'' Perhaps he should have said: National will always be a political football. I hope that is not the case. But I am dubious.

While I worked hard to oppose the addition of slots and expanding the perimeter at National, I am not going to engage in any purely dilatory tactics because I believe these issues should be decided on the merits. In this case, I believe the merits are simple and compelling.

Increasing slots at National creates delays for the majority of the people who use the airport and undermines the quality of life in communities that are near the airport.

People have a right to expect their Government to keep its end of the bargain. By injecting the Federal Government into the running of the airports once again, this bill scuttles an agreement we made with this region more than a decade ago and breaks a promise to the people who live here.

Mr. President, I yield any time remaining on the side of those in opposition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I recognize the leader's time has been utilized and not counted against the time prior to going into morning business.

I ask unanimous consent that when the managers are finished and morning business is taken up, I be allowed 10 minutes to introduce a bill.

I yield for my friend from South Carolina who is seeking recognition.

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

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished chairman, Senator ROCKEFELLER.

Mr. President, I rise today to discuss the Federal Aviation Administration (FAA) reauthorization bill, appropriately known as the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, or FAIR–21. This legislation rightfully deserves this title for two basic reasons: it represents a fair compromise and it honors the former Chairman and later ranking Member of the Aviation Subcommittee, Senator Ford.

Before commenting on the substantive provisions of the conference agreement, I think it is essential to commend those who are responsible for achieving the compromise we have before us. However, because of the number of individuals who have been instrumental in forging this agreement, engaging in this exercise is sort of like the Academy Awards shows, where the winner gets to list all of the people he needs to thank in 30 seconds. I believe FEDEX had a commercial a few years ago with a fast talking person, and I shall try to do the same here. First, I wish to commend Chairman SHUSTER, Congressman OBERSTAR, and Senators ROCKEFELLER and GORTON for their unflagging leadership in reaching this agreement. I should note that Senator LOTT left no stones unturned to move this bill. As well, Senators STEVENS and DOMENICI played pivotal roles. All of the Conferees and their staff did their part to accomplish an enormous task. After much hard work and many long hours we have a good, strong bill, which addresses many of the most critical aviation issues facing us today —the proper funding for the modernization of our air traffic control system and airport infrastructure.

Before explaining a little about the bill, I want to address one of the concerns that has been raised. I know that Senator LAUTENBERG has concerns about this bill and what it means for other programs. The reality is that for years we have underfunded the FAA, despite the fact that the Airport and Airways Trust Fund has acummulated an uncommitted surplus, approximating $7–8 billion per year. The surplus is currently at $13 billion. Essentially, we have used those monies to meet other priorities. Today, we end that game, by making sure that all monies in the Trust Fund go to aviation. We also recognize that if more is needed, and it will be, then the general fund will be called upon. Bear in mind that the FAA and its ATC system provide services not only to the commerical and general aviation fleets, but also to our military. The FAA also plays a key role in our national security by keeping our skies and airports safe.

We know that when the Trust Fund was created in 1970, it was intended solely for modernization/capital improvements. The preamble to the statute was as valid then as it is today—it reads ''That the Nation's airport and airways system is inadequate to meet the current and projected growth in aviation. That substantial expansion and improvement of airport and airway system is required to meet the demands of interstate commerce, the postal service and national defense''. In fact, to clarify that it was intended for capital only, Congress in 1971 deleted the phrase ''administrative expenses'' as an eligible item for spending. During the first years of the Trust Fund, with one year's exception, no Trust Fund monies were spent on the general operations of the FAA. In 1977, Congress allowed left over funds to be used for salaries and expenses of the FAA. Today, we are returning to the original intent—monies first for capital needs, with any remaing funds to be used for other expenses. If a general fund is needed, then it will be subject to appropriations.

We have little choice. There is no question we must invest in our future. We must expand the system to keep it safe, and to make it more efficient. There is one other point—modernization of the ATC system involves not only Federal spending, but also a committment from the private sector. As we move to a satellite-based system, the air carriers and general aviation must make an investment in new technology in the cockpit. Finally, it is my understanding that the Transportation function 400 numbers in the Budget resolution will reflect the agreement reached here today, which should quell some of the concerns of my colleague from New Jersey.

Aviation is an integral part of the overall U.S. transportation infrastructure and plays a critical role in our national economy. Each day our air transportation system moves millions of people and billions of dollars of cargo. 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. Continued economic expansion in the U.S. and around the globe will continue to fuel the exponential growth in domestic and international enplanements.

The FAA is forecasting that by 2009, enplanements are expected to grow to more than 1 billion by 2009, compared to 650 million last year. During this time, 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.

More people, more planes, more delays. Those are the headlines we know are coming. We know today that the growth in air travel has placed a strain on the aviation system and our own nerves as we travel. In 1998, 25% 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 have 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 more than $4 billion per year.

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. Gridlock in the skies is a certainty unless the Air Traffic Control (ATC) system is modernized. A system-wide delay increase of just a few minutes per flight will bring commercial operations to a halt according to the National Civil Aviation Review Commission and American Airlines. According to a study by the White House Commission on Aviation Security and Safety, dated January 1997, the modernization of the ATC system should be expedited to completion by 2005 instead of 2015.

FAIR 21 would authorize the Facilities and Equipment (ATC equipment) at $2.660 billion, $2.914 billion, and $2.981 billion for FY01–FY03, respectively. This represents a 30% increase in funding. For the first time ever, FAIR 21 links the spending in the Facilities and Equipment account and the Airport Improvement Program to the monies in the Airport and Airway Trust Fund.

As our skies and runways become more crowded than ever, it is crucial that we redouble our commitment to safety. Passengers deserve the most up to date in safety measures. FAIR–21 ensures that there will be money available to pay for new runway incursion devices as well as windshear detection equipment. The bill requires all large cargo airplanes install collision avoidance equipment. In an effort to support the ongoing improvements at civil and cargo airports, FAIR–21 increases funding for the improvement of training for security screeners. We also have provided whistleblower protection to aid in our safety efforts and protect workers willing to expose safety problems.

FAIR 21 will allow airports to increase their passenger facility charges from $3 to $4.50. This is a local choice and it is money which an airport can use to encourage new entry, particularly at the 15 ''fortress hubs'' where one carrier controls more than 50% of the traffic. Logically, the air fares for the communities dependant upon these hubs are much higher than usual. If given a choice, perhaps we would have broken up the hubs. Instead, we have used the power of the dollar and a half to require these hubs to develop ways to allow new carriers to expand as to create the possibility of lower fares to places like Charleston, SC. The extra buck and a half will go to expand gates and terminal areas, as well as runways at these facilities.

Since 1996, we have struggled with how to develop meaningful reform of the FAA. We have met the majority of the suggestions with the exception of the recommendations to establish a fee system and to set up a private corporation to run air traffic control. Instead, we chose a more prudent path. The 1996 reauthorization bill established a 15 member Management Advisory Committee (MAC) appointed by the President with Senate confirmation but no one has yet to be named. Jane Garvey, the FAA Administrator, is doing a wonderful job, but she could have used some help. To avoid this in the future, FAIR–21 establishes a subcommittee of the MAC to oversee air traffic operations with the appointments being made by the Secretary of Transportation rather than the President. The bill also establishes a position for a chief operating officer. Combined with other measures, and the funding levels, we are on the right track.

I wish to say a word about our controllers, technicians and the FAA workforce. I know that the bill as crafted does not guarantee a general fund contribution to pay for the operations of the FAA. However, it should be acknowledged that these folks work hard every day to keep us flying safely. The safety of the nation is in their hands. They deserve our support.

Finally but not least, in terms of Death on the High Seas, after much input from the families of the victims of many of the air tragedies, we have clarified the law and extending the borders of the United States to 12 miles off shore for the purpose of determining claims. In the case of an accident occurring 12 miles or within the shore, the Death on the High Seas Act shall not apply. Rather, it is state, federal, and any other applicable laws which shall apply. Death on the High Seas shall apply only outside of 12 miles off shore.

Mr. President, let me commend Mr. SHUSTER, the chairman on the House side. He stuck to his guns.

It has been a long struggle in the open and in the dark. I only mention that because my colleague from New Jersey said this thing was all agreed to in the dark. We have been in the dark and in the open and everything else for 2 years on this struggle.

Mr. SHUSTER stuck to his guns, whereby those air travelers who obtain the taxes that go into the airport and airways improvement fund are finally being assured that money is going to be spent on the airport and airways improvement.

Right to the point: We owe some $12 billion right this minute for airport taxes that have been used for everything from Kosovo to food stamps, and everything else but airport and airways improvement.

In fact, we now have some $l.95 billion to be expended this fiscal year, 2000. We were unable to get those moneys, although they were in the fund, supposedly—IOU slips, if you will. We are now able to spend those moneys.

I have the same misgivings the ranking member of our subcommittee has about the shortfalls in the operating budget. That is due to so-called ''unrealistic spending caps.'' That is a budget problem—not this bill's problem. There is a problem with unrealistic spending caps.

There is state-of-the-art equipment sitting in warehouses, and that is because we have been playing a sordid game of trying to call a ''deficit'' a ''surplus'' and grabbing any and all moneys we can to play a game to make it look as if we are reducing spending. The fact is the President submits his budget, and we in the Congress—this Republican Congress, if you please—have been increasing spending over and above what President Clinton has asked for during the past 7 or 8 years. We are not willing to pay for it. So we rob Social Security. We rob the retirement of the military and civil service. We robbed the highway funds, up until we finally got that straightened out under the leadership of Mr. SHUSTER. Now we can hold onto our airport moneys and do the job that is required of us.

I want to say to everyone involved that this has been a good 2-year struggle to get us where we are. It is a good bill. It was developed in a bipartisan way, with every consideration given to not only the budget problems and concern the Senator from New Jersey has, but also my concerns about overall air traffic.

We are moving finally in the right direction. I hope everybody will vote in support of the conference report.

I yield back the remainder of our time.

AMTRAK AND COAST GUARD FUNDING

Mr. KERRY. Mr. President, first, I thank the distinguished majority leader for joining me in this important discussion today. I thank him for the vital role he played in shepherding the FAA authorization bill through the conference committee. We have been without an authorization bill for too long and this bill is a critical step in ensuring our skies are absolutely safe and less congested. But, as the majority leader well knows, aviation is not the only important piece of transportation funding this bill may affect. I believe that my friend agrees with me that, as important as aviation is to our country, funding for Amtrak and the Coast Guard are also crucial, and in enacting this bill, we by no means intend to give short-shrift to those parts of our transportation budget. Isn't that right, Mr. Majority Leader?

Mr. LOTT. Mr. President, let me thank my friend from Massachusetts for raising this issue here today. And he is absolutely right. Aviation is not the only transportation account that may be impacted by this bill. And it was certainly not the intention of the conferees to in any way restrict funding for the Coast Guard or Amtrak.

The conference report includes a provision which reserves Airport and Airways Trust Fund revenue and interest spending for aviation programs with a majority point of order. Additionally, under another majority point of order, the provision requires the authorized levels of funding for the Airport Improvement Program and the Facilities and Equipment accounts to be fully funded before the Operations and Research and Development accounts are funded. While this latter provision is

not a statutory guarantee that general revenue will be spend on aviation programs, it is a significant incentive. The bill thus provides a reasonable assurance that aviation appropriations will reach authorized levels, which would result in an approximately $2 billion increase in aviation funding for fiscal year 2001.

My good friend from Massachusetts is concerned that spending for other transportation priorities may be decreased as the appropriations process increases aviation spending. Let me assure my good friend that I expect adequate funding for the Coast Guard and Amtrak, as these transportation priorities are important to the Nation and to my home State of Mississippi. I intend to work with the chairmen of the Budget and Appropriations Committees to ensure the Transportation Appropriations account is increased so that these aviation program increases do not come at the expense of other transportation programs.

Mr. KERRY. Mr. President, I am gratified to hear the majority leader's commitment to Amtrak and the Coast Guard, as well as his intention to work with the chairmen of the Budget and Appropriations Committees to fully fund transportation needs at least for FY 2001, and hopefully beyond. Both Amtrak and the Coast Guard are absolutely necessary to my constituents. I would like to say a few words about the importance of Amtrak nationwide. This country needs to include passenger rail as part of its transportation mix in the 21st century. We have done a good job ensuring our highways and, now, our skyways get the funding and attention they deserve. Amtrak also needs some of that attention. Passenger rail is critical if we are going to reduce congestion on our highways and in the air, as well protect our environment. People need a choice in transportation, and high speed rail especially can be a viable option for many, not only in the Northeast, but along corridors throughout the country.

On January 31, 2000, Amtrak launched Acela Regional—the first electric train in history to serve Boston and New England. This is literally a dream come true for all of us up and down the East Coast who care about jobs, the economy and traffic congestion and the environment. And in its first few weeks of operation, I understand that bookings on Acela Regional are up as much as 45 percent over the Northeast Direct line. This will be extremely helpful in my home state of Massachusetts, as well as in New York, New Jersey, Connecticut, Pennsylvania and Maryland, where airport and highway congestion often reach frustrating levels. The more miles that are traveled on Amtrak, the fewer trips taken on crowded highways and skyways.

Amtrak is not the only transportation priority we need to fully fund. The Coast Guard performs a number of critical missions for our country including search and rescue, environmental protection, marine safety, fisheries enforcement, and drug trafficking. I can't imagine any of our colleagues arguing that any one of these missions is unimportant or should be less than fully funded. Perhaps my good friend will expand upon the importance the Coast Guard's many missions.

Mr. LOTT. Mr. President, I would like to take a few minutes to address the needs of the Coast Guard. In a typical day the Coast Guard will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save $2.5 million in property. The Coast Guard's duties have also grown, as there are more commercial and recreational vessels in our waters today than ever before in our Nation's history. International trade has expanded greatly, and with it maritime traffic has increased in our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our country's coastlines as the means to introduce illegal drugs into our Nation. The Coast Guard currently faces a number of readiness shortfalls as it struggles to keep up with the increasing demands placed upon this service. In order to continue this valuable service to our Nation, the Congress must provide the funding to address personnel shortages and to repair or replace the Coast Guard's aging ships and aircraft. I am confident that with an increase in the transportation budget, we can protect the Coast Guard and Amtrak, as well as make the improvements air travel so desperately needs.

Mr. KERRY. Mr. President, I thank the majority leader for his helpful reassurances. We have the same goal, and that is to have a safe, efficient transportation system that includes rail, aviation, and maritime sectors. His intention and willingness to make this happen gives me every confidence that it will happen.

Mr. CONRAD. Mr. President, I am pleased the Senate today will take action on the H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. The Federal Aviation Administration has been without a long-term authorization for some time, and airports in my state need to be able to move forward with construction projects soon.

There are three components of this bill that I strongly support: the increase in funding for the Airport Improvement Program (AIP), the budgetary treatment of the Aviation Trust Fund, and a provision to stabilize essential air service (EAS) in Dickinson, North Dakota.

I am very pleased that this conference report provides for $3.2 billion in 2001 for the AIP program, and that funding will increase by $100 million each year. As air travel continues to increase, it is important that we invest in our nation's airports to ensure the safety of the traveling public and expand capacity for the future. This program provides federal grants for airport development and planning and these dollars are usually spent on capital projects supporting operations such as runways, taxiways, and noise abatement. This substantial increase in funding will go a long way in maintaining the quality of air travel in North Dakota and across the country.

In addition to the increase in funding, the fact that we now have long-term FAA reauthorization instead of the extensions our airports have been operating under is an important improvement. Short-term extensions had the effect of leaving airport managers and community leaders unable to develop and move forward with airport improvement projects. Because in North Dakota the construction season is short, the ability to plan and schedule projects is critical to maintaining our state's aviation system.

Secondly, this conference report contains a very important provision for Dickinson, North Dakota. This legislation will allow this small community to retain essential air service without paying a local share. Currently, Dickinson and Fergus Falls, Minnesota are the only communities with this requirement. EAS is vital to smaller communities, and the difficulties encountered by many of the communities in retaining EAS warrant increased federal attention. The report also requires the Department of Transportation to report on retaining essential air service, focusing that report on North Dakota. This is an extremely serious problem in my state and I believe it needs greater attention. The residents and businesses of small communities, especially in a rural state like North Dakota, depend heavily on this service and we need to find a way to consistently serve these small markets.

Finally, I am pleased that conferees agreed to budgetary guarantees of increased funding for aviation. The conference report provides for a budget point of order against any legislation that fails to spend all of the Airport and Airways Trust Fund (AATF) receipts and interest, and does not appropriate the total authorized levels for capital programs (AIP and Facilities and Equipment). After allocations to the capital programs occur, remaining AATF funds can be used for general operations, and can be augmented by monies from the general fund.

I urge my colleagues to join me in supporting this important and long overdue legislation.

Mr. DURBIN. Mr. President, I rise in support of the FAA/AIP reauthorization conference report, H.R. 1000. I commend Senators HOLLINGS, ROCKEFELLER, GORTON, and MCCAIN for their efforts.

This measure would lift the High Density Rule at several of the nation's slot controlled airports, including Chicago's O'Hare International Airport. I support this conference report with the understanding that it puts safety above

all other issues and keeps a watchful eye on noise levels and the environment around these airports.

This conference report also significantly increases funding for the Essential Air Service and Airport Improvement Programs, ensuring that Illinois airports will be able to complete important infrastructure projects as well as gain greater access to valuable markets.

I fully understand that some opponents are attempting to portray a High Density Rule lift as a safety issue. I agree that safety must be paramount. The FAA is and always should be the final arbiter of safety. And no matter what Congress does today, the FAA will continue to have the authority to regulate air traffic and ensure that passenger and community safety is never at risk.

Last fall, I received a letter from FAA Administrator Garvey, which says in part, ''Let me assure you that if the High Density Rule is lifted at Chicago or any other airport, safety will not be compromised.'' The Administrator goes on to say, ''The FAA does not control aircraft at high density airports any differently than at any other commercial airport. We will continue to operate these airports using all appropriate procedures and traffic management initiatives for the safe and expeditious handling of air traffic. Safety is always our highest priority.''

The National Air Traffic Controllers Association and specifically the Chicago controllers support lifting the slot restrictions at O'Hare. NATCA believes that O'Hare can handle the increased traffic without sacrificing safety. I have had the opportunity to meet with the controllers about this issue, and I believe they bring a unique and important perspective to this debate.

It also should be noted that a 1995 U.S. Department of Transportation (U.S. DoT) study concluded that lifting the High Density Rule would have no impact on safety because air traffic control is implemented independently of the slot restrictions.

Thus, the claim that this would undermine safety is unfounded.

I also take exception to the notion that Congress is getting ahead of the FAA. Federal transportation officials have believed for some time that the High Density Rule is outdated and inefficient and not an appropriate safety mechanism. And our colleagues in the House voted overwhelmingly last year to lift the slot restrictions, with the support of the FAA.

Government reports tell us that O'Hare has been surpassed by Atlanta's Hartsfield International Airport as the world's busiest. This raises the obvious question: if airports such as Atlanta and Dallas/Ft. Worth and LAX in Los Angeles can operate safely and efficiently without slot restrictions, why can't O'Hare?

The High Density Rule or slot restrictions were developed in the late 1960s, to mitigate delays. However, with the dawn of state-of-the-art air traffic control systems and improved flow control procedures, the High Density Rule has outlived its usefulness.

Instead, the High Density Rule artificially limits access to O'Hare and adversely affects smaller communities. In Illinois, three downstate communities have totally lost service to O'Hare—Decatur, Mt. Vernon, and Quincy—and one city, Moline, has already experienced a carrier leaving solely because of the slot restrictions.

In my hometown of Springfield, Capital Airport has been battling for years to attract and retain adequate service to O'Hare. Today, there are more Chicago passengers than seats available.

When we look for this reason, all runways lead to the same place—the High Density Rule. Carriers choose to move commuter operations to Denver and Dallas/Ft. Worth rather than deal with the slot restrictions at O'Hare. Communities pay the price through loss of access to key domestic and international markets, lost jobs, diminished tourism and stagnant economic development.

Bob O'Brien, the Capital Airport Executive Director of Aviation, writes, ''The inability for the Springfield community to adequately access Chicago and connect to other locations in the country or the world impacts the movements of goods and services and, consequently, is a major detriment to the retention and attraction of businesses. The growth and viability of the local Springfield community is at risk. * * * While our country's aviation system is among the best in the world, it is compromised by an artificial 'choke point' known as the High Density Rule.''

I would like to ask, why is it that we should maintain a ''choke point'' at a city which serves as the transportation hub of the nation?

Mark Hanna, Director of Aeronautics at Quincy's Baldwin Field, writes, ''* * * Quincy community leaders believe the removal of the current slot restrictions at O'Hare is critical in continuing this vital service between Quincy and Chicago. * * * With your support of providing relief from the current 'High Density Slot Rule' at O'Hare, we can maintain this valuable air service and increase its marketability.''

Julie Moore, President of the Metro Decatur Chamber of Commerce says, ''That (O'Hare) air service is essential to the economic growth and stability of our area.''

I understand the frustration that passengers have with flight delays. As a frequent flier, going into or through O'Hare twice a week, I experience it often. Will lifting the High Density Rule make the planes run on time? Of course not. But will it worsen the delays? Not necessarily. The FAA is working with its air traffic controllers and the airlines to implement both short-term and long-term ways to reduce delays in the air and on the ground including giving more authority to a nationwide Command Center to control flow of aircraft and attempting to decrease so-called ground-stops.

With regard to noise, according to data reported in U.S. DOT's 1995 study, the increase in population around O'Hare affected by noise due to lifting the High Density Rule is very small when compared to the decrease due to the transition to an all Stage 3 fleet in 2005. After lifting the High Density Rule and shifting to a Stage 3 fleet, the population exposed to very high noise levels should decrease. Elimination of the High Density Rule also will provide scheduling flexibility to the airlines and in so doing could reduce nighttime noise.

At my insistence, the conferees have included several provisions that will study the noise levels at the nation's slot-controlled airports and compare them to pre-Stage 3 aircraft noise levels around these same airports. The Secretary of Transportation also is required to study noise, the environment, access to underserved communities, and competition at O'Hare. Finally, O'Hare and the other slot-controlled airports will receive priority consideration for Airport Improvement Program funds for noise abatement and mitigation. This will help improve and expand soundproofing efforts and noise monitoring.

Both U.S. DoT's 1995 study and a 1999 GAO review found that the High Density Rule creates a barrier to entry and restricts airline competition at the affected airports. According to GAO, fares are higher at airports under the High Density Rule than at unrestricted airports. U.S. DoT concluded that lifting the high density rule would result in lower air fares and more competition.

According to a report conducted by Booz-Allen-Hamilton, allowing O'Hare to fully develop would contribute $26 billion annually to the greater Chicago economy. On the other hand, artificial constraints on O'Hare's capacity could cost the region $7 billion to $8 billion.

Mr. President, the High Density Rule has had more than 30 years to produce results. However, the only tangible results I've experienced are artificial barriers to access and competition. I don't take lightly the arguments raised by opponents of this amendment. In the past, I have supported compromise language that would offer some limited expansion of O'Hare. However, opponents have rejected even the introduction of one new flight at O'Hare. I believe this position is unrealistic and unfair to downstate Illinois communities that desperately need Chicago O'Hare access. I will hold the FAA, the airlines and these airports accountable to improve safety, reduce delays and achieve greater access for underserved markets while striving to protect the environment and limit airport noise.

Mr. DOMENICI. Mr. President, after months of negotiation, we have reached an agreement and completed work on the Aviation Investment and

Reform Act of the 21st Century, the so-called AIR–21.

AIR–21 is a fair bill. It reflects a compromise on many of my concerns about the budgetary treatment of our federal aviation accounts. It also reflects some of my commitments, one of which is to increase investment in aviation programs. I am a strong proponent of safety, and this bill increases funding for safety programs, including funds for air traffic control modernization. In addition, and very important to the State of New Mexico, many of the programs within this bill focus on and support small or rural airports. Finally, each of these accomplishments are realized while budgetary discipline is maintained.

In 2001, a total of $12.7 billion is authorized for aviation programs. This represents an increase in budget resources of $2.7 billion over the 2000 levels. This is extremely generous to the FAA. In fact, it exceeds the President's 2001 budget request by $1.5 billion. Over the 2001 through 2003 time period, AIR–21 authorizes nearly $40 billion.

Before I outline the budgetary compromise, I would like to thank all the Conferees—I especially appreciate the work and support of Senators STEVENS, GORTON, GRASSLEY, BURNS, LOTT, and LAUTENBERG on the budget issue. In addition, I applaud the leadership that Senators GORTON, LOTT, and MCCAIN took on this bill.

One very controversial issue had to do with the correct budgetary treatment for aviation programs. The provision contained in AIR–21 represents a compromise—both sides had to come together for this deal.

Similar to my offer last fall, AIR–21 guarantees annual funding from the Airports and Airways Trust Fund equal to the annual receipts deposited into the Trust Fund plus annual interest credited to the Trust Fund, as estimated in the President's budget.

Based on the President's FY 2001 Budget, $10.5 billion will be appropriated from the Trust Fund in 2001 for aviation programs. In addition, just over $2 billion can be provided from the general fund. For 2001 through 2003, over $33 billion will be guaranteed from the trust fund for aviation programs, and more than $6 billion can be provided from the general fund.

Further, the budget compromise provides that the Trust Funds will first be available to fund the capital accounts—for airport improvement program grants and facilities and equipment, including the air traffic control modernization programs.

Before I finish, let me take one minute to discuss what this bill doesn't do. AIR–21 does not take the Airports and Airways Trust Fund off-budget. AIR–21 does not establish a budgetary firewall between aviation programs and other discretionary programs. Further, it does not lock-down general fund tax receipts for aviation programs. Finally, it does not put FAA funding on autopilot and take the appropriators out of the process.

In this way, budgetary discipline has prevailed and appropriate congressional oversight is maintained. This is good policy for the American people and the flying public.

Finally, this bill contains essentially, for the next three years, a Federal mechanism not entirely unlike what has existed since the Airports and Airways Trust Fund was established in 1972. As we move into this new century, it may be that this funding mechanism and the current government structure is not the most efficient or effective way to provide the investments and services for this industry in the future.

For example, at least 16 countries have taken action to respond to the pressures that increasing enplanements have had on a system already stressed by capacity constraints and increases in and longer delays. These countries realized something that was made clear in a joint Budget and Appropriations Committee hearing on February 3—that increased funding levels will not solve the problems of our outdated air traffic control system and will not make the system efficient.

Recognizing this, these countries have fundamentally reformed and restructured their air traffic control systems. Most recently Canada created a very successful nonprofit, private air traffic control corporation sustained by user fees. Reformed air traffic control systems have been successful. They have brought about major gains in efficiency, reduced flight delays, reductions in operating costs, and progress in technological upgrades. All of this was accomplished without compromising safety.

Although this bill provides funding for FAA for three years, it is my hope that we will continue to seriously evaluate and consider whether services can more effectively and efficiently be delivered with a change in structure—so that the gains realized in Canada, Britain, Germany, Switzerland, and New Zealand can be achieved in the United States.

Mr. LEAHY. Mr. President, I am pleased that the Aircraft Safety Act of 2000 is included in the conference report on the Air Transportation Improvement Act, H.R. 1000. This measure is needed to safeguard United States aircraft, workers and passengers from fraudulent, defective, and counterfeit aircraft parts.

The problem of fraudulent, defective, and counterfeit aircraft parts has grown dramatically in recent years. Since 1993, the Federal Aviation Administration received 1,778 reports of suspected unapproved parts, initiated 298 enforcement actions and issued 143 safety notices regarding suspect parts. Moreover, the aircraft industry has estimated that as much as $2 billion in unapproved parts may be sitting on the shelves of parts distributors, airlines, and repair stations, according to Congressional testimony.

Because a passenger airplane may contain as many as 6 million parts, the growth of bogus aircraft parts raises serious public safety concerns. And even small bogus parts could cause a horrific airplane tragedy. For instance, on September 8, 1989, a charter flight carrying 55 people from Norway to Germany plunged 22,000 feet into the North Sea after a tail section fastened with bogus bolts tore loose.

Given this potential threat to public safety, comprehensive laws are needed to focus directly on the dangers posed by nonconforming, defective, and counterfeit aircraft parts. But no such laws are on the books right now. In fact, prosecutors today are forced to use a variety of general criminal statutes to bring offenders to justice, including prosecution for mail fraud, wire fraud, false statements and conspiracy. These general criminal statutes may work well in some situations in the aircraft industry, but often times they do not.

The Aircraft Safety Act would provide for a single Federal law designed to crack down on the $45 billion fraudulent, defective, and counterfeit aircraft parts industry. The Act focuses on stopping bogus aircraft parts in three ways.

First, our bipartisan bill adds a new section to our criminal laws defining fraud involving aircraft parts in interstate or foreign commerce for the first time. The section sets out three new offenses to outlaw the fraudulent exportation, importation, sale, trade, installation, or introduction of nonconforming, defective, or counterfeit aircraft parts. Under the new statute, it is a crime to falsify or conceal any material fact, to make any fraudulent representation, or to use any materially false documents or electronic communication concerning any aircraft part.

Second, our bipartisan bill strengthens the criminal penalties against aircraft parts pirates. A basic 15-year maximum penalty of imprisonment and $500,000 maximum fine is set for all offenses created by the new section. This is needed to end the light sentences that some aircraft parts counterfeiters have received under the general criminal statutes. In fact, in a 1994 case, a parts broker pleaded guilty to trafficking in counterfeit aircraft parts, but only received a seven-month sentence. Fraud involving aircraft parts is a serious crime that deserves a serious penalty.

Third, our bipartisan bill provides courts with new tools to prevent repeat offenders from re-entering the aircraft parts business and to stop the flow of nonconforming, defective and counterfeit parts in the marketplace. Under the new statute, courts may order unscrupulous individuals to divest themselves of interests in businesses used to perpetuate aircraft fraud. Courts may also, under the new statute, direct the disposal of stockpiles and inventories of defective and counterfeit aircraft parts to prevent their subsequent resale or entry into commerce.

Indeed, Attorney General Reno, Defense Secretary Cohen, Transportation

Secretary Slater, and NASA Administrator Goldin wrote to Senator HATCH and me urging that Congress adopt this legislation. They wrote: ''If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public.'' As a result, the Aircraft Safety Act is endorsed by the Department of Justice, the Federal Bureau of Investigation, the Department of Defense, the Department of Transportation and the National Aeronautics and Space Administration. I ask unanimous consent, that this letter be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. LEAHY. The distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and I offered the Aircraft Safety Act as an amendment during Senate consideration of S. 82, the Senate companion bill. Our amendment was accepted by unanimous consent. I thank Senator MCCAIN, the Chairman of the Senate Commerce Committee, and Senator HOLLINGS, the Ranking Member of the Committee, for holding the Senate position in conference with minor revisions and, thus, including our amendment in the final bill.

I look forward to President Clinton signing the Aircraft Safety Act of 2000 into law as part of the conference report on the Air Transportation Improvement Act, H.R. 1000.

EXHIBIT 1

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 legislation 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 or nonconforming parts. During the same period, the Federal Aviation Administration (FAA) received 1,778 reports or 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 legislation proposal, and that its enactment would be in accord with the problem of the President.

Sincerely,

JANET RENO,
Attorney General.
RODNEY E. SLATER,
Secretary of Transportation.
WILLIAM S. COHEN,
Secretary of Defense.
DANIEL S. GOLDIN,
Administrator, NASA.

Mr. HARKIN. Mr. President, I am very pleased with the provisions of the conference report concerning slots that provide for a two-step process for the elimination of airline slots, landing and take off rights at O'Hare, Kennedy, and LaGuardia Airports. Senator GRASSLEY and I proposed a similar method for the elimination of slots at those three airports over a year ago.

I am very pleased that we have been able to work closely with Chairman MCCAIN, Senator ROCKEFELLER, Senator HOLLINGS, and others on the development of this proposal. I am proud of the support that we have received from a majority of the attorneys general led by Iowa's own Attorney General Tom Miller. The U.S. Department of Transportation deserves special praise for its initiative calling for the elimination of the anticompetitive slot rule that was the starting point of our proposal. Chairman SHUSTER and the House also deserve considerable praise for their proposal to eliminate the slot rule at these airports last June.

I want to especially commend Chairman MCCAIN and his staff for working so closely with us on this issue. He held a field hearing in Des Moines on April 30 last year to hear firsthand how the current system effects small and medium-sized cities. He has worked hard to move forward a proposal which I believe will significantly increase competition. That was not an easy task.

I also want to especially thank Senator ROCKEFELLER and his staff for their considerable efforts. Both Senators have shown a keen interest in the problems unique to smaller cities where adequate service is the paramount issue.

The phasing out of the slot requirements at these airports is an important step toward eliminating a major barrier to airline competition. And, by doing so in this two step process mitigates against some of the long-term effects of the government-imposed slot rule. Under current rules, most smaller airlines have, in effect, had a far more difficult time competing, in part because of the slot rule.

The conference report allows small airlines to expanded access to all four slot controlled airports to some degree. Not as much as our original proposal. I would have liked to have seen a longer phase in of the rule at O'Hare and broader provisions for limited incumbent—that is newer and usually smaller airlines to provide additional, often competitive service which will hopefully result in lower fares and improved service in many markets. The final provisions are not as broad as Senator GRASSLEY and I initially proposed. But they are a genuine and substantial improvement. This will help stimulate increased competition and lower ticket prices. Unfortunately, at LaGuardia, smaller airlines will not be able to establish service between their hubs and LaGuardia. The number of flights to O'Hare by newer airlines is limited. But, the measure provides some real opportunities to newer often low cost carriers during the phase in period.

The measure allows a carrier to establish new service to O'Hare without any restriction starting in May so long as the new service is with aircraft with fewer than 70 seats. Cities like Sioux City in Iowa and other small and medium sized cities around O'Hare will hopefully be able to see service to O'Hare, important to many businesses and those cities economy. And, an airline can also increase the frequency of service to smaller cities so long as aircraft with fewer than 70 seats are used. Recently, Burlington IA, was facing the loss of an important round trip to O'Hare purely because of the slot rule. The Quad Cities lost service by American Airlines last year because, in part, a limited number of slots were available. There is some chance that both decisions may be reversed now that slot restrictions will no longer impact those decisions.

Timing of service to smaller cities will be more efficient and carriers will be able to increase their frequency. I am very pleased that the conferees approved a two for one rule, giving an additional slot to airlines that upgrade an existing round trip turbojet service to smaller cities with a regional jet. This provides an incentive to provide improved service to smaller cities when it makes sense to do it.

In the final step, after a shorter period than I would like at O'Hare and a longer period than I think is best at

the New York Airports, the slot rules would be ended at O'Hare, Kennedy, and LaGuardia Airports. In both cases I am hopeful that competitive airlines might get a change to establish a foothold and smaller cities would have established better service that will continue in the long term.

Access to affordable air service is essential to efficient commerce and economic development. Americans have a right to expect it. Airports are paid for by the traveling public through taxes and by fees charged by the Federal Government and local airport authorities.

Unfortunately, when deregulation came along in 1978, there was no effective framework put in place to deal with anticompetitive practices. Many of these practices have become business as usual. The result has been increased air fares and decreased service to mid-size and small communities.

The slot rule, originally put in place because of the limitations of the air traffic control system has been an effective competition. The DOT, improperly, I believe, literally gave the right to land and take off to those who used these airports on January 21, 1986. That effectively locked in the current users of those airports and locked out effective competition. It gave away a public resource. Finally, this bill phases out the slot rule and its anti-competitive effects and its negative effects on smaller communities.

Lastly, I wanted to say a few words about the budget. Our airways system has some very real problems. Capacity is limited. There are many pressure points that create bottlenecks, slowing down traffic. We need more gates, more runways and taxiways. We need better equipment and computers as well as additional flight controllers in order to increase the capacity of the system at a number of points. Long delays at our nations airports decrease the efficiency of our entire economy. This bill does provide for considerable increases in funds.

While many very necessary things are costly, some of the things that can be done with the airways systems do not cost large sums. For example, if pilots received written comments from flight controllers rather than verbal commands, the efficiency of the system would improve and the chance of errors would decrease. But, the culture of the system is slow to change. This step is now moving toward a multiyear test and then a multiyear implementation. Changes like this one should be implemented more quickly.

If we are able to provide the considerable increases in funding the airways system needs and for which this bill provides, we must see reasonable levels of funding for domestic discretionary spending over the coming years or the sums provided in this measure are not likely to occur.

LOS ANGELES TECH DEPARTMENT OF PROFESSIONAL AVIATION

Mr. BREAUX. I wish to enter into a colloquy with the Senator from South Carolina. The Department of Professional Aviation at Louisiana Tech is one of the University's most successful departments. With the expansion of the aviation industry in this nation, the University has been in the process of expanding the physical infrastructure for the Department of professional Aviation.

A new $6 million instructional facility has recently been constructed on the campus and the University will also construct a new flight operations facility at Ruston Regional Airport. While the State of Louisiana and the University have financed the cost of building these new facilities, the University is hopeful that it can receive federal assistance for the purchase of newer and safer equipment, such as new single-engine aircraft, a multiengine training aircraft, and a multiengine turbine simulator.

As we consider this FAA reauthorization bill, I would like to know whether this is something that would be appropriate for receiving financial support from the FAA in the form of competitive grant funding as part of its university research and air safety programs? I hope that grant funding for this project can be obtained from the FAA.

Mr. HOLLINGS. I appreciate the gentleman's comments and want to work with him and the FAA on this project. Let me say to the gentleman that I will work with him to determine what options may be available to Louisiana Tech with respect to this matter.

Mr. BREAUX. I appreciate that clarification.

Mr. BIDEN. Mr. President, I rise today to make a few remarks concerning the FAA reauthorization bill that is currently before the Senate. Although I will vote in support of the bill, I feel compelled to express my reservations concerning the mandatory budgetary provisions that are included in this conference agreement. It should be understood by all here today that these provisions should not be used to reduce funding for other essential transportation programs, most importantly Amtrak.

I realize the importance of passing this legislation that provides necessary funding for aviation programs over the next three years. This bill has been a long time coming and I understand it has been carefully and diligently crafted between the conferees. I believe we need additional funding for the improvement of our airports and to permit us to take advantage of the best technologies to improve passenger safety.

However, I don't believe that other transportation programs such as Amtrak should suffer as a result of the budgetary agreement that has been included in this bill. I have long been a supporter of Amtrak and am dedicated to making sure that the Federal Government lives up to its promise to provide Amtrak with sufficient support to preserve passenger rail service in this country and enable Amtrak to reach operating self-sufficiency. Because of this I want to make it clear that I'm voting for this FAA reauthorization bill with the understanding that the Majority Leader, Senator LOTT, and the Minority Leader, Senator DASCHLE, have made assurances that they will protect Amtrak from budgetary threats that may follow from this legislation.

Mr. BENNETT. Mr. President, I am very supportive of the conference agreement provisions which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I commend Chairman MCCAIN and leadership 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.

I have been involved and supportive of the effort to open up Reagan National since the legislation was first introduced. While I would have preferred to eliminate the perimeter rule altogether or have more slots available for improved access to the West, the final agreement includes 12 slots. I want to reiterate that these limited exemptions must benefit citizens throughout the West. Having said that, this same limited number of exemptions must not be awarded solely or disproportionately to one carrier or one airport. I expect that the DOT will ensure that the maximum number of cities benefit from these 12 slots. I am particularly concerned that small and mid-size communities in the West, especially in the northern tier have improved access through hubs like Salt Lake City.

These limited exemptions to the perimeter rule from hubs like Salt Lake City 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, the 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 improve 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 provisions 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 ward 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.

Again, Mr. President, I would like to commend the chairman and his colleagues 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 would like to include in the RECORD a letter sent to Chairman MCCAIN on this matter signed by seven western Senators.

There being no objection, this letter was ordered to be printed in 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.
ROBERT F. BENNETT.
LARRY E. CRAIG.
CONRAD BURNS.
CRAIG THOMAS.
MIKE CRAPO.
MAX BAUCUS.

Mr. AKAKA. Mr. President, I rise in support of H.R. 1000, the Air Transportation Improvement Act. This measure will enhance the safety and efficiency of our air transportation system, upon which the island state of Hawaii depends upon so much. I am especially supportive of title VIII, the National Parks Air Tour Management Act of 2000.

Mr. President, title VIII of H.R. 1000 establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. This legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with input from stakeholders, to develop an air tour management plan, known as ATMP's, for parks currently or potentially affected by air tour flights.

The ATMP process evaluates routes, altitudes, time restrictions, limitations on, and other operating parameters to protect sensitive park resources and to enhance the safety of air tour operations. An ATMP could prohibit air tours at a park entirely, regulate air tours within ½ mile of park boundaries, regulate air tour operations that affect tribal lands, and offer incentives for the adoption of quieter air technology.

H.R. 1000 also creates an advisory group comprised of representatives of the FAA, the Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

Through the ATMP process, this bill treats overflights issues on a park-by-park basis. Rather than a one-size-fits-all approach, the legislation establishes a fair and rational mechanism through which environmental and aviation needs can be addressed in the context of the unique circumstances that exist at individual national parks.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialog among diverse stakeholders, mirrors key elements of legislation, the National Parks Airspace Management Act, that I sponsored in several previous Congresses.

Mr. President, adoption of this bill is essential if we are to address the detrimental impact of air tour activities on the National Park System effectively. Air tourism has significantly increased in the last decade, nowhere more so than over high profile units such as the Grand Canyon, Great Smoky Mountains, and Haleakala and Hawaii Volcanoes national parks. A 1994 Park Service study indicated that nearly a hundred parks experienced adverse park impacts, and that number has certainly increased since then. Such growth has inevitably conflicted with the qualities and values that many park units were established to promote.

Air tour operators often provide important emergency services while enhancing park access for special populations like the physically challenged and older Americans. Furthermore, air tour operators offer an important source of income for local economies, notably tourism-dependent areas such as Hawaii. However, unregulated overflights have the potential to harm park ecologies, distress wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations also pose a safety hazard to air and ground visitors alike.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interests of the aviation and environmental communities. Congress and the Administration have struggled to develop such a policy since enactment of the National Parks Overflights Act of 1987, Congress' initial, but limited, attempt to address the overflights issue. Title VIII of H.R. 1000 will finish where the 1987 act left off, providing the FAA and Park Service with the policy guidance and procedural mechanisms that are essential to balance the needs of air tour operators with the imperative to preserve and protect our natural resources.

Mr. President, the overflights provisions of this bill are the product of good faith efforts on the part of many groups and individuals. They include members of the National Parks Overflights Working Group, whose consensus recommendations from the underpinnings of this legislation; representatives of air tour and environmental advocacy organizations such as Helicopter Association International and the National Parks and Conservation Association; and, officials of the FAA and Park Service.

However, title VIII is above all the product of the energy and vision of Senator JOHN MCCAIN. As the author of the 1987 National Parks Overflights Act, Senator MCCAIN was the first to recognize the adverse impacts of air tours on national parks, and the first to call for a national policy to address this problem. Since then, he has employed his moral authority and legislative skills to advance a constructive solution on this subject. For his leadership in writing this bill and for his long advocacy of park overflight issues, Senator MCCAIN deserves our lasting appreciation.

Mr. President, I am honored to have worked closely with Senator MCCAIN over the last few years to formulate an overflights bill that promotes aviation safety, enhances the viability of legitimate air tour operations, and protects national parks from the most egregious visual and noise intrusions by air tour helicopters and other aircraft. Left unchecked, air tour activities can undermine the very qualities and resources

that give value to a park. I believe that the pending measure reasonably and prudently balances these sometimes opposing considerations, and urge my colleagues to support this legislation.

Before I conclude my remarks, Mr. President, I would like to recognize the staff of the Commerce Committee for their hard work in putting this legislation together. Ann Choiniere deserves mention for her day-to-day management of the overflights issue. I would also like to recognize former members of my own staff, Kerry Taylor, Bob Weir, Steve Oppermann, and John Tagami, who made important contributions to this issue. Steve in particular has served as an expert resource whose tireless, and largely unheralded contribution has shaped the overflights debate in a major way.

Thank you, Mr. President. I yield the floor.

Mr. BAUCUS. Mr. President, I rise today to support the conference report on Federal Aviation Reauthorization. I am pleased that Congressional negotiators have reached an agreement providing needed resources and investment for the federal aviation programs, while maintaining budgetary discipline.

The final agreement maintains the FAA on-budget status but insures that the money in the Trust Fund will be spent only on aviation programs. The agreement provides a strong and enforceable guarantee to ensure that FAA appropriations will be no less than the amounts paid annually into the Trust Fund. The final agreement also permits the use of general funds for aviation programs subject to the normal appropriation process. This combination of Trust Fund and general fund revenue will help to ensure that much needed construction and maintenance are carried out as part of our nation's aviation program.

Part of the agreement reached by the conferees includes a provision which addresses what I believe is a complicated and growing problem—flight delays and cancellations.

The problem is not that delays and cancellations occur. Airlines must maintain a tight schedule and that schedule can be greatly affected by weather or equipment problems.

For travelers, it is a mystery whether these delays and cancellations are caused by weather, equipment problems, or economic convenience. Nobody knows. The airlines don't have to tell you. After you finally reach your destination, there's a good chance that you'll never know why you were stranded thousands of miles from home or why you missed that important business meeting.

But flights also are canceled or delayed for economic reasons, not just mechanical or weather-related problems. And when these economic delays and cancellations occur, it's usually rural America that gets the short end of the stick. For instance, if there are 40 people in Denver waiting for a flight to Billings, MT and another 120 waiting to go to San Francisco but only one plane is available, the flight to Billings will be canceled. For the Airlines, its simple. It costs less to put 30 people up in a hotel and send them on to Billings the next day than it does to send 120 California-bound people to a hotel.

That is wrong. If flights are canceled for economic or other reasons, passengers deserve to know the truth. It will also allow them to shop around for the airline that has the best performance record. When you only have a couple of flights into a town, as is the case with much of rural America, cancellations are not just an inconvenience. There is an economic impact as well.

As my home state of Montana, and our neighbors in North and South Dakota, Wyoming and Idaho can attest, what business is going to relocate to an area where flight service is not reliable?

Right now, Montana's economy needs work. Our state ranks near the bottom of per-capita individual income. Other measures of economic progress are also pretty low. Reliable air service doesn't guarantee economic growth. But without it, workers and employers alike have a difficult burden to bear.

That is why I am pleased that the conference report contains a version of my amendment to require air carriers to more fully disclose the cause of delays. The conference report creates a task force that will modify Airline Service Quality Performance Reports to reflect the reasons for such delays and cancellations, such as snow storms, mechanical difficulties or economic reasons, like the one I just mentioned. This task force will consist of representatives of airline consumers and air carriers.

Currently, the ten largest airlines have to report monthly to the Department of Transportation all flights that are more than 15 minutes late to and from the 29 U.S. airports that make up at least 1 percent of the nation's total domestic scheduled-service passenger enplanements. This statistic includes cancellations. My provision will broaden this reporting so that more passengers will have this information.

I realize that simply reporting the reason will not stop the practice of delaying flights or canceling them for economic reasons. Airlines are a business. An industry. As such, they must make business decisions that will keep their operation in the black.

But, if airlines have to start reporting the reasons for missed connections and disrupted lives, consumers can start making their own choices about which airline to fly. In the end I hope this information will lead to more dependable service around the country, but especially in rural America.

Mr. WARNER. Mr. President, I thank the conferees for their hard work and diligent effort to accommodate the wide range of interests on this long-awaited legislation.

I take this opportunity to make my position on the FAA conference agreement perfectly clear. There are three areas which I want to address. First, I am grateful to the conferees for the inclusion of my amendment delinking federal Airport Improvement Program (AIP) funds to Reagan National and Dulles International Airports to the confirmation of federal appointees to the Metropolitan Washington Airports Authority (MWAA). This provision ensures the release of $144 million to allow for critical safety and modernization plans to go forward. Second, I want to express my regret that the provision raising the Passenger Facility Charges (PFC) was included as part of the conference agreement. Lastly, it was my strong preference that no new additional flights be allowed into and out of Reagan National Airport. Despite my opposition, it was the will of the Congress to increase the number of slots at Reagan National. I will continue to oppose any increase in the number of flights at Reagan National.

I am pleased with the inclusion of my 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.

As you know, Congress created the MWAA Board of Directors and charged the Senate with the duty of confirming three federal appointments. In addition to the requirement that the Senate confirm the appointees, the statute contains a punitive provision which denies all federal AIP entitlement grants and the imposition of any new passenger facility charges (PFC) to Dulles International and Reagan National if the appointees were not confirmed by October 1, 1997.

As the current law forbids the FAA from approving any AIP entitlement grants for construction at the two airports and from approving any PFC applications, these airports have been denied access to over $144 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 nearly three years.

These critically needed funds have halted important construction projects at both airports. Of the over $144 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.

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.

Mr. President, my amendment is aimed at ensuring that necessary safety and service improvements proceed at Reagan National and Dulles and I am pleased with its inclusion.

Secondly, I wanted to express my profound regret that the conference agreement includes any increase in PFC charges.

The current PFC cap is set at $3 per airport and passengers can easily pay a total of $12 in taxes on a round trip flight. Already, airline passengers are subjected to a 7.5% federal excise tax, the $12.40 per passenger excise tax on air passenger arrivals, as well as the 4.3 cents per gallon Aviation Trust Fund tax on aviation jet fuel. Airline passengers can pay as much as 40% of their total ticket cost just in taxes.

Providing better airport facilities is imperative but raising PFCs in order to guarantee a revenue stream for aviation is like flying a jet plane with less than adequate destination fuel. You'll get off the ground but it will come at great cost.

Lastly, the conference agreement includes a provision that will allow for an increase of 12 flights at Reagan National Airport. The original Senate language included an unacceptable and astonishing number of 48 takeoffs and landings. I fought very hard to stem the tide as I had innumerable environmental, clean-air and local control concerns and am appreciative the conferees agreed to scale back the number of additional slots to a less egregious number. In crafting this agreement, I strongly urge my colleagues in the Senate not to open future discussion on this matter without appropriate deference being made to my constituents in Virginia.

Mr. SPECTER. Mr. President, I have sought recognition today to highlight an important provision in the Federal Aviation Administration reauthorization conference report which provides more equitable treatment for families of passengers involved in international aviation disasters.

The devastating crash of Trans World Airlines Flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones who were participating in a long-awaited Montoursville High School French Club trip to France.

Last Congress it was brought to my attention by constituents, including parents of the Montoursville children lost on TWA 800, that their ability to seek redress in court was hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to apply to the widows of seafarers, not the relatives of jumbo-jet passengers who have perished during international air travel.

The Death on the High Seas Act states that where the death of a person is caused by wrongful act, neglect, or default occurring more than one marine league—three miles—from U.S. shores, a personal representative of a decedent can only sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. Therefore, the families of the victims of aviation accidents, such as TWA 800, Swissair 111 and EgyptAir 990, all of which occurred more than three miles offshore, were precluded from recovering non-pecuniary damages such as loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

In the 105th Congress Representative McDade and I introduced legislation to remove the application of the Death on the High Seas Act from aviation incidents. Our legislation was not enacted into law, and in the 106th Congress, Representative SHERWOOD and I again reintroduced this measure. The House bill, H.R. 603, passed by an overwhelming margin and was incorporated into the House FAA reauthorization bill. The Senate version of the FAA bill included a provision allowing victims' families to recover non-pecuniary damages, but with a cap of $750,000, which I opposed.

On October 18, 1999, I was successful in convincing 15 of my colleagues to join me in a letter to Chairman MCCAIN urging the Senate to accept the House provision in conference. Representative SHERWOOD and I also worked closely with Chairman SHUSTER and his staff to press our case before the conferees.

I am very pleased that the final provision agreed upon in the FAA reauthorization conference report accomplishes the primary goal of our free-standing legislation by extending the territorial seas of the United States from three to twelve miles for the purpose of aviation accidents after July 16, 1996. This effectively removes TWA 800—which crashed roughly ten miles offshore—from coverage under the Death on the High Seas Act. In addition, while the Death on the High Seas Act will still apply to other aviation accidents which occurred beyond twelve miles, such as Swissair 111 and EgyptAir 990, non-pecuniary damages will now be recoverable for the first time.

Our success in this matter would not have been possible without the work of many, and I would particularly like to recognize the efforts of Hans Ephraimson-Abt, Frank Carven and Will and Kathy Rogers, all of whom have lost loved ones as a result of tragedy in international air travel. These individuals first brought this issue to my attention and served as able advocates. I would also like to thank Dan Renberg and Mark Carmel of my staff, who worked tirelessly on behalf of all the victims' families. Finally, I would like to thank my colleagues, Chairman SHUSTER, Chairman MCCAIN, Senator HOLLINGS and Senator GORTON for working with Representative SHERWOOD and myself to address this matter.

This issue is not about large damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes. While nothing can ever completely take away the pain and grief felt by those who lost loved ones in these tragedies, I am hopeful that the victims' families are comforted with the knowledge that some measure of fairness has been restored and the American civil justice system is now more accessible.

Mr. LOTT. Mr. President, I rise to recognize the importance of today's passage of H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Today is a great day for rural America's air passengers. This legislation will bring much needed air service to under served communities throughout the Nation. It will also grant billions of dollars in federal funds to our Nation's airports for upgrades, through the Airport Improvements Program (AIP).

Senator SLADE GORTON, Chairman of the Committee on Commerce, Subcommittee on Aviation, is to be commended for his superb leadership on this complex and contentious measure. My friend and colleague from the State of Washington proved himself pivotal earlier during floor consideration of the Senate bill and during the conference with the other body on this bill. Together with Chairman DOMENICI, Chairman STEVENS, and Senator HOLLINGS, their joint efforts moved this bill to today's passage.

Rural Americans are the biggest winners with the passage of H.R. 1000. Citizens of small and under served communities can look forward to the day when they no longer have to travel hundreds of miles and several hours to board a plane. This legislation provides incentives to domestic air carriers and their 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.

Mr. President, I also applaud the hard work of Senator FRIST of Tennessee, Senator ABRAHAM of Michigan, and Senator ASHCROFT of Missouri, all members of the Senate Commerce Committee. Their dedication to the flying public helped move the FAA conference when agreements on contentious aviation issues were not met. They understand the delays, inconvenience, and headache their constituents must endure when flying—they get it. I firmly believe that without the engagement of these three gentlemen the Senate would not be voting on H.R. 1000

today. The people of Tennessee, Michigan, and Missouri should be extremely proud of their representation in Washington.

The major policy changes in H.R. 1000 led to hard fought, but honest disagreements. I have enormous respect for the efforts of Chairmen DOMENICI, STEVENS, and SHUSTER, as well as House Ranking Member OBERSTAR, as they diligently advocated for their committees' jurisdictions. One thing was abundantly clear during the FAA conference—my colleagues recognized our Nation's aviation needs and made significant commitments to increase aviation funding. This honest debate and willingness to work together to achieve common goals is what makes it exciting to serve in Washington.

Mr. President, I am extremely proud of my colleagues. Since 1995, the Republican majority has made infrastructure a top legislative priority. Two years ago, my friends in the House and Senate successfully led an effort to boost the amount of federal funding for highway construction and improvements. History will reflect that this Congress also deeply cared about our Nation's infrastructure. One of the main components of H.R. 1000 directs the expense of all Airports and Airways Trust Fund revenue and interest on aviation needs. Trust Fund revenue and interest means that America's airports will get the improvements they desperately need to take our aviation infrastructure into the 21st Century.

Mr. President, 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 get FAA legislation through conference and to the Senate for approval.

From the Senate Committee on Commerce, Science and Transportation: Marti Allbright; Lloyd Ator; Mark Buse; Ann Choiniere; Julia Kraus; Michael Reynolds; Scott Verstandig; and Sam Whitehorn.

From the Senate Committee on the Budget: Beth Felder; Bill Hoagland; Mary Naylor; Barry Strumpf; and Cheryle Tucker.

From the Senate Committee on Appropriations: Wally Burnett; Paul Doerrer; Peter Rogoff; and Mitch Warren.

The following staff also participated on behalf of their Senators: Chrystn Alston; Kerry Ates; Rich Bender; David Broome; Bob Carey; Steve Browning; Jeanne Bumpus; John Conrad; Margaret Cummisky; Brett Hale; Keith Hennessey; Ann Loomis; Randal Popelka; Mitch Rose; Lisa Rosenberg; Greg Rothchild; Jim Sartucci; Lori Sharpe; Brad Van Dam; and Andy Vermilye.

Mr. President, these individuals worked very hard on H.R. 1000, and the Senate owes them a debt of gratitude for their dedicated service to this country.

Mr. President, our Nation's small communities are a step closer to receiving long-sought air service. Also, America's airports will be enhanced. This is good for all Americans.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Washington.

Mr. GORTON. Mr. President, I think we are quite close to the end of this debate. I wish to make only a few remarks, primarily in response to those of the distinguished Senator from New Jersey, who spoke in opposition.

One reason this bill has taken so long to come before the Senate in the final conference report was an objection I shared with the chairman of the Budget Committee, Senator DOMENICI, the chairman of the Appropriations Committee, Senator STEVENS, and the majority leader to creating a new entitlement.

I do not believe, in the ultimate analysis, this bill does create a new entitlement. It does say that all of the money collected by the aviation passenger tax that has long been statutorily earmarked toward aircraft, airport, and airline purposes ought to be spent on that purpose. It does effectively guarantee that trust fund will be spent for the purposes it was created. That, it seems to me, is a good thing rather than a bad thing.

The Senator from New Jersey is correct in saying we will be required in the future, as I think we ought to be, to appropriate general fund money for aircraft purposes in the broadest sense. I suppose one can call that a subsidy to air travel.

The Senator speaks of Amtrak. My figures indicate that the roughly 20 million Amtrak passengers each year are subsidized by the general taxpayer to the extent of $28 per passenger per trip. Even if one assumed this bill would essentially require spending $2.5 million a year on the Federal Aviation Administration in general fund moneys over and above the trust fund, and even if we attributed every one of those dollars directly to the passengers of commercial aircraft, which of course we should not, that would be roughly $4 a passenger, or one-seventh the amount of subsidy to rail passengers.

The bottom line is that the Appropriations Committee still retains authority to shift funds among various capital accounts that are within the trust fund and still allow for a direct appropriation of whatever amount the Senate desires for general fund purposes. It will make it more difficult not to come up to authorized levels, but it does not make it impossible.

We all agree that the needs of our air transportation system are emergent and are large. This bill represents a major step forward to funding an adequate amount and will still allow judgments to be made between various forms of transportation and other needs of the country in an appropriate fashion.

This is a good bill, and I believe it ought to be passed with an overwhelmingly affirmative vote.

Has a rollcall vote been ordered on final passage?

The PRESIDING OFFICER. It has not.

Mr. GORTON. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. I think it appropriate to ask for 2 minutes prior to the vote at 5 p.m. for summary conclusions on the bill, 1 minute on each side.

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

Mr. GORTON. How much time remains?

The PRESIDING OFFICER. The Senator from Washington State has 2 minutes remaining; the Senator from West Virginia has 7½ minutes.

Mr. GORTON. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I only make a couple of comments. I indicated this is the largest increase in aviation spending in history. I did that out of a sense of pride because of the urgency of the situation we face. This is not money which is being spent for the sake of money; it is money being spent so we will not walk into the disaster we are now headed towards.

I remind my colleagues—the delays, the near misses, the pressure, the outdated equipment, the insufficient time for preparation at work, salaries, money for various purposes—we cannot take an air traffic control system or modernize an FAA in the way they want to do it, we cannot pay the many thousands of people who work to keep it safe in this country, without spending money.

It has been said a number of times that the number of people who will be flying in this country will be a billion in less than 10 years. Cargo traffic on a worldwide basis, as well as in our country, will increase exponentially. The number of planes flying in the skies will increase by at least 50 percent in less than 10 years. Think about that. We have the same number of runways; we have 20- to 30-year-old computers trying to figure out what altitudes the planes are flying and figure out how to separate them; we look at all the different tracking systems we have in our aviation system and we would be embarrassed to have that equipment in our own Senate offices. It is a crisis. Therefore, it is a priority. We are talking about the saving of American lives and lives across the world. Money must be spent.

It is not that other transportation is any less important. This Senator benefits enormously from the services of Amtrak. An airplane crash does something to the Nation's psychology. It can take 2 or 3 years for an airline to recover from an instant which costs lives. The economic impact and, most importantly, the human impact and the pressure on people who run the

aviation system to prevent these things from happening, to have safe skies, is absolutely overwhelming. It is something which is not recognized sufficiently by the American people and which we are, happily, recognizing in this bill.

The Secretary of the Department of Transportation is happy with this bill and will recommend to the President that he sign it. Jane Garvey, the FAA Administrator—somebody in whom I have an enormous amount of confidence, who has run Boston's airport by herself and knows the situation cold—is very much in support of this.

After all, we have not taken anything off budget. The aviation trust fund is still on budget. We have not built any firewalls. We have acted in a responsible fashion. However, we have applied more money because this is a particularly special crisis which, thank heavens, after a number of years, Congress has finally recognized.

In my earlier remarks, I failed to mention BUD SHUSTER in the House, the chairman of their committee, and JIM OBERSTAR, dear friends of many years. What they and their colleagues have done is extraordinary. I think we have a superb bill. It is not a perfect bill, but it is, as in all things, the result of compromise. I think, generally speaking, we have a bill of which to be extremely proud. I know the Senator from West Virginia believes that very strongly.

Unless there are others who wish to speak, I hope our colleagues will vote to pass this conference report when the time comes this afternoon.

I yield back the remainder of my time.

Mr. GORTON. Mr. President, I believe that uses the time of all the people who wish to speak on the conference report. I ask unanimous consent debate, other than the 2 minutes at 5 p.m., be concluded.

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

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent I may speak in morning business for 12 minutes or thereabouts.

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

MEASURE PLACED ON THE CALENDAR—S. 2184

Mr. MURKOWSKI. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (S. 2184) to amend chapter 3 of title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits.

Mr. MURKOWSKI. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Objection having been heard, under the rule, the bill will be placed on the calendar.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2214 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the time allocated to Senator DURBIN.

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

PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, I have come to the floor repeatedly over the last few months to talk about the importance of prescription drug coverage under Medicare for the Nation's senior citizens. Today I want to focus on how the absence of this coverage essentially undermines our entire health care system.

What we are seeing is that every day, in the United States, senior citizens who are ailing from a variety of health problems end up getting sicker because they are not able to afford their prescription medicine. Very often these seniors end up being hospitalized and needing vastly more expensive medical services that are made available under what is called Part A of the Medicare program.

Today, I want to describe a case I recently learned about in Hillsboro, OR, because it illustrates just how irrational, how extraordinarily illogical, it is to have a health care system for the Nation's senior citizens that does not cover prescription drugs.

An orthopedist from Hillsboro, OR, recently wrote me that he actually had to hospitalize a patient for over 6 weeks because the patient needed antibiotics that they were not covered on an outpatient basis.

Here you had a frail, vulnerable older person. The physician, and all the medical specialists involved, believed that person could be treated on an outpatient basis with antibiotics, but because there was not Medicare coverage available on an outpatient basis—because there was not the kind of coverage Senator DASCHLE has been talking about and Senator SNOWE and I have made available in the Snowe-Wyden bipartisan legislation—because that coverage was not available to the senior citizen in Hillsboro, OR, that older person had to be hospitalized for over 6 weeks.

Here is what the doctor said to me:

This method of treatment [the preferred outpatient method of treatment] is cost effective and is preferred by patients and doctors. In this case, the patient is condemned to spend 6 weeks in the hospital solely to receive intravenous antibiotics. To me, this seems like a tremendous waste of money and resources. The patient would be better at home.

What this case illustrates is exactly why we need, on a bipartisan basis—the Snowe-Wyden legislation is one approach; our colleagues may have other ideas on how to do it—but this is a case study on why it is so important to cover prescription drugs for older people under Medicare.

We are not talking about some abstract academic kind of analysis that comes from one of the think tanks here in Washington, DC. This is a physician in Hillsboro, OR, who had to put a patient, an older person, in a hospital for 6 weeks because they could not afford to get their medicine on an outpatient basis.

A lot of our colleagues are here on the floor who are on the Commerce Committee. We look at technology issues at that Committee. The irony is, we can save money, again, through the use of new technology in health care.

The kind of treatment that would have been best for this older person in Oregon would have been through an electronic delivery system the older person could have used on their belt for a relatively short period of time had Medicare covered that prescription the older person needed. But because that person could not get coverage for the antibiotics and use that electronic delivery system on an outpatient basis, which they could wear on their belt, they had to go into a hospital for 6 weeks.

Colleagues, we are going to hear a lot over this break from senior citizens and families about the importance of this issue. I intend tomorrow, again, to come to the floor and discuss this matter. Senator DASCHLE has made it very clear to me, and talks about it virtually every day, that he wants to have the Senate find the common ground. He wants Senators to come together and deal with this on a bipartisan basis. The Snowe-Wyden legislation is one approach. Our colleagues have other bills.

The point is, let us make sure, in this session of Congress, that in Arkansas, in Washington, and in the State of Nevada, we do not have older people hospitalized unnecessarily for 6 weeks because we have not come together as a Senate to make sure they can get those medicines on an outpatient basis.

Science has given us cost-effective, practical remedies for these people in need, remedies that will reduce suffering and will reduce costs to taxpayers.

Let us come together, on a bipartisan basis, to make sure we do not adjourn without adding this important benefit to the Medicare program.

As I have made clear, I intend to keep coming back to the floor of the Senate until we, on a bipartisan basis, as Senator DASCHLE has suggested, come together and get this important job done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

ORDER OF PROCEDURE

Mr. GORTON. I ask unanimous consent that I be permitted to speak in morning business for not to exceed 10 minutes.

Mr. BRYAN. Reserving my right to object, and I assure my colleague I will not, I wonder if my colleague would be amenable to a unanimous consent request that following the 10 minutes the Senator is requesting, I be permitted 10 minutes as well. I make that request because unless I do so, at 11:30 I might be precluded.

Mr. GORTON. I am delighted to. I amend my unanimous consent request to include the request of the Senator from Nevada.

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

Mr. GORTON. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2004, the Pipeline Safety Act of 2000 introduced earlier this year by my colleague from Washington State, Senator MURRAY.

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

PIPELINE SAFETY

Mr. GORTON. I am here to address the issue of pipeline safety, an issue that people in most communities, cities, and towns do not concern themselves with unless, regretfully, a tragedy occurs, such as the one that took place in Bellingham, WA, last June.

The devastating liquid pipeline explosion that rocked the city of Bellingham and took the lives of three young boys rightfully served as a wakeup call and focused our attention on the need for pipeline safety reform. While pipelines continue to be the safest means of transporting liquid fuels and gas, and though accidents may be infrequent on the more than 2 million miles of mostly invisible pipelines in the United States, Bellingham has shown us that pipelines do pose potential dangers that we ignore at our peril.

In testifying on the Bellingham incident before a House committee last fall, I commented that while Congress had an obligation substantively to revise the Pipeline Safety Act in response to the clarion call for Bellingham, proposals for specific changes to the law seemed premature at that time. State and local officials in Washington State, as well as citizens groups, environmentalists, and various Federal oversight bodies, were just beginning to examine the accident and its causes.

The Commerce Committee, of which I am a member, has primary jurisdiction over this bill in the Senate, and last year I implored the chairman, Senator MCCAIN, and other committee members to make the reauthorization a top priority. Last week, at my request, the Commerce Committee scheduled the first Senate hearing on the topic of pipelines.

The field hearing to address the Bellingham incident and the State's response to it will be held in Bellingham, WA, next Monday, March 13.

I encourage my colleagues from the Senate Commerce Committee to come to Bellingham next Monday to hear firsthand testimony from the families of the victims and from local officials whose lives have been transformed by this tragedy. Theirs is a story which compels us to action. The families and the community will never forget what happened last June 10, nor should we in Congress. It is our duty to take the lessons learned in Bellingham and adopt tougher safety measures that will allow us to prevent future tragedies.

This hearing will, I hope, serve as guide as we debate the reauthorization of the Pipeline Safety Act. And while a number of the studies and operational reviews commissioned after the accident are still incomplete, including those of the National Transportation Safety Board, on the cause of the accident in Bellingham and the report of the General Accounting Office as to the performance of the Office of Pipeline Safety, other reviews are complete.

Primary among these is the report of the Fuel Accident Prevention and Response Team, a task force convened by Governor Gary Locke and charged with reviewing Federal, State and local laws and practices affecting pipeline accident prevention and response. A significant contributor to this report was Mayor Mark Asmundson of Bellingham, whose efforts to learn from, educate others about, and rationally apply the lessons of that tragedy have been commendable.

The Fuel Accident Team recommended changes in law and practice at the Federal, State, and local levels. It revealed that there is a lot that can be done by State and local officials that is not being done, particularly in the area of emergency preparedness, public education, and adoption of appropriate set-back requirements to keep development away from lines. The Fuel Accident Team also found, however, that at least with respect to interstate pipelines, State and local officials are limited by Federal law from regulating many of the safety aspects of these lines, and that only the Federal Government can adopt or enforce requirements for inspection, emergency flow restriction devices, operator training, leak detection, corrosion prevention, maximum pressure, and other safety measures relevant to the safe construction, maintenance, and operation of pipelines.

While there may be good arguments that pipelines should be managed systemically and why inconsistent State standards could erode rather than promote safety, these arguments are fatally undermined by the absence of meaningful Federal standards. To tell State and local governments, as the Pipeline Safety Act effectively does, that they cannot require internal inspections of pipelines passing through their communities, under their schools and homes and senior centers, when a Federal requirement for internal inspections is years overdue, strikes me as the worst kind of Federal conceit.

Amending the Pipeline Safety Act to relax Federal preemption and allow States to exceed minimum Federal safety standards was the first recommendation of Washington's Fuel Accident Team. Despite this recommendation, I understand that the administration's proposal for the reauthorization of the Pipeline Safety Act will move in exactly the opposite direction, that is, it will propose to eliminate even the vague authority under which the Office of Pipeline Safety has appointed four States as its agents for purposes of inspecting interstate liquid pipelines.

The purported reason for further disempowering States is, I understand, OPS's perception that a system of inconsistent standards is unsafe, OPS's perception that a system of inconsistent standards is unsafe, and that States already have their hands full with regulating intrastate pipelines, which are far more extensive than interstate lines. But what if the States disagree with this attitude, which, in the absence of meaningful Federal standards is tantamount to saying that ''no standards are better than anything States can come up with''?

Yes, the interstate nature of some pipelines gives the Federal Government the option of regulating them and preempting States from doing so. If the Federal Government is not going to do its job, however, why should we prevent States from assuming responsibility for something as important as pipeline safety?

To its credit, in response to the Bellingham incident the Office of Pipeline Safety has proposed to complete a rulemaking on ''pipeline integrity'' by the end of this year. This rulemaking, years overdue, is not only supposed to address requirements for internal inspection and the use of emergency flow restriction devices in highly populated and environmentally sensitive areas, but to adopt a systemic approach to pipeline safety that focuses not just on specific tests but on making sure that pipeline operators are accurately assessing risks, collecting and properly analyzing relevant data, and exercising sound judgment. Following the June 10 accident last year, the city of Bellingham conditioned the resumption of operations of a portion of the pipeline on the Olympic Pipe Line Company's adherence to certain process management standards borrowed from OSHA regulations applicable to oil refineries. This emphasis on a process management approach is, I believe, sound and should, I believe, be incorporated into any new Federal safety standards.

Once meaningful Federal standards for pipelines are in place, debate about

whether or not safety is advanced by allowing States to adopt and enforce stricter, but inconsistent standards, can begin. Even then, however, and certainly until then, I support the proposals in the legislation cosponsored in the House and Senate by all of the Washington delegation members to prescribe procedures for States to assume greater authority in the regulation of pipeline safety. Both H.R. 3558 and S. 2004 would permit States to apply for more regulatory authority from the Department of Transportation, which is charged with reviewing the proposals to ensure that states have the necessary resources and that the Balkanization of pipeline regulation will not degrade safety.

I look forward to working with my colleagues from Washington to ensure that the following principles, many of which are reflected in the current S. 2004, are contained in the reauthorization of the Pipeline Safety Act.

First, I support efforts to allow States greater authority to adopt and enforce safety standards for interstate pipelines, particularly is light of the absence of meaningful Federal standards. This increase in authority should be accompanied by an increase in grants to States to carry out pipeline safety activities.

Second, I agree with Senator MURRAY that we need to improve the collection and dissemination of information about pipelines to the public and to local and State officials responsible for preventing and responding to pipeline accidents. We also need to ensure that operators are collecting information necessary accurately to assess risks and to respond. The public should be informed about where pipelines are located, what condition they are in, when they fail—we need to lower the threshold for reporting failures—and why they fail. We should ensure that relevant information is gathered and made available over widely accessible means like the Internet.

Third, in addition to providing an explicit mechanism for States to seek additional regulatory authority over interstate pipelines, Federal legislation should adopt some mechanism for ensuring that meaningful standards for pipeline testing, monitoring, and operation are adopted at the national level. Congress has directed the DOT to do some of this in the past. But as the Inspector General noted, some of the rulemakings are years overdue. To the extent that lack of funding can account for some of the delay we should ensure sufficient appropriations to allow OPS to complete the necessary rulemakings and develop the technology needed to conduct reliable tests of pipelines.

While I am reluctant to have Congress, rather than experts, prescribe specific testing and monitoring requirements, and while I fully appreciate the need for flexible testing regimes that recognize the differences among pipelines facing variable risks as well as the need for dynamic standards that advance with knowledge and technology, I am sympathetic to the position that specific mandates may be necessary in the face of inaction on the part of OPS. Congress has repeatedly asked OPS to conduct rulemakings and been ignored. As a consequence I can understand those who have lost patience and are prepared to put specific testing and operational prescriptions into Federal statute.

In addition to ensuring that OPS complies with years-old statutory mandates, I support the Inspector General's recommendation that OPS act upon, either to reject or accept, the recommendations of the National Transportation Safety Board. I don't pretend to know whether NTSB's recommendations, that have been accumulating for years, will advance safety. It is unacceptable, however, that OPS should simply ignore them.

Fourth, I have heard from citizens' groups who support the creation of a model oversight oil spill advisory panel in Washington State. I see a real value in creating such a body, and empowering it with meaningful authority to comment on and influence State and Federal action or inaction. Such an advisory panel can continue to focus needed attention on the issue of pipeline safety when the painful memory of June 10 begins, for many, at the same time mercifully and regretfully, to fade.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Nevada.

IN SUPPORT OF FAA CONFERENCE REPORT

Mr. BRYAN Mr. President, I rise today in support of the FAA conference report which will be voted upon later on this afternoon and to discuss one particular feature of that report, the so-called perimeter rule. This is a rule that is both arcane and archaic. It is anticompetitive and unnecessary. The so-called perimeter rule is a rule, enacted by Congress in 1986, that precludes any flight originating at Washington National Airport, the region's most popular airline destination for the Nation's Capital, from flying nonstop more than 1,250 miles from the Nation's Capital. That also includes any inbound flights to Washington National from a point that originates more than 1,250 miles from the Nation's Capital.

This perimeter rule was enacted by Congress in 1986. It might have had some historical justification. The origin of the rule is based upon an attempt to force additional air traffic into Washington's Dulles Airport, which is some distance from the Nation's Capital and not as convenient. Whatever the historical rationale may have been, I think anyone who has used Washington's Dulles Airport in recent years, as I do frequently, would testify that it is a fully operational airport with a multibillion-dollar expansion and much traffic.

Today, the so-called perimeter rule is defended on the basis of noise control in Northern Virginia and the surrounding area. That was not its historical justification. Now, the effect of the so-called perimeter rule is to preclude direct flights, nonstop, into Washington's National Airport from most of the country and all of the West.

As a historical insight, the original perimeter rule was 750 miles. Then, when Russell Long became chairman of the Senate Finance Committee, his congressional district was in New Orleans, and the distinguished occupant of the chair will not be surprised to learn that the perimeter rule had some flexibility then, and the length was extended so one could fly nonstop to New Orleans. And later, when, I believe, Jim Wright became the Speaker, his congressional district was the Dallas-Fort Worth area, so it was extended to 1,250 miles, its current length.

My point is, there is nothing sacrosanct about this rule. It makes no sense in terms of safety. The Federal Aviation Administration has concluded there is no safety issue involved, and the GAO has repeatedly asserted that the effect of the rule is anticompetitive and it has the effect of driving prices up.

Now, the debate in this Chamber frequently echoes back and forth about Government interference in the marketplace, meddling, arbitrary rules that restrict entry, rules that make it difficult for the private sector to respond to the market. I can't think of a better example of that than this so-called perimeter rule.

For that reason, I am particularly pleased to support this conference report because one of the features in the conference report modifies the perimeter rule. It doesn't eliminate it in its entirety, but it does permit 12 slots that would be authorized to fly beyond the 1,250-mile perimeter, and that means cities such as Las Vegas and other major metropolitan areas in the West will be able to compete for those routes.

It also contains a provision that specifically recognizes new entrants into the market. Many will recall that the underlying premise of the deregulation of the airline industry assumed there would be a number of new entrants into the market. Unfortunately, by and large, that has not occurred. New entrants have had a particularly difficult time entering into this market. It is a very competitive market, and indeed the survivability of those new entrants has been very limited. So this particular provision repeals, in part, the perimeter rule to permit 12 flights to fly beyond the 1,250 miles and to originate from a distance beyond that, thereby making nonstop service to the West a possibility.

It is my hope that among the communities that would be considered would be Las Vegas, which is rapidly

expanding its air service. The community's lifeblood is dependent upon tourist travel. A great percentage of that is airline service, and a direct, nonstop service flight to one of the largest metropolitan areas in the country, the Washington metropolitan area, would have an enormously powerful potential for new business for our community.

So it is my hope that colleagues will support the conference report. I am not unmindful of the fact that there are controversial provisions in it. But the modification of the perimeter rule is an important step in the right direction. I salute the conferees for following the lead of the Senate Commerce Committee, which specifically included, at the request of myself and others, the modification of the perimeter rule.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes.

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

ELIMINATION OF THE MARRIAGE TAX PENALTY

Mr. BROWNBACK. Mr. President, I rise today to address an issue I have raised several times on the floor. I am hopeful that this year, this body, will get a chance to deal with the marriage penalty tax elimination.

Mr. President, Senators KAY BAILEY HUTCHISON, JOHN ASHCROFT, and I have been pushing for some period of time for the elimination of the marriage penalty tax; and it is truly that—a penalty tax on marriage. This body will have a chance to address this issue shortly. The Finance Committee of the Senate will consider this issue in the near future. They will be marking up the bill to eliminate one area of the Internal Revenue Code where the marriage penalty tax occurs. It will then come before this body, I am told, I believe the leader wants it scheduled before April 15.

There will be Members who will try to block this bill, with issues that are extraneous to the marriage penalty. They will be able to add things to it, or filibuster the marriage penalty tax elimination. I hope they think about what they would be doing in stopping the elimination of the marriage penalty tax. Before they take actions to block this important issue, I hope they just pause and say maybe I will try to amend my issue onto another bill; this one is too important. I don't think we need to be blocking it.

Just in looking at the marriage penalty tax, I hope people recognize the extent of its involvement and intrusion on married couples across the country. I have a chart up here to which I will refer a number of times. It shows the number of married couples affected by the marriage penalty tax across the United States. This is it. The chart represents married couples, and we don't know how many children are in these families who are also effected. We are talking about 25 million American families who are affected across the country by this penalty. In Kansas, we have 259,904 couples who are penalized by this marriage penalty tax.

Again, for those who haven't been following the debate, all our proposal would do is level the playing field. It would say that if you are married, a two-wage-earner family, you will pay the same in taxes as if you were two independent people living together; we are not going to punish you, or fine you, or penalize you for being married.

The average tax these 25 million American couples pay additionally for the privilege of being married is $1,480. That is a lot of money. That is a lot of money to a lot of people. I hope we cut the tax and send that back to the married couples across this country and say we are not going to penalize you anymore. That is what we are seeking for this body to pass.

The House of Representatives has already done good work in this area. The House of Representatives has passed a bill to provide marriage tax penalty relief for America's families in the 15-percent marginal tax bracket and to eliminate the marriage penalty in the standard deduction.

I think the House bill is a good starting point for our discussion of the marriage penalty reduction and elimination. Doubling the standard deduction, increasing the width of the 15-percent bracket, and fixing the earned-income tax credit where the marriage penalty exists will eliminate or reduce the marriage penalty for all families. It still doesn't get rid of it. The Marriage Penalty appears in over 60 different places in the Tax Code.

Down the road I hope we can get to a discussion of sunsetting the entire Tax Code and going to a flatter, fairer, and simpler system. I know the Presiding Officer has led the charge on doing precisely that. It is clearly something we need to do for the country, for the economy, and for the people, so many of whom, labor under this Tax Code in fear they are going to be found to have done something wrong when they are trying to be good, law-abiding citizens. But that is a debate for another day.

Right now we are trying to get at one issue. The National Center for Policy Analysis says the highest proportion of marriage penalties occurred when the higher-earning spouse made between $20,000 and $75,000. Clearly, we need to make marriage penalty elimination a priority for all families, not only a few.

Consider that—making between $20,000 and $75,000. You are looking at a two-wage-earner family, probably with a child, or two or three children, who can't afford to be penalized by this $1,480. They are currently being penalized under the Tax Code.

We see the numbers up here. We know the full extent of this.

I want to read—because I think these are so touching and important—statements of people who are impacted by this. We continue to collect these statements and letters from people because now people are calculating their marriage penalty tax. I hope in the next week or so to have a chart saying: OK. As you are watching this on TV, figure your marriage penalty. Have this as one spouse's income; there is another spouse's income; and here is where it meets. That is your marriage penalty, the tax you pay. The average is $1,480. Some pay more, some less; letting people know this is what they are penalized and this is the tax they are paying.

Listen to some of the stories from people around the country. This is Christopher from Fairfield, OH. This family said:

> One of the biggest shocks my wife and I had when deciding to get married was how much more we would have to give to the government because we decided to be married rather than live together. It does not make sense that I was allowed to keep a larger portion of my pay on a Friday and less of it on a Monday with the only difference being that I was married that weekend.

That is to the point.

This is from Andrew and Connie from Alexandria, VA.

> We grew up together and began dating when we were 18. After dating for three years we decided that the next natural step in our lives together would be to get married. I cannot tell you the joy this has brought us. I must tell you that the tax penalty that was inflicted on us has been the only real source of pain that our marriage has suffered.

I wish all marriages could be like that—that the only source of pain is the Tax Code. Is that a pain we should inflict on them? Is that something we should do to this married couple? They say: We are getting along pretty good. The only real pain is the Federal Tax Code and the tax penalty we are paying.

I don't think that is a good signal to send.

This is Andrew from Greenville, NC, who writes:

> It is unfortunate that the government makes a policy against the noble and sacred institution of marriage. I also feel it is unfortunate that it seems to hit young struggling couples the hardest.

That is probably the biggest point. If you have a combined income with the top wage earner making between $20,000 and $75,000—these are young married couples; they are struggling with a lot of issues, struggling with financial issues—and you lob on top of that a tax penalty, that really hits them, and particularly a lot of couples during the early years with young children.

This is Thomas from Hilliard, OH, who says:

> No person who legitimately supports family values could be against this bill. The marriage penalty is but another example of how in the past 40 years the federal government has enacted policies that have broken down the fundamental institutions that were the strength of this country from the start.

This is Sean from Jefferson City, MO:

I think the marriage penalty is a major cause of the breakdown of the family here in the U.S. . . . [Ending it] would do a lot to cut down on the incidence of cohabitation by unmarried couples and give more children two-parent families where there is a real commitment between the parents.

I don't know if I would go as far as what he said—that this has been the major cause of the breakdown of the family in the United States. I don't think that is the case. But it is the wrong signal for us to send. We send signals all the time across the country of what we think is good and what we think is wrong.

Welfare reform: When we went through that fight—it was a very important fight—we decreased the welfare rolls in the country by 50 percent. We sent a signal that we think it is good to work. That is a good signal.

We should eliminate the marriage penalty tax. That is a statement about what we think is good. People are married and they shouldn't be taxed and penalized for that.

According to a recent Rutgers University study, the institution of marriage is already having problems in the United States and is in a state of decline. From 1960 to 1996, the annual number of marriages per thousand adult women declined by almost 43 percent. That impacts and hurts a lot of children. Not that single parents don't struggle heroically to raise children; they do many times very successfully. But that family can have a bonded relationship. Studies are showing again and again that the most important place we can put that child is in a loving relationship between two married people.

I am going to continue to come down to the floor regularly raising this issue because this body will have a chance to vote on this issue in dealing with the marriage penalty tax. I believe there are Members on both sides of the aisle of goodwill who want to see this marriage penalty tax eliminated. I don't think the penalty makes much sense to many Americans at all.

I hope as we start to engage this debate, in this body, that Members on both sides of the aisle will stand up and say: Yes, this is an important issue. We are not going to load it down with a lot of amendments. We are not going to load it down with a lot of extraneous issues. It passed the House. If it passes this body, we can get it to the President for his signature. It is an important signal to send across the country, and we are not going to block it.

There are a lot of ways in this body that you can block something—that you can put it forward and say you are for it but you are blocking it. I hope this would be one that we could say we are going to pass for the 25 million American married couples.

For those in South Dakota, 75,114 are penalized, and for those in Nevada 146,142 are penalized—I see my colleagues from South Dakota and Nevada—I hope they can say to them: We shouldn't be penalizing you.

We have the wherewithal to change this, and let's change it.

Thank you very much, Mr. President. I hope we will have a vote on a true marriage penalty tax bill before April 15 comes and goes. There will be other of my colleagues on the floor later on to address this issue as well.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXPORT ADMINISTRATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1712, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1712) to provide authority to control exports, and for other purposes.

The Senate proceeded to consider the bill.

Mr. REID. Mr. President, Senator GRAMM is not here. The manager of the bill for the Democrats, Senator JOHNSON, has graciously consented so that I can say a word or two about this legislation.

I rise to speak about an issue that is of particular interest to me and our national economy. The issue I wish to discuss is export controls. As I stated previously, it is critical that the Congress support the engine of our thriving economy while still protecting the integrity of our national security.

Today in America consumer confidence is at a record high. Unemployment is at a 30-year low. New home sales set a record last year. The rate of inflation is less than 2 percent. The stock market has been surging, and corporation profits are better than analysts dreamed.

It was announced last month that we are experiencing a record 107 months of economic expansion. This is all proof that Congress and the administration has done a stellar job in steering the country in the right direction. And yet, thus far, we have been unable to pass legislation to update our export controls. The Bureau of Export Administration and the Defense Department are still conducting business under cold war era regulations. The economic and political world has changed dramatically. That is why I am so pleased that this bill has come to the floor today.

Last year, I met with Senators GRAMM, ENZI, and JOHNSON, in my office, to discuss export controls. They informed me that The majority leader pledged to them that the Export Administration Act would come to the floor before the end of 1999.

Everyone tried, but as happens a lot of times at the end of the session, it was unable to be brought to the floor. That is not because the Senators I visited with—ENZI, GRAMM, and JOHNSON—didn't try. These three Senators, for whom I have the greatest respect, have all worked hard and in good faith to bring all parties to an accommodation.

When this bill passed out of the Banking Committee, it had the full support of the committee and the business community, while still protecting our Nation's national security. I am afraid with the addition of many of the amendments in the so-called managers' package that this bill is losing support both from the business community and the national security interests. I hope we can work something out and not have to adopt the managers' amendment as it is written.

In January of last year, along with the distinguished majority leader, I, Senator DASCHLE, and a group of Senate Democrats, got together to form a high-tech working group. This group came about because we as Democrats realize the importance of high tech to the Nation's economy. Senator JOHN KERRY, through his leadership capacity, has worked very hard in this regard.

We also recognize that Congress can have a large impact on the growth, or potential growth, of this sector of our economy. Our initial goal was to educate our caucus on the high-tech issues. Because of the generation gap between those who run this industry and most Members in the Senate, this took a little time. However, we got to speed very quickly. We toured sites all over the United States, including high-tech sites in Maryland, Virginia, and Silicon Valley.

As with many issues, I often hear that Congress would best serve the public and industry by doing nothing at all. One of the areas most believe we can be of help is in the area of export controls of high-performance computers. There are currently a number of U.S. products that cannot compete with national competitors due to export control limitations, not because of national security interests but because of the slow review process here in Congress.

In June of 1999, and then in January of this year, with the urging of Senator DASCHLE, myself, and other Senators, the administration agreed to ease the level of controls which were referred to as MTOPS—million theoretical operations per second.

We, as well as those in the computer industry, were elated. There is a 6-month congressional review period for raising the level of MTOPS. The Banking Committee bill reduces the review from 180 to 60 days. By the Senate Banking Committee agreeing to the shortened review period of 60 days, the committee recognized a few important things:

No. 1, 180 days is too long for an industry whose success depends on its ability to beat its foreign competition to the marketplace;

No. 2, a shorter time period gives the Congress adequate time to review the national security ramifications of any changes in the U.S. computer export control regime.

While this is a good step in the right direction, I, along with Senators BENNETT, DASCHLE, KERRY, MURRAY, BINGAMAN, KENNEDY, and BOXER, believe that further reduction of this to 30 days makes more sense.

The high-performance computers we are talking about have a 3-month innovation cycle. Therefore, if 60 days are taken up in Congress, on top of the turnaround time for new regulations at the administration, the innovation cycle is long overdue.

There is no precedent for such a long review period. Even the sales of items on the munitions such as tanks, rockets, and high-performance aircraft only require a 30-day review period. The reality of the situation is that by limiting American companies to this degree we are not only losing short-term market share, but we are allowing foreign companies to make more money and, in turn, create better products in the future. This could lead to the eventual loss of our Nation's lead in computer technology, which has propelled the United States to the good economic standing we see today.

This amendment is critical to our Nation's economy and the success of our high-tech industry.

AMENDMENT NO. 2883

(Purpose: To amend the National Defense Authorization Act for Fiscal year 1998 with respect to export controls on high performance computers)

Mr. REID. I send this amendment to the desk for Senators REID of Nevada, BENNETT, DASCHLE, KERRY of Massachusetts, MURRAY, BINGAMAN, KENNEDY, and BOXER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, and Mrs. BOXER, proposes an amendment numbered 2883.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 27, beginning on line 6, strike all through line 9 and insert the following:

(2) CONFORMING AMENDMENTS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(A) in the second sentence, by striking ''180'' and inserting ''30''; and

(B) by adding at the end, the following new sentence: ''The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000.''.

Mr. REID. I recognize the leader has said there will be no votes on this bill today; therefore, I will ask for the yeas and nays at such time as the leadership determines it is appropriate.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, in the absence of Chairman GRAMM and Chairman ENZI, in order to expedite consideration of this very important legislation, I will go forward with a brief discussion and my view of the Export Administration legislation.

I rise today in support of the Export Administration Act. I have worked closely on export control issues with Senators ENZI, GRAMM, and SARBANES, and I am pleased that we have reached consideration of this important issue by the full Senate. There are several different classifications of exports. Items which can have both civilian and military applications are considered to be dual-use technology, and those goods are governed by the EAA.

There have been numerous attempts to reauthorize the EAA in the years since it expired in 1990. It is unfortunate that this legislation has gone unauthorized for most of this decade, and I strongly urge the Congress to not forgo this opportunity. Reauthorization becomes even more critical as legal challenges to the continued reliance on the expired EAA through emergency powers winds its way through the courts. After ten years of congressional silence, I am fearful that one of these challenges will ultimately succeed, leaving us without any control over sensitive dual use technologies. At that point, even technology which is universally agreed to be dangerous could be freely exported to countries considered to be direct threats to the United States. Reauthorization of the EAA in of itself adds a tremendous component to our national security.

I want to especially thank Chairman ENZI for his work on this issue. Without his hands-on leadership, we frankly would not be at this point today. S. 1712 is a testament to MIKE's hard work and the widespread support this bill enjoys derives from Chairman ENZI's commonsense approach to issues.

I want to note the important roles played by Banking Committee Chairman GRAMM and Ranking Member SARBANES of Maryland. We have had constructive participation across the board, and that bipartisan cooperation has brought us to this point. That spirit contributed to the unanimous 20–0 vote in support of S. 1712 in the Banking Committee.

We had a simple goal when we embarked on this effort: reduce or eliminate controls on items that do not have security implications and tighten controls on items that raise security concerns. While most everyone can agree on these principles, it is much more difficult to draft the language to accomplish that end.

We worked very closely with concerned Senators, the national security establishment, the administration, and the impacted industries. I believe we addressed the major concerns of each entity. We increased the penalties, making violators of export control laws pay a real price. We made the foreign availability and mass market standards a true measure of what items could be accessed regardless of U.S. sanctions, and provided for those items to be decontrolled.

S. 1712 strengthens our national security. For the first time, the Department of Defense will have unilateral appeal rights if it disagrees with an approved export. Penalties move from $10,000 per violation to up to $1 million per violation.

At one of our eight hearings on this bill, we heard from Representatives COX and DICKS on the Cox Report relative to exports to the People's Republic of China. We directly incorporate fifteen of the Cox Report recommendations in our bill to enhance national security. I might add that reauthorization of the EAA is one of the specific recommendations from the Cox Report.

America benefits when our businesses prosper. Exporting technology has long been an American success story. The technology field will lead our economy into the next century. But, new technologies could prove dangerous in the wrong hands, and our national security depends in part on limiting access to certain technologies. That is the balance we seek to strike, and I believe S. 1712 does that.

I look forward to a vigorous debate of these important issues. Passage of this EAA bill will make a significant contribution to our national security and will help bring transparency to our export control system. I encourage my colleagues to join this bipartisan, balanced approach to these critical issues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Burns). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

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

THE AMERICAN ECONOMY

Mr. DURBIN. Mr. President, the Senate is about to engage in a debate about our Nation's budget for the next fiscal year which begins in October. When one tries to measure the values of politicians and political parties, the first place to look is how they spend money. Speeches are one thing, but the way we spend our money really explains who we are and what we value.

There is a real difference of opinion now between Democrats and Republicans about how we are going to spend our money in the next budget. On the

Democratic side, we happen to believe we have a strong story to tell the American people about the progress that has been made in America under the Clinton-Gore administration for the last 7 years. In fact, a month or so ago, we completed the longest economic expansion in the history of the United States of America.

It is every political party's dream to be able to stand in this Chamber and say what I just said. Under the leadership of President Clinton and Vice President GORE, America is moving in the right direction. We are creating more jobs, and we are solving problems that people thought were intractable and insolvable not that long ago.

Take a look at the record from 1993 to the year 2000. We turned a record deficit of $290 billion in 1992 into a surplus of $176 billion in the year 2000. We have seen a paydown in our national debt. We have had 107 consecutive months of economic growth, and many new jobs and new houses and new businesses have been created.

Take a look at what they said was going to happen. These are the experts who tell us what we can expect. They said in 1993 that we were going to have a debt increase. They projected it at $761 billion over the last 2 years. In other words, more red ink, more need for us to borrow money and pay interest on it.

What happened instead under the leadership of this President? We ended up with a surplus. We actually paid down the debt of this country by $140 billion.

There are a lot of young people who come to Washington, DC, to visit this Capitol and to see their Government in action. I say to these young people, the best thing we can do for you is to continue on this course. Once this debt starts to go away, the need to pay interest on it goes away as well.

We collect $1 billion a day in taxes from families and individuals and businesses just to pay interest on old debt. We are moving in the right direction. America should not change course. We must keep expanding this economy and creating opportunity.

Take a look at what has happened between the end of 1992 and 1999. More Americans owned homes. This is the American dream, and the dream has gotten better for millions of Americans because the economy is strong and interest rates are under control and inflation is in check.

Take a look, as well, at the incomes of Americans across many groups. Those at the lowest income level all the way to those at the highest income level have seen a steady increase in inflation-adjusted income during the period of the Clinton-Gore Presidency. More people are buying homes, and income levels are going up for virtually every group across America.

Take a look at the tax burden, too, because many people on the Republican side will say taxes have gone up. They have not. Take a look at the median income for a four-person family and the percent of taxes they are paying: 16.8 percent in 1992, 15.1 percent in 1999. The tax burden for the typical family in America has gone down.

Of course, it is good news when it comes to employment. We have the lowest unemployment rate in 30 years: 7.5 percent when the President came to office, now down to 4.2 percent.

The problem most American businesses tell me about when I visit them is: We need to find skilled workers; we have job opportunities; we need the workers to fill them.

Now what are we going to do? We are going to debate a budget resolution in the Senate and the House where the Republicans will come forward and say we need to change all this; we need to try a different approach; things are not working as well as they could.

I think we ought to let history be our guide, and it is suggesting to us that we are on the right path, we are in the right direction, and we do not want to change course and go out on a risky venture.

The real question now is whether the Republican leadership in the Senate will come forward with a budget that has a tax cut proposed by their likely candidate for President, George W. Bush from Texas. It is a substantial tax cut and one, from my point of view, which goes too far and threatens the viability of the Social Security trust fund.

Take a look at what the tax cut means. The Bush tax cut which was proposed during the course of his campaign—and I am sure it will be the centerpiece of his campaign from this point forward—says that if you happen to be in the top 1 percent of American earners with an income above $300,000 a year, your cut is $50,000 each year. Not bad. In the 60-percent range, with income below $39,000, the George W. Bush tax cut is worth about $29 a month.

Does it make sense that we would jeopardize the growth of our economy, keeping our debt under control, paying it down, creating jobs, new businesses, and home ownership to give a tax cut of $50,000 a year to the richest people in America? The Chairman of the Federal Reserve Board, Alan Greenspan, said: Don't do it; it doesn't make sense; it is risky; it is dangerous.

I hope we do not. But the Senate and House Republicans will present their budget, and they will tell us whether they stand behind Governor George W. Bush and their tax cut proposal or they want to stand behind the plan that has brought the economic prosperity we enjoy today.

The President has come forward with a responsible budget. It pays down our national debt, it creates targeted tax cuts, and if we are going to take some of our surplus and give it to American families, it provides we do it for things they need: A $3,000 long-term care tax credit for the fastest growing group of Americans, those over the age of 85, to help the sons and daughters of those who are in older age situations to pay for their long-term care; expanded educational opportunity—we need a new college opportunity tax cut. This is going to help people across the board, regardless of income; A deduction of college expenses so that young people can go to school, improve their skills, and add to our economy and their lives.

Marriage penalty relief is something I think should be done on a bipartisan basis. The President proposes it; money for new accounts, retirement, and expanding the earned income tax credit.

This is the bottom line: In a matter of a few hours, the Senate Budget Committee, under the leadership of Senator DOMENICI, will come forward with a budget, and we will be able to see for the first time whether or not the Republicans on Capitol Hill support George W. Bush's call for a tax cut, a tax cut that has been branded unwise by Chairman Greenspan and one that, by any modest projection, is going to invade the Social Security trust fund.

It will be a test to see what the real issue of this campaign will be: Whether the congressional Republicans back Mr. Bush's idea and want to venture out on some risky and perhaps dangerous venture that could jeopardize the growth in our economy or they want to stay the course on a responsible, fiscally disciplined approach that has come forward in the last 7 years.

The American people are going to have a clear choice. If every election is a pocketbook election, we on the Democratic side welcome it. America's pocketbooks are better now than they were 7 years ago. We believe Americans want to continue this progress and move forward, addressing those people in America who have not benefited from this economic expansion, addressing serious challenges such as expanding education and health care, and doing it in a fiscally sensible way so that at the bottom line, on the last day, in the final chapter, we can say to the next generation of Americans: We paid down this debt, we gave you a strong America moving forward, and now it is your chance to take over.

That is the best thing we can do, and we do not want to jeopardize that by giving tax cuts to wealthy people, spending money we do not have, and ignoring the reality of the progress we have made over the last 7 years.

I can recall when President Clinton came forward with his budget proposal in 1993 that started us on this path of economic expansion.

We could not get a single Republican vote to support it—not one in the House or the Senate. In fact, Vice President GORE cast the deciding vote for the President's budget plan. Not a single Republican Senator would support it. Thank goodness the Vice President was there to do it.

When he cast that vote, we not only won on that issue, the American people won. We embarked on a course which has really given America a great opportunity. This is an optimistic and forward-looking Nation now.

This Presidential campaign, and all of those who are candidates in congressional elections, will now put to the test the question as to whether or not we are going to continue this course of moving forward with the progress in our economy.

To the naysayers who claim to have a better idea, I suggest that historically there has never been a period of greater economic expansion in this country. We want it to continue. We will see this Republican budget tomorrow and find out whether the leaders, the congressional leaders on Capitol Hill, want to continue this course that really moves America forward or if they want some risky new venture that includes the Bush tax cut.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask unanimous consent to be able to speak for up to 15 minutes as in morning business, after which Senator GRAMM be recognized to go back to the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GAS AND OIL PRICES

Mrs. HUTCHISON. Mr. President, I rise today to speak about the high gasoline prices that every one of our constituents is finding at the gas pump today and about the rise in home heating oil prices my friends from Maine and Vermont were talking about that are hurting their States so much.

In fact, I commend Senator MURKOWSKI for holding a hearing today in the Energy Committee to talk about this issue and what we can do to address it. I was slated to be one of the people testifying at the hearing, but because I was visiting with education leaders from my State, I could not be there and missed the hearing.

I want to speak on this issue because this is a crisis coming down the road. For the people in Maine and Vermont, it is here already. But for our constituents who are going to try to take vacations this summer, it is going to hit them right between the eyes because gasoline prices at the pump are going up, and I see no relief in sight.

The common refrain today is, the United States has no energy policy. That is not really accurate. The United States does have an energy policy, and it is the wrong one. Our policy is to restrict domestic exploration, and in those areas where exploration is permitted, there are punitive taxes and regulations on producers.

The result is that at periods of low prices, such as we had last year—prices on which a small producer cannot break even—those producers leave the business and they do not come back.

The fact is, when it comes to our most precious commodity, we do not control our own destiny. We are seeing our Energy Secretary going hat in hand to foreign countries and saying: Please, produce more oil.

Worse, we had plenty of opportunity to address this crisis. It did not just happen in a vacuum. In 1998 and 1999, crude oil prices hit their lowest point in decades: $9 a barrel, $8 a barrel. Hundreds of thousands of small wells shut down, and thousands of jobs were lost. Of course, it made us more vulnerable because we lost the production. We have ignored this cycle since the oil price shock of the 1970s. Our dependence on oil from foreign countries is now at 55 percent.

Energy-producing and energy-consuming States share two interests: Maintaining a large and reliable source of energy in our own country, and reducing volatility in oil and gas prices.

Unfortunately, the measures proposed by this administration to address the current crisis in home heating oil will not address either of these priorities. There is talk about increased funding for the Energy Department Weatherization Assistance Program, which helps homeowners make their homes more efficient. Others support an increase in the Federal Low-Income Home Energy Assistance Program to provide heating assistance to low-income families. We are discussing a temporary adjustment of EPA sulfur content limits in home heating oil. I have seen requests for additional appropriations for the Coast Guard icebreaking efforts in waterways. We are even considering getting the Federal Government into the price-fixing business by releasing oil from the Strategic Petroleum Reserve.

These are stopgap measures. But the most important thing is, if we enacted all of them, it would not solve the problem. We need a policy that encourages domestic production that is sustainable when prices go below break even.

While the problem is fairly localized now, we are going to see long gas lines this summer or we are going to see people not taking their summer vacations.

Instead, we need the quick fixes—we need to address some of those areas that need fixing right now for low-income families—and we need an energy policy that goes along with it that will sustain domestic production through the busts we have seen in the last 2 years. We need price stability.

The first step toward breaking that cycle is a simple one: Understanding that cold Vermont households and out-of-work Texas wildcatters are two sides of the same coin—our overdependence on foreign energy sources.

At the heart of our growing dependence on overseas sources has been the steady decline in the number of small producers. Wildcatters—small producers—once drilled more than 9,000 wells a year. Last year, there were 778. You wonder why we have an oil shortage? Many of these wells are so small that once they close, they cannot be reopened; it is not financially sound to do so.

What are we talking about? What is a wildcatter? A wildcatter is a person who has a well that produces 15 barrels or fewer a day. There were close to 500,000 such wells across the United States. Together, those wells, at just 15 barrels a day, have the capacity to produce 20 percent of America's energy needs. This is roughly the same amount of oil that is imported from Saudi Arabia. During last year's oil price plummet, more than one-fourth of these small wells closed, most of them for good. We have it within our capacity, in our country, to produce that 20 percent of the oil that is consumed here, which is the same amount we are importing from Saudi Arabia.

The overwhelming majority of producing wells in Texas are these marginal wells. In fact, marginal wells account for 75 percent of all crude production for small independent operators, up to 50 percent for midsized independents and 20 percent for large companies. So even the major companies can make a go of it with the small wells if we do not saddle them with so many costs that it is not financially feasible.

A more sensible energy policy would be to offer tax relief to producers of these smaller wells; that would help them stay in business even when prices fall below break even.

For 2 years I have been working with my great cosponsors—Senators DOMENICI, NICKLES, BREAUX, and LANDRIEU—on legislation that would provide incentives to these small producers. When they can stay in business during these low prices, supply will go up and we will not see that supply shortage causing high price spikes.

I think our legislation provides a quite reasonable tax credit: A $3-a-barrel tax credit for only the first three barrels of daily production in one of these small wells. We offer similar credits for small gas wells.

The marginal oil well credit would be phased out when prices of oil and natural gas actually go up. For oil, it would phase out at $14 to $17 a barrel. We are not talking about having tax credits today when we are paying $30 a barrel for oil; we are talking about tax credits when the price falls below break even. At 14 to 17 barrels a day, a small producer can make it. So when the price goes up, the tax credit goes out. The tax credit is only for the first three barrels in a well. A countercyclical system such as this would keep these producers alive during these record-low prices. They are not grabbing when the price is $20 a barrel; they are trying to stay in business and keep those jobs when the price goes below break even.

There is another benefit to encouraging marginal well production. It has a multiplier effect. In 1997, these low-volume wells generated $314 million in taxes paid to State governments. These revenues were used for State and local schools, highways, and other State-funded projects.

Another part of our plan is to offer incentives to restart inactive wells by

offering producers a tax exemption for the cost of doing so. So going in and trying to reopen a well that has been capped, which is very expensive, could be done with a tax exemption for the expenses of doing it, and that would ensure greater oil availability and increase Federal and State tax revenues. Everyone would win—more jobs, more tax revenue for our States, and, most importantly, more domestic oil.

Actual results have shown that this can work. In my home State of Texas, a program similar to this has met with huge success. Over 6,000 wells have been returned to production, with State tax abatements injecting $1.6 billion into the Texas economy in a year. Think what we could do nationwide.

A recent study by the Interstate Oil and Gas Compact Commission examined State incentive programs and found that the average program attracts $1.1 billion in investment over its lifetime, with over $50 million in net tax collections typically associated with each incentive. That incentive will create 6,000 jobs and $16 billion in impact for the States.

There is more to do. We should look for ways to reduce the cost of excessive regulation on our domestic producers. This was what the fight we had last year over MMS royalty valuation was about. Some said it was a giveaway to big oil. It wasn't. It was about keeping costs low so we don't push more producers out of business. Maybe those paying record prices for home heating oil and gas today have a different perspective on that issue now. The MMS is going to release its new oil royalty valuations tomorrow, and I challenge everyone to see if they raise the price of drilling for oil on public lands. If they do, the President is just saying, yes, we are going to continue that policy to try to keep domestic production down so we can be held by the throat by OPEC countries.

The overlapping regulations that govern exploration and production and refinement add $4 to $5 a barrel to the cost of oil. Compare that with the overall cost of production in Saudi Arabia, including capital and labor, of $2 to $3 a barrel. Is it any wonder that oil companies are drilling in Saudi Arabia instead of in our country, providing jobs for our citizens?

Our fight last year on MMS was over the opposition to adding yet another complicated scheme of rules and further raising the cost of production. When gas prices were low, few Senators were listening. In fact, the major television networks weren't listening either. They were pretty brutal during that debate. Today we are seeing the results of that brutality.

We don't have to be at the whim of market forces. We don't have to be out of control of our own domestic oil production. What we need is to be part of the price setting, not the price taking. We must increase our domestic oil supply.

This is something we can all rally around. I will work with the Northeastern Senators to get quick fixes to their problems. I will work with all of the Senators whose constituents are going to be affected by high gasoline prices. But let us not do a quick fix without also having a longer term fix that would keep our jobs in America, that would keep our oil prices stable, that would keep the revenue coming into our States for schools and highways at a time when prices go below break even. We can have a win for everyone, if we can pass legislation that will provide help for everybody and provide a stable oil supply for our country. We have the opportunity to create a domestic policy for oil and gas in this country that makes sense and will benefit all of our constituents. Let us take that chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS CONSENT AGREEMENT—S. 1712

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending bill, S. 1712, be placed back on the calendar as it existed yesterday before the unanimous consent agreement calling up S. 1712.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I ask that the unanimous consent request that has been suggested be amended to read as follows: Consent that the pending bill, S. 1712, be placed back on the calendar in its present status and that the bill become the pending business again at the discretion of the majority leader with the concurrence of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. May I inquire of my colleague exactly what he just suggested, that it be placed on the calendar now and that it be brought back up as pending business at the discretion of the majority leader?

Mr. REID. The two leaders.

The PRESIDING OFFICER. The Chair will sort this out. We have a unanimous consent request on the floor now put forward by the Senator from Texas. We have to deal with that first before we can even go to another phase. Is there objection to the unanimous consent request?

Mr. GRAMM. Mr. President, let me for a moment withdraw the unanimous consent request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, I ask unanimous consent that the pending bill, S. 1712, be placed back on the calendar in its present status, and that the bill become the pending business again at the discretion of the majority leader with the concurrence of the Democrat leader and the chairman of the Banking Committee.

Mr. REID. Mr. President, reserving the right to object, I, first of all, state how appreciative I am of the work done by Senator JOHNSON and Senator GRAMM, the chairman of the Banking Committee. I feel badly that we are not going to be able to go forward on this legislation.

We are going to agree to the unanimous consent request, but not because this bill shouldn't be considered. We should be legislating on it today. It is important legislation. It is being held up on the other side of the aisle. This is legislation that the high-tech industry feels confident should be passed.

I simply say that the cold war is over, but the high-tech war is just beginning. We need to be the winners of that war.

The minority is reluctantly agreeing to this unanimous consent request. We hope the rest of the day and tomorrow can be used in a constructive fashion. We hope the chairman of the Banking Committee can use his experience—he certainly has experience; he proved that when he was in the House of Representatives, and here—to be able to get the warring parties together and move this legislation forward.

We have no objection.

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

Mr. GRAMM. Mr. President, let me give a word of explanation. First of all, let me make it clear that it is my intention as a person who has concurrence in this decision not to bring the bill back up through this procedure, nor will I support it being done unless there is an agreement among the parties. Obviously, I would have a right to file cloture on the motion to proceed at some point.

Let me explain what has happened. We have for the last 3 weeks been trying to work out concerns about a very tough, very important, and very complicated bill. America has two competing interests. On the one hand, we want to produce and export items that embody high technology because that is the fastest growing industry in the world. We are the world leader in the high-tech industry, and it creates the best paying jobs in America.

We have that as one objective. On the other hand, we want to prevent technology that has defense and security implications from falling into the hands of those who might use that technology against the United States of America and our interests. Between these two interests, there is competition and friction. These are very complicated and very tough issues.

In the last 3 weeks, roughly half a dozen Members of the Senate have been

working to bring to the floor and pass a bill that passed the Banking Committee 20–0 and that would do something we have not done since 1990: to set in place a new permanent law to protect America's access to the high-tech world market and at the same time protect our national security.

We thought yesterday that we had reached an agreement in principle that would allow us to bring the bill to the floor. The problem with reaching agreements in principle is that, as one of my famous constituents once said, the devil is in the details. We found ourselves today thinking we had such an agreement but having great difficulty getting the language to comport to what each individual felt the principle to be. Under those circumstances, I thought good faith required that the bill be pulled down. So we pulled the bill down, and it will not come up under this consent agreement unless an agreement is worked out among the parties that were engaged in this negotiation.

I think we all agree that no one acted in bad faith, but what happened was, on a very complicated and very important matter, agreeing in principle is not agreeing to the details.

We are hopeful that in the next few days we might still work out these details. If we do, then we will go to this unanimous consent agreement and bring the bill back up. If we don't work out those differences, we will not.

Before I yield the floor, because I know the distinguished Senator of the Foreign Relations Committee wants to take the floor, I will make a general point.

We started dealing in export control in 1917 with the Trading With the Enemy Act. We then had the Neutrality Act in 1935, and, with the beginning of the cold war, the Export Control Act became law in 1949. We were in a life and death struggle with the Soviet Union. There was an ''evil empire.'' There was a cold war. We won the cold war, and export control on a multilateral basis played a key role in that victory.

In those days, two things existed which no longer exist. One was that the United States had a virtual monopoly in high technology. Indeed, we were the world's undisputed leader in technology. Virtually, every area in the world had been decimated by World War II, and we stood supreme. So technology was an American monopoly.

Second, in 1949, most of the new technology was driven by defense research. Our legitimate concern, life and death struggle concern, was that this defense research embodied in American industry would end up leaking abroad where it could threaten American national security.

By 1990, our consensus had started to fade on the Export Administration Act, and while for two brief periods—from March 1993 through June 1994, and from July 1994 to August 1994—we had temporary solutions, since 1990 we have had no permanent law to protect American national security.

Today, the world is very different. We have won the cold war. Today, technology is driven by private industry. Today, it is not defense labs that are generating the new technology that drives American business, it is American industry.

We had set out in our export law the number of MTOPS, millions of theoretical operations per second, that a restricted computer could employ, thinking we were protecting what we then called supercomputers. Now, any schoolchild with a computer has the technical capacity, or can get it, and exceed that limit. The number of MTOPS is doubling every 6 months.

So we were faced with a decisive question: Can we pass a law and control this technology? We could pass a law and stop it in the United States, but it would occur elsewhere in the world.

What we ultimately have to decide is: Is our security tied to our being the leader in technology, or is it tied to our ability to hold on to the technology we have and not share it with anybody?

I believe in the end that American security is tied to our leadership in technology. I believe that we have put together a good bill. There is a debate about the details, and there are legitimate differences. As Thomas Jefferson once said: Good men with the same facts are prone to disagree. I have seen nothing in my political career or personal life to convince me that Jefferson was wrong about much of anything, but he was certainly not wrong about this.

We have put together a bill that we believe meets national security concerns. But trying to deal with concerns about Presidential powers and waivers is extremely complicated. Yesterday we reached an agreement in principle. There was the nucleus of the agreement, but getting to the details this morning proved more difficult than we anticipated. To be absolutely certain that everyone's rights are preserved, and to be certain we are dealing in good faith, I concluded—and all of the members of the negotiation agreed—that the bill should be pulled down. As a result, I pulled it down.

I am hopeful that perhaps as early as tomorrow these differences can be worked out. I don't know whether they can or they can't. I believe America would be richer, freer, happier, and more secure if they could. If they are not worked out, it won't be because I didn't make the effort. I want it to be worked out. I hope it can be. Whether it can be or it can't be, I want to be certain that we are dealing in good faith and that we are dealing with each other on that basis.

I think we have preserved that here today. I appreciate my colleagues' help. Someone could have done mischief by objecting; my preference was to go back to the status quo, but we couldn't do that. We have achieved the same result with this agreement, and I thank my colleagues for agreeing to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

THE RADICAL AGENDA OF CEDAW

Mr. HELMS. Mr. President, earlier this morning I was thinking about 20 years ago when a delightful young lady Senator from Kansas served in this body, Nancy Kassebaum. She was a lady in every respect, and I miss her to this good day.

I was thinking about Nancy because today is International Women's Day. The radical feminists are at it again. They have chosen once again to press their case for Senate ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and that has the acronym of CEDAW.

Let's examine this treaty which women organizations—including some of the more liberal women in Congress—are so eager to have approved by the Congress and reported out, first of all, by the Foreign Affairs Committee, on which I am chairman. They put out a press release yesterday that they were going to picket me. I guess they were going to scream and holler at me as they tried to do not long ago, which suits me all right because I have been screamed and hollered at before by the same crowd.

''This urgently needed'' treaty, as they describe it, has been collecting dust in the Senate archives for 20 years. It was submitted by President Carter to the Senate in 1980. In these years since President Carter sent it to the Senate, the Democratic Party controlled the Senate for 10 of those years and the Democrats never brought it up for a vote.

Indeed, in the first 2 years of the Clinton administration, when the Democrats controlled not only the Senate but the White House, the Democrats never saw fit to bring this radical treaty up for a vote. They were silent in seven languages about it.

Now, suddenly, 20 years later, they demand to be given urgent priority in the recommendation of this treaty, and that it be considered first by the Foreign Relations Committee and then by the Senate.

I say dream on because it is not going to happen. Why has CEDAW, the Convention of Elimination of All Forms of Discrimination Against Women, never been ratified? Because it is a bad treaty; it is a terrible treaty negotiated by radical feminists with the intent of enshrining their radical antifamily agenda into international law. I will have no part of that.

Let me give a few examples of the world in which the authors and proponents of this treaty would have all live. Under this treaty, a ''committee on the elimination of discrimination against women is established with the

task of enforcing compliance with the treaty.''

Mr. President, how about a few excerpts from the reports that the committee has issued? They provide a telling insight into the hearts and minds of the authors who wrote this treaty in the first place.

What do they propose? They propose global legalization of abortion. The treaty has been intended, from the very beginning, to be a vehicle for imposing abortion on countries that still protect the rights of the unborn. For example, this committee has instructed Ireland a country that restricts abortion, to ''facilitate a national dialogue on * * * the restrictive abortion laws'' of Ireland and has declared in another report that under the CEDAW treaty ''it is discriminatory for a [government] to refuse to legally provide for the performance of certain reproductive health services for women''—that is to say, abortion.

Another issue: Legalization of prostitution. In another report issued in February of, 1999, the CEDAW committee declared:

The committee recommends the decriminalization of prostitution.

They even called for the abolishment of Mother's Day. The CEDAW crowd has come out against Mother's Day—yes, Mother's Day. Earlier this year, the committee solemnly declared to Belarus its ''concern [over] the continuing prevalence of * * * such [stereotypical] symbols as a Mother's Day'' and lectured Armenia on the need to ''combat the traditional stereotype of women in 'the noble role of mother.'''

There are not enough kids in day care, they claim.

The committee informed Slovenia that too many Slovenian mothers were staying home to raise their children. What a bad thing for mothers to do—think of it—staying home with their children. This committee warned that because only 30 percent of children were in day-care centers, the other 70 percent were in grave danger of, now get this, ''miss[ing] out on educational and social opportunities offered in formal day-care institutions.''

Another thing, mandating women in combat. Boy, they are hot to trot on that. In a 1997 report, the CEDAW committee mandated that all countries adopting the treaty must ensure the ''full participation'' of women in the military, meaning that nations would be required to send women into combat even if the military chiefs decided that it was not in the national security interest of, for example, the United States of America.

This is the world that the advocates of this CEDAW treaty want to impose on America. That is why they are picketing my office right now, demanding the Senate Foreign Relations Committee consider this treaty and report it out to the Senate for approval.

I say to these women who are picketing my office: Dream on. If its authors and implementers had their way, the United States, as a signatory to this treaty, would have to legalize prostitution, legalize abortion, eliminate what CEDAW regards as the preferable environment of institutional day care instead of children staying at home.

This treaty is not about opportunities for women. It is about denigrating motherhood and undermining the family. The treaty is designed to impose, by international fiat, a radical definition of ''discrimination against women'' that goes far beyond the protections already enshrined in the laws of the United States of America. That is why this treaty was publicly opposed in years past by, as I said earlier, Nancy Kassebaum and many others, who felt as I did then, and still do, that creating yet another set of unenforceable international standards would dilute, not strengthen, the human rights standards of women around the world.

We need only to look at the conditions of women living in countries that have ratified this treaty, countries such as Iran and Libya, to understand that Nancy Kassebaum was right in her opposition to the Treaty on the Elimination of All Forms of Discrimination Against Women. The fact is, the United States has led the world in advancing opportunities for women during the 20 years this treaty has been collecting dust in the Senate's archives. I suspect that America will continue to lead the way, while the CEDAW crowd and the treaty sits in the dustbin for a few more decades to come. If I have anything to do with it, that is precisely where it is going to remain.

I do not intend to be pushed around by discourteous, demanding women no matter how loud they shout or how much they are willing to violate every trace of civility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each until 3 p.m. today.

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

Mr. ENZI. Mr. President, several of us have comments that we wish to make on the Export Administration Act. Senator THOMPSON was waiting before I was, so I yield.

The PRESIDING OFFICER. The Senator from Tennessee.

THE EXPORT ADMINISTRATION ACT

Mr. THOMPSON. Mr. President, I thank Senator ENZI very much. I do wish to make a couple of comments in response to the chairman of the Banking Committee, the Senator from Texas.

First of all, I appreciate his taking the bill down and giving us an opportunity for further discussions and negotiations. Apparently, there are still some items on which some Members are trying to come together. I must say, and have said to my friends, Senator GRAMM and Senator ENZI, that my concern goes deeper than some of the details we are working on right now. Unless some very substantial changes can be made, which I do not anticipate, I could not support the bill. I will not be the one standing in the way of proceeding on the bill, but I reserve all my rights as we proceed and discuss it. It does need full discussion. It is a very serious matter. I am afraid it has not yet gotten the attention it deserves. We will have some amendments, hopefully, to improve the bill as we go along.

I agree with my friend from Texas that it is a different time. We are not in the cold war anymore. No one can put the technological genie back in the bottle. But our export policies have quite adequately taken that into consideration. In fact, many on this side of the aisle, people around the country, have been quite critical of this administration because of the liberality or the looseness of the export controls that we are operating under now, under Executive order. As we know, we have not had a reauthorization of the Export Administration Act since 1994. We have been operating basically on Executive orders. I personally feel the Executive orders we are operating under with regard to our export controls are too loose and need tightening.

We saw what happened with regard to the exporting of our satellite technology and the Hughes and Loral situation that is under investigation by the Justice Department right now, where we got the Chinese to send our satellites up in orbit but apparently in the process gave the Chinese some very sophisticated technology that would assist them with regard to their missile program. So Congress reacted to that.

The Commerce Department had, previous to that, transferred the jurisdiction of satellites from the State Department to Commerce. It was all under Commerce. We took a look at that and said that does not belong in Commerce. Commerce has a legitimate concern about trade and exports for sure, but that is not the only concern. When you are exporting materials that have national security significance, so-called dual-use items that might be militarily significant to countries that you do not want to be helping, then the State Department needs to be concerned, too. So Congress insisted that jurisdiction be brought out from Commerce and given back to the State Department.

We have also seen what the administration has done with regard to high-performance computers. They reassess the situation every 6 months. They are increasing the MTOPS level for the export of high-performance computers to

countries such as China and other third-tier countries at a very brisk rate. The MTOPS level has gone from 2,000 in 1996 to 12,500 for military, as we speak. The anticipation is that the MTOPS level will continue on apace very significantly.

Now we have an amendment this morning, as I understand it, that would cause that review to happen not only every 6 months but every 30 days. The Department of Commerce would be looking at our high-performance computers and whether or not we ought to reassess sending more computers, something that we have had the dominant position on throughout the world, something the Chinese, until recently, had no indigenous capability of developing. We continue to supply them. We take into consideration things such as the abilities of foreign countries.

My point is, the Department of Commerce is hardly being guarded as they establish their policies of exports as far as high-speed computers are concerned. Many people, including myself, are concerned that they go too far and too fast because we do not know what the Chinese, for example, are really doing with them. We are told they have clustered together computers of lower MTOPS levels and have come up with something much, much more significant than what, perhaps, we think they have.

We were told by the Cox commission that the Chinese are using our high-performance computers for their simulations for their nuclear program. We were told that they use our high-performance computers to assist them in their biological and cryptology programs.

The cold war is over, and the last time we reauthorized this act, Jimmy Carter was in the White House. Indeed, the cold war has come and gone, but we have new challenges on the horizon. We do not have the old Soviet Union anymore, but we do have the Chinese who, the Rumsfeld commission tells us and the Cox commission in great detail explains to us, are very aggressively attempting to get their hands on our technology.

We know about the situation in Los Alamos. We know about their endeavors, as far as their commercial enterprises around the country. They tell us, in addition to that, they are feeding off our technology that we are exporting to them to use in the most troublesome manner, as they continue to be one of the world's greatest proliferators of weapons of mass destruction. It is not just what they are doing in China, but it is what they are doing around the world.

We have every reason to be extremely concerned about our export policies in light of these developments. We were warned by the Rumsfeld commission that we are facing a threat such as we have never faced before in this Nation with regard to these rogue nations and their increasing capabilities. We were warned by the Deutch commission. We were warned by the Cox commission. We were warned by at least two recent national security estimates in terms of the capabilities of these rogue nations. They all say they are getting much of their stuff from the Russians and the Chinese.

This is the backdrop against which we are considering reauthorization of the Export Administration Act. My concern is not that we are reauthorizing and taking a look at it, it is that we are looking at it totally from the wrong direction. We should be looking at ways of getting more training for our people who are serving as export licensers. We need to do more on end users. We do not know when we send a high-speed computer or high-performance computer to China what happens to it.

Up until 1998, the Chinese would not even let us check on end users. Out of 600-some computers we have sent over there, we have had one end user check.

According to the Cox commission, in 1998, we got an agreement with the Chinese to check with the end users, but the administration will not release that agreement. The Cox commission says they have seen it—they cannot release it—but it is totally inadequate. This is the backdrop against which we are considering reauthorizing the Export Administration Act.

What do we do with this bill, S. 1712? The bill does some good things, I think. There are some provisions in it that move in the right direction, but they are fairly minimal. In many important respects, it, first of all, further incorporates into law things this administration has been doing by Executive order and then creates new legal categories, all of which liberalize or loosen export controls.

It creates a category with regard to foreign availability. Foreign availability is taken into consideration now by the Department of Commerce in making its decisions as it increases these end-top levels. They take that into consideration. What this bill will do is put it into law and set up a technical group within the Department of Commerce to make a determination if there is foreign availability, and, if so, lickety-split, it does not matter what the end-top level is at Commerce when that happens, it goes out the door.

We have seen from hearings in our committee that there is sometimes great disagreement as to whether or not there is foreign availability with a certain item. It is not just strictly a green-eyeshade matter of physics; it is something that ought to be considered very carefully and should not be left up to the unilateral discretion of Commerce.

This bill gives Commerce more discretion than it has ever had before. We have been very critical of the practices of the Department of Commerce in this administration in times past. I suggest we consider very carefully whether or not we want to give even more authority to the Department of Commerce as we move forward.

Another category is created out of whole cloth: mass marketing. That is not in common practice now; that is not in current Executive orders now. It basically says if it is mass marketed in this country, even if it is not in another country, the assumption is they are eventually going to get it, so let's send it to them, taking into consideration the advantage we might have of at least having a delay as we consider our policies in this Nation, such as the National Missile Defense Program or things of that nature.

We are creating mass marketing. We are creating foreign availability. We are creating embedded components: No matter if a component is controlled, if it is part of a larger component, and it is only so much of the value of that larger component, you look at the value and not the inherent nature of the component itself. That is not right. We ought to look at the component, and if it is controlled, it ought to remain controlled whether it is in a larger item or not. It is another category where we are taking additional items out of control.

Each of these things can be and, I assure you, will be debated in some detail as to whether or not it is good policy, but I think there can be no argument on two points: First, there is greater discretion in many respects in the Department of Commerce and in the Secretary of Commerce. Second, this bill tips the scales in favor of more exports. That is the reason we are doing it.

I personally have not heard any complaints—maybe there are complaints out there; I do not say there are not—from exporters who are not getting things through fast enough. Maybe we need more people. Maybe we need more folks handling the paperwork. Whatever. I do not argue that point.

I do not hear any hue and cry that we are not shipping dual-use possibly militarily significant items out fast enough. But one could look at this bill and assume that is the underlying motivation, that we believe we need to loosen up the export controls a little bit.

It is an honest disagreement. My friends have worked very hard on this. They have tried to be as accommodating as they know how, but we approach this from a fundamentally different vantage point.

I look forward to the discussion when we get on the bill. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as you can tell from the discussions that have gone on today, this is not the simplest bill that has ever come before Congress. There are a lot of complexities. There are still, obviously, a lot of misunderstandings about what is in the bill.

There is increased money for enforcement, increased people for enforcement, a tie-down on how we check on end users. But I do not want to get into

those very stimulating, exciting details right now. I want to make some more general comments so that my colleagues and other people who are interested in this bill have some idea of why we are having the difficulties we are having.

I am one of those people who agrees—and I think Senator THOMPSON agrees—that the system is broke. I thought we were going to have a debate today on how Congress can fix it because Congress is quickly realizing that we are sacrificing national security and impeding export growth at the same time. We have a chance to fix that problem with this bill or to let it remain broken for about 18 months, at a minimum.

If we do not debate this before the budget and appropriations bills come up, which will be the agenda for the rest of this year, we will not be able to debate it until the nominations of a new administration have been completed and those people understand this difficult area.

In January of 1999, I became the chairman of the Banking Subcommittee on International Trade and Finance. Shortly thereafter, this issue was thrust into prominence. It was disclosed that China had access to United States military secrets, and the congressional Cox commission emphasized the problem with the release of their classified report.

I also found out the Export Governing Act had expired in 1994. That was the Export Administration Act of 1979. Our country was operating under emergency Executive orders to keep any semblance of security at all.

I had a briefing on and read the classified Cox report. I was dismayed.

I followed the history of export licensing and found out there had already been 11 attempts to renew the Export Administration Act. All had gone down in flaming defeat. I read the documentation on the failed bills. I am always amazed at how much documentation there is of what has been done in Congress.

Several people who had tried to rescue the failed bills are still around. I visited with them. I made several trips downtown to see how the committee process of export licensing works at the present time. I drafted a bill. I began working with the ranking member of my subcommittee, Senator JOHNSON of South Dakota. Without his cooperation and interest, and without the dedication and involvement of his staff, we would not have gotten to this point today.

We looked at the problem. We searched for the difficulties. We established some goals. We began to meet with anyone and everyone. We met with all the agencies involved. We met with companies. We met with industry groups. We met with any Senator willing to give a few minutes or a long period of time. I was amazed at how many were interested.

This bill has an interesting constituency. There are two main groups. Neither group has the votes to pass the bill, but each of them has the votes to kill the bill.

Of course, everyone knows it is easier to kill a bill than it is to pass a bill. To kill a bill, you only need one negative vote anywhere in an 11-step process, and it is dead. You just have to be able to get a majority confused enough at one point to get a negative vote. But to pass a bill, you have to have a positive vote at each one of those places and get the signature of the President. So it is 11 times easier to kill a bill than it is to pass one.

At just one single step for each of the previous 11 attempts at this bill, there was a perception that each of the previous bills that were attempted was either too strong for national security or too easy for imports. The trick on this bill has been to maintain a balance.

Along the way, I found that most of the provisions are not in conflict—the goals are just different—and the difference has been perceived as a counter to each other's interest. I know we can have a vigorous export economy and protect the national security.

I appreciate the confidence shown by Senator GRAMM. He has given Senator JOHNSON and me a free rein to go after a solution. He has allowed the flexibility to review many unusual solutions. Senator SARBANES has provided a quiet leadership of fatherly questioning and direction. I appreciate the hours my fellow Senators have taken to explore this national problem and review this proposed solution.

Senator SHELBY, the chairman of the Intelligence Committee, and a ranking Banking Committee member, was a big contributor and adviser before the bill even came up in committee. Senators WARNER, THOMPSON, HELMS, and KYL have spent countless hours in the last 3 weeks ironing out difficulties. I have to mention Senator COCHRAN. He is a warrior of past battles, and he has been a tremendous help. Meetings I have been in during the last year were often so educational that I sometimes thought maybe I ought to be paying tuition.

Industry needs reliability and predictability. Industry needs to be able to make it to the marketplace at least at the same time the competitor does; for the sake of the United States, I hope they can make it a little bit ahead of the competitor.

For our national security, we need to be sure items that can be used against this country do not fall into the wrong hands.

We formed a tough love partnership in this bill that achieves both goals. Teamwork in the bill was begun by higher penalties for violations.

I would like to use an example of a conviction that has happened with McDonnell Douglas. They violated the export law. Under the present Executive order, they may be charged as much as $120,000. For a big corporation, they spend more on an ad than that. That is incidental business. Under this bill, they could be fined up to $120 million. That gets the attention of business.

Also, the individuals who are willingly and knowingly involved in this could go to jail. They could go to jail for up to 10 years for each offense. So you can see that if there are enough offenses under this bill, they could have life imprisonment. Those are penalties that have their attention.

There are several other items. I will not go into all of them. But the teamwork is completed by a well-defined system for reliability and predictability, one that relies on prioritizing enforcement assets to catch the bad guys. The United States makes so many products, they cannot all be watched.

I need to make a clarification. While we are talking about national security, we are not talking about guns and missiles. That would be on the munitions list. That isn't under the control of the Export Act. That list, the munitions list, is controlled by the Department of Defense and is much stricter—and has to be. We are not talking about satellites and the technology that goes with that. That technology is controlled by the State Department.

We are referring to products which we have given a fancy name. We call those products dual-use technologies. They were not designed for war. Most were not even intended to be dangerous. Many things are common household items. We call them dual-use technologies because they can be used for more than one use, and we worry about those items that can be used in a way that would be harmful to the United States.

For example, a stick can provide stability when you are walking or it could be a club. A knife can be a dagger or it could be a vegetable peeler. A precision machine can manufacture toys or stealth airplane parts. A computer can teach you math or it can run math models to test nuclear weapons. Everything your senses can sense can be used for good or for evil. Some evil is worse than others.

I think you begin to get a sense for the kind of items this bill could control. I think you can see where the bill could have some validity controlling every single item made or used, except everybody agrees that would not be feasible. If the universe is too great, we cannot afford the enforcement and business will not be able to sell anything. This bill was worked to prioritize logical enforcement.

To have a better idea of how enforcement works, I have had a person on loan to my staff for the last several months who is a law enforcement agent, a very specialized enforcement agent, a person who has worked daily with the enforcement of dual-use exports. That help has been valuable beyond belief.

We and every one of our constituents know the value of hands-on experience. There are some things about a job you can only learn by experience. I am

thankful we have had experience helping us.

Also, during the drafting part of this bill, I sought out a person who had experience actually applying for export licenses. He served as a fellow on my staff for a few months and was also instrumental in drafting the bill.

I would be remiss if I did not thank all the people from the administration who spent hours showing me what they do or explaining how the system works.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator's time has expired.

Mr. ENZI. With the indulgence of the Senator from New Jersey, I ask unanimous consent for some additional time so I can finish this explanation, which I think is critical to the bill.

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

Mr. ENZI. I thank the Senator.

Mr. President, some of the people working for the Federal Government right now have worked in a number of capacities and have seen export licensing from more than one side. I would be especially remiss if I did not mention the dedicated and time-consuming help of Undersecretary of Commerce Bill Reinsch and especially Undersecretary of Defense Dr. John Hamre. At one point, they had visited so much over the telephone about this bill that they caught an ''electronic bug'' and were ill for 24 hours.

On my own staff, I thank Katherine McGuire, my legislative director, who also works with the committee, and Joel Oswald, who is my committee person.

On Senator JOHNSON's staff, I not only have to mention his tremendous work and coordination, but I have to mention Paul Nash, who sat in on hours and months of meetings; on Senator GRAMM's staff, particularly, Wayne Abernathy; on Senator SARBANES' staff, particularly, Marty Gruenberg; the staffs from all of the different committee chairs who have been involved in this.

This bill has a lot of rabbits, and it has taken a lot of people to keep track of all of the rabbits, particularly as they multiply. I would like to tell you the debate we will hear on this bill is going to be fascinating. I would like to tell you that the bill will hold your attention, that you will be sitting on the edge of your seat, but that would be false advertising. If the bill were that thrilling instead of that detailed, it would have passed long ago.

This may be the most important debate we have this year, but I have to warn you, you can't tell the players without a program, and some parts of this debate don't even allow a program. We will ask you to pretend that you are James Bond, but the most exciting mission you will be assigned might make you feel like a proofreader in an atlas factory.

We need to talk about country tiering. That is where all the countries in the world are classified according to the risk to our country. We are going to talk about control lists; that is, the list of items we need to keep an eye on and have special instances in which they might need to be licensed. We are going to talk about a process for getting on the list and getting an item off the list. To really complicate the process, we are going to go back to our country list of risk and vary the risk by each item on the control list. Because that will cause some gray areas, we have this little handbook. This little handbook is a translation, a simplification of the rules that, if you are exporting a single thing, you better be aware of because you could be violating the law if you aren't following all 1,200 pages.

All of those things have to be blended together into something workable for industry and national security. I am prepared to explain any of those concepts, to go into great detail with anyone who needs that. Hopefully, we will not do that on the floor. I have been doing that for groups as small as one or as great as 500 for the last year.

But before you think that is all there is, we threw in two new concepts that have been mentioned before, so I will not go into detail on those except to mention that they are critical. We threw in mass markets and foreign availability. We recognized that if an item is available all over the world, probably the bad guys get that, too. And if a product is mass marketed in the United States, if it is so small and so cheap and sold at enough outlets that it could be legally purchased, easily hidden, and taken out of the country, that if you try to enforce that, you will probably not get anywhere either.

I could go on for a long time about the complexities in this bill—158 pages of detail. We have established a system that is transparent and accountable to Congress, requires recorded votes, has ways of getting things up to the President, and allows for the President to control some things. We recognized the deficiency in the present system of difficulty of objecting to licenses, objecting to things on the list, and we have cleared those up. Now we need to clear up the misunderstandings that there are with the bill.

Industry and national security—each side has the ability to walk away from this bill and cause its demise. It would be the simplest thing in the world. I commend business and the security agencies for their efforts, their teamwork, and their cooperation. They have read the reports that have come out on this. The Cox report has been referred to many times. The Cox report says this needs to be done. Congressman COX appeared before the Banking Committee and testified that this bill needs to be done.

I could go into other examples there. I am asking both sides, industry and security, to stay together, to keep working to stay in the middle so that we can have a system in place that will solve some of the problems of the United States while it increases exports. It can be done.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

ELECTIONS IN TAIWAN

Mr. TORRICELLI. Mr. President, during this generation we have witnessed the greatest expansion of democratic nations in history. From East Asia to Eastern Europe to Latin America and the islands of the Pacific, the blessings of democratic pluralism have expanded to the very bounds of each continent. It is in the proudest legacies of this Nation that the United States has played an essential role in facilitating the transition of these nations to democracy and their protection at critical moments.

From military defense to economic assistance, it is questionable whether Korea, Poland, Haiti, and scores of other nations would be free if it were not for the leadership of the United States. Now this generation of American leadership has a new challenge. As certainly as our parents and grandparents fought to ensure that these nations would have an opportunity to be free, it is our responsibility to assure that these fledgling democracies have an opportunity to remain free, a challenge that democracy is not a transitional state but a permanent condition of mankind, and the nations that would represent them.

There is one threat developing now before us to this proposition. It involves the people of Taiwan. During the late 1980s and 1990s, Taiwan underwent an extraordinary transformation from an authoritarian regime to a genuine democracy. Taiwan provided an example of peaceful political evolution from a military and authoritarian government to a true pluralist democracy with little violence, no military confrontation, and without a revolution.

After years of justifying tight security control, step by step, year by year, Taiwan created a genuine democracy. In 1986, a formal opposition party, the Democratic Progressive Party, was formed. And in 1987, martial law was ended after more than 40 years. In 1991, President Lee ended the Government's emergency powers to deal with dissent and a new, freely elected legislature chosen by the people was created. In 1996, Taiwan's democracy had matured to the point that a Presidential election was held. Taiwan had fully developed. Democracy had come of age.

Now, in only a few days, on March 18, Taiwan will hold its second democratic Presidential election. The challenge to this democracy and the rights of freedom of press, worship, and assembly so central to maintaining human freedom are no longer under attack from within. The pressure is from Beijing. On the very eve of these elections, the People's Republic of China issued a statement that constitutes a new threat to Taiwanese democracy. China recently

issued its so-called white paper which warned that if Taiwan indefinitely delays negotiations on reunification, China will ''adopt all drastic measures possible, including the use of force.''

This goes beyond China's previous statements that it would take Taiwan by force only if it declares independence or were occupied by a foreign power. The more democratic Taiwan has become, the lower the bar appears to be for military intervention and a hostile settling of the Taiwan issue.

These aggressive statements obviously only serve to increase tension in the region and make a peaceful settlement among the people of Taiwan and the People's Republic of China much more difficult. This belligerent approach obviously has precedent, almost an exact precedent. In 1996, also on the eve of a Presidential election in Taiwan, the People's Republic launched missiles in a crude attempt to intimidate the people of Taiwan as they approached their election.

It now appears that the election of Taiwan's new President will be close. It is critical to the functioning of Taiwan's democracy that they thwart any belief in Beijing that intimidation will solve or contribute to the relationship between these peoples. It is critical that the people of Taiwan stand resolute and that their voters not allow these actions to intimidate them.

There is obviously an American role. The United States must respond to this ultimatum by making it absolutely clear that our position is firm; it is unequivocal. The dispute between Taiwan and Beijing will not be settled by military means, and the United States, in a policy that is not unique to Taiwan, will not idly witness a free people in a democratic nation be invaded or occupied and have their political system altered by armed aggression.

This, I believe, is the cornerstone of American foreign policy in the postwar period. It remains central to who we are as a people and our role as the world's largest and most powerful democracy. Any ambiguity will, on the other hand, only serve to embolden Beijing and can lead to dangerous misinterpretations and miscalculations.

There is, within this Congress, the opportunity to end any possible ambiguity. The House of Representatives has passed, and the Senate has before it, the Taiwan Security Enhancement Act. Senator HELMS and I introduced this legislation last year in the Senate. The House has spoken overwhelmingly in favor of our legislation, as modified. The question is before this Senate.

The legislation Senator HELMS and I have offered is designed to ensure Taiwan's ability to meet its defensive security needs and to resist Chinese intimidation. It imposes no new obligations on the United States. The legislation, as passed by the House, will simply strengthen the process for selling defense articles by requiring an annual report to Congress on Taiwan's defense requests and ensuring that Taiwan has full access to data on defense articles. It mandates the sale of nothing. It requires the transfer of no specific article. It does guarantee that this Congress understand the security situation, Taiwan's requests, and a flow of information. It improves Taiwan's military readiness by supporting Taiwan's participation in U.S. military academies, ensuring that their military personnel are trained, understand American doctrine, and could coordinate if there were a crisis. This is not only good for Taiwan, it is good for the United States, ensuring that if tragically there ever should be a confrontation, our own Armed Forces are in the best position to train people familiar with our doctrine and any mutual obligations.

Finally, it requires that the United States establish secure, direct communications between the American Pacific Command and Taiwan's military. Nothing would be more tragic than to enter into a military confrontation by mistake or misinformation. This ensures reliable, fast, secure information so the situation is available to our own military commanders.

The legislation does not commit the United States to take any specific military actions now, later, or ever. A full range of options are available to the President and to the Congress. It also does not alter or amend our commitments under the Taiwan Relations Act. Rather, it helps us to fulfill those commitments under the act and ensures that Taiwan's security needs are adequately met.

If we pass this legislation, it makes it less likely that we will become engaged in any future conflict because there will be no ambiguity, no chance of miscalculation because of Taiwan's ability to strengthen itself, and because of our mutual ability to assess defensive needs, less chance of a military calculation in the mistaken belief that either Taiwan will not be defended or have the ability to defend itself.

There is an important national interest in integrating the People's Republic of China into the world's economy and in promoting the growth of democracy and human rights in a nation that will play a vital role in the coming century. But our overall relationship cannot possibly develop quickly and positively if China continues to seek a military solution to the question of its relations with the people of Taiwan.

By not making our policy clear, by not assessing the military situation, we do not contribute to the avoidance of military conflict. We enhance the possibility of military conflict. This legislation, I believe, is a strong statement that avoids miscalculation and lessens the chances of conflict. President Clinton made a strong statement last week in support of a peaceful resolution of this issue when he said:

> Issues between Beijing and Taiwan must be resolved peacefully and with the assent of the people of Taiwan.

This formulation's emphasis on the ''assent of the people''—the words used by President Clinton—is new and important.

Together with this Taiwan Enhancement Security Act, I believe it is an important contribution in this current debate on the problems of Taiwan security. It is, most importantly, in accord with the language of the Taiwan Security Enhancement Act as passed by the House, which states, ''Any determination of the ultimate status of Taiwan must have the express consent of the people of Taiwan.''

The Taiwan Enhancement Security Act, therefore, and President Clinton's own statement in response to recent provocations by Beijing, are not only similar, they are identical. I believe the House of Representatives, in changing the Helms-Torricelli approach, has made a valuable contribution. I believe, for the maintenance of the peace and ensuring this Nation's commitment, that those nations which have chosen to be democratic, pluralist nations, governed with the consent of their own people—the commitment of this Nation that those nations will not by force of arms or intervention have their forms of government changed or altered will be enhanced.

Taiwan, today, is the cornerstone of that American commitment. Tomorrow, it could be Africa or Latin America. How we stand now on the eve of these free elections in Taiwan will most assuredly constitute a powerful message in all other places where others would challenge these new and fledgling democracies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask what the pending business is.

Mr. SANTORUM. We are in morning business.

THE RISING COST OF FUEL

Mr. LIEBERMAN. Mr. President, I rise this afternoon to speak with my colleagues about the justifiably increasing concern among the American people about the increasing price of gasoline and other fuels.

The fact is that our gas pumps are fast turning into sump pumps for American pocketbooks. Just 2 days ago, the Energy Information Administration pegged the average current retail price for a gallon of gas at $1.54. That is the highest level in a decade for this time of the year.

Unfortunately, this is not the end of it. Prices are expected to soar beyond this height in the months ahead. In fact, the Energy Information Administration is projecting an average price of more than $1.80 a gallon of gas by Memorial Day, the start of the summer driving season.

That is, in and of itself, according to experts on oil pricing to whom I have spoken, an optimistic assessment. It is predicated on the promises of several OPEC nations that they will raise their production of oil after their March 27

meeting and thus lower the price of crude oil.

There are very reputable analysts of oil markets who are saying the average per gallon price of gasoline will go to $2 and in some places as high as $2.50 a gallon this summer. Ouch. That is not only unprecedented but will have a disastrous effect not only on individual businesses and consumers, particularly those of more modest average means, but it will, I am afraid, have a disastrous effect on our economy, setting off a vicious cycle of prolonged oil price increases, an increase in inflation rates, corresponding hikes in interest rates, and a stall in the historic run of economic growth we have had over the last several years.

Another consequence of oil price increases, as we unsettlingly saw yesterday, could be significant declines in the stock markets. I understand the decline yesterday was attributed not just to oil price increases but also to the report from Procter & Gamble that they would be reporting lower quarterly profits than were expected. But oil price increases are part of it.

Not surprisingly, yesterday crude oil trading on the New York Mercantile Exchange rose $1.95 to $34.13 a barrel, which is the highest level increase since November 1990—the highest level increase in a decade.

I trust that my colleagues are hearing from their constituents, both individual and business, as I am, with complaints ever more vociferous about the strain this price spike in gasoline is putting on their family and business budgets. As these energy and transportation costs continue to climb, the cries for help will also increase.

The squeeze is now being felt across the country, but it constitutes for us in the Northeast the second chapter of this current sad story of energy pricing since, as I know you know, Mr. President, the State of Connecticut and the entire Northeast was particularly hard hit by a prolonged price shock in home heating oil, which more than doubled in a space of months the amount people in our region of the country were paying. So this jump now in the price of gasoline represents what might be called a ''double energy pricing whack.''

Last week, on Thursday, several Members of Congress in both parties were invited to the White House for a meeting of the President, Secretary Richardson, Secretary Summers, and others in the administration to discuss these matters. It was a spirited discussion and one that represented a very good exchange.

I say to my neighbors and constituents in the Northeast that the most encouraging part of the discussion to me was the receptivity of the administration to an idea that my colleague from Connecticut, Senator DODD, and I put forward to create a regional home heating oil reserve—not crude oil as in the Strategic Petroleum Reserve we have now but home heating oil which could be used in cases as the one we just experienced in the Northeast when there was what I consider to be an artificial rise in price based on the OPEC cartel limiting supply in what is, after all, a critically necessary commodity—fuel.

It would allow this reserve to immediately put out at times such as this in the future an amount of home heating oil, distillate product—it could go for diesel fuel as well, where price increases have so hurt truckers—to raise supplies so that the price could decline to a more balanced point.

Work goes on and discussion goes on. This idea could be a model in energy shortages in other regions. Some regions dependent on propane, for instance, might create similar reserves that could be used to effect when artificial prices create dramatically increasing prices.

I look forward to continuing those discussions with the administration. At a minimum, if we can do something between now and next winter, it will give people and businesses in the Northeast some comfort—I apologize for the metaphor—but a kind of security blanket, if you will, so that next year, if OPEC again reduces supply, they will have the home heating oil at reasonable prices to heat their homes and businesses.

Let me turn now to the gasoline price increase which is now going across the country and has very significant ramifications for our economy overall.

My apologies to Ernest Hemingway. I ask, For whom does the gas pump toll today? I say the answer is, It tolls for us—not just that we are paying it, but it should remind us once again of the debilitating dangers of our dependence on foreign oil, reminding us that our consumers and our economic security are being held hostage by the decisions of the OPEC producers as they are in this case following their own interests, but it is not in our interest.

No matter how great a country we are—the strongest country in the world, the most successful economy with the greatest standard of living—we have put ourselves in a position where a small group of nations, because they control this commodity—oil—that is so vital to us, can hold us hostage.

So the President has to send the Secretary of Energy and others, basically, pleading with these oil-producing countries that are supposed to be our friends and allies to get reasonable and to increase the supply so that they fill at least the two-million-barrel-per-day gap between supply and demand on world oil prices.

I hope as we face this crisis, though, we will take steps to declare—as we have been saying now for two decades, but to do it hopefully with some meaning, greater meaning—energy independence, and to do so by tapping in more vigorously to the supplies of energy over which we have some control, such as natural gas and oil, where that is possible within our own domestic control.

Mr. President, I think we have to more aggressively try to convert and develop supplies of energy in our control. We have to more aggressively support conservative efforts and development of renewable, cleaner sources of energy. We have to be prepared to invest and continue to support even more aggressively some of the pioneering, pathbreaking work being done in the automobile industry to develop high-fuel-efficiency vehicles.

Very exciting work is being done, and we can help with further support in the development of fuel cells as a renewable clean source of energy. The truth is, no matter how strong, innovative, entrepreneurial, and how great our increases in productivity are in this country, until we invest more into the energy that drives our economy, we are going to be subject to being effectively brought to our knees and having our markets and our bank accounts follow down in that direction.

Another item discussed at the meeting with President Clinton and Secretary Richardson last week, advanced by my colleague and friend from New York, Senator SCHUMER, Senator COLLINS of Maine, and others, was, in this crisis, to be prepared to either swap or draw down the Strategic Petroleum Reserve, in which there is now approximately 580 million barrels of oil owned by the taxpayers of the United States, and put some of that at this critical moment into our economy as a way to fill the gap between supply and demand, and, frankly, as a way to let our friends at OPEC know that, though our resources are limited, they are not meager and that we are prepared to contend with their artificial inflation of oil prices.

I report these developments to my colleagues and say I believe that the President, at least, is keeping the option of using oil from the Strategic Petroleum Reserve on the table. No commitments were made, no decision was made either about that or a final decision made about the strategic heating oil reserve for our region that I discussed earlier. I appreciated the discussion and I appreciated the active and, obviously, concerned interest that was expressed by the President at the meeting last week.

I look forward to continuing those discussions. I hope we can do it in a spirit of reason and balance and not in a spirit of panic because our economy has been stalled and our markets have been essentially attacked and have fallen as a result of this shortage in oil supply, based on the actions of an oil cartel, OPEC, which hurts the United States because of our continuing dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Georgia is recognized.

(The remarks of Mr. CLELAND, Ms. MIKULSKI, and Mr. AKAKA pertaining to

the introduction of S. 2218 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CLELAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business with Senators permitted to speak for up to 10 minutes.

The Senator may proceed.

NOMINATION OF RICHARD A. PAEZ

Mr. SESSIONS. Mr. President, I believe I have the responsibility today to write the majority leader to ask that we not proceed to vote on the Paez nomination, and to ask that additional hearings be held on that nomination to determine whether or not he correctly and properly handled the guilty plea and sentencing of John Huang in Los Angeles, CA, that fell before his jurisdiction in the Los Angeles district court.

This is a matter of importance. It is something we have not gotten to the bottom of. It is something my staff has uncovered as we have come up to this final vote. I believe it is important.

Judge Paez is a Federal judge today. He has been controversial because of his activist opinions and background and has been held up longer than any other judge now pending before the Congress. We have only had a few who have had substantial delays, probably fewer than two or three. There are two now who have been delayed. He is still the longest. I do not lightly ask that he be delayed again, but he is a sitting Federal judge; he has a lifetime appointment. It is not as if his law practice is being disrupted and he is being left in limbo about his future. He can continue to work until we get to the bottom of this.

The President seeks to have him confirmed to the Ninth Circuit Court of Appeals, which is the highest appellate court in the United States except for the Supreme Court. It is a high and important position. We ought to make sure we know what really happened out there when John Huang was sentenced.

Basically, that is what happened. The John Huang case was part of the investigation of campaign finance abuses by the Clinton-Gore team in the 1996 election. Mr. Huang is the one who raised $1.6 million, a lot of it from foreign sources, the Riadys in China—those kinds of things. Ultimately, the Democratic National Committee had to refund $1.6 million that they believed they had received wrongfully and illegally. Eventually, the Clinton Department of Justice proceeded with this investigation.

The Judiciary Committee chairman, ORRIN HATCH, and the chairman of the Governmental Affairs Committee, FRED THOMPSON from Tennessee, repeatedly urged the U.S. Attorney General not to investigate that case herself because she held her office at the pleasure of the President of the United States. He could remove her at any time. Even if she did a fair and good job with it, people would have reason to question it. They urged her repeatedly—and I have, others have, and a large number of Senators have—to turn this over to an independent counsel. She did on many other investigations. But this one they would not let go of; they held onto it. The President's own appointees held on to this campaign finance investigation.

I spent 15 years as a Federal prosecutor, 12 as a U.S. attorney, 2½ as an assistant U.S. attorney. I have personally tried hundreds of cases. I have personally participated in, supervised, and directly handled plea bargains. I know something about the sentencing guidelines, which are mandatory Federal sentencing rules saying how much time one should serve.

What happened is that the case did not go before a Federal grand jury for indictment. The prosecutor, a Department of Justice employee, and Mr. Huang and his attorneys met and discussed the case. They reached a plea agreement. That plea agreement called for him to plead guilty to illegal contributions to the mayor's race in Los Angeles for $7,500—maybe another little plea, but I think it was just that $7,500—and he would be given immunity for the $1.6 million or any illegal contributions he may have received for the Clinton-Gore campaign that had to be refunded. He would be given immunity for that. He was supposed to cooperate and testify. That was going to justify the sentence.

After they reached this agreement and Mr. Huang agreed to waive his constitutional rights to be indicted by a grand jury, he said: Don't take me before a grand jury. You make a charge, Mr. Prosecutor, called an information, instead of an indictment, and I will plead guilty to that. So they worked out an agreement. He agreed to plead guilty to that.

Sometimes that is done. It is not in itself wrong, but it is a matter that increases the possibility of an abusive relationship between the prosecutor and the defendant, I must admit.

They say that cases are randomly assigned in Los Angeles. There are 34 judges in Los Angeles. Judge Paez was one of those judges. He got the Huang case. Curiously, he also got the Maria Hsia case. They had a case against Maria Hsia in Los Angeles because she was involved in this, too, and they eventually tried her a few days ago and convicted her in Washington on charges of tax evasion, I believe, arising out of this same matter. She was tried and convicted here on separate charges.

Oddly, this judge, who was a nominee of the President of the United States, somehow got these cases and presided over them. I think there is a real question whether he should have taken the cases.

There is no doubt in my mind, as a professional prosecutor who has been through these cases for many years, that the prosecutor's duty is to make sure the defendant is given credit for cooperating; that is, spilling the beans, admitting he did wrong, asking for mercy in those cases, agreeing to testify about what he knows. When you do that, you are entitled to get less than the sentencing guidelines would cause you to get.

But the critical thing is, Mr. Huang knew high officials in this administration and knew the President. I believe he spent the night in the White House. He has certainly been there for meetings at times. So this was a man who had been involved in not just some inadvertent event but a very large effort to solicit foreign money, some of it connected to the country of China, which is a competitor of the United States. It was a big deal case.

Knowing that the person who had nominated him at that very moment could have been embarrassed or maybe even found to be guilty of wrongdoing if Mr. Huang spilled all the beans, I am not sure he should have taken the case at all out of propriety, but he took it, assuming he did the right thing.

The case then came up for sentencing. Some of the people who defend Judge Paez have told me repeatedly in recent days that they don't believe it was Judge Paez's fault so much as it was the fault of the Department of Justice, that they did not tell him all the truth; they acted improperly; if they had told him all the facts, he may have rendered a more serious sentence than he did under these circumstances.

I have had my staff review the plea agreement. Much of it is not available to us. We did not get the pre-sentence report, which I would love to see. We did not get to see some other matters involving the extent of the cooperation of Mr. Huang. That was not available to us. But we do have a transcript of the guilty plea, what went down and what facts were produced and what facts the judge did know and the judge was told.

It appears to me the judge was not told all the facts by the Department of Justice. That is a very serious thing, if it occurred. It is a failure on their part to fulfill the high ideals of justice in this country.

If we look on the Supreme Court building, right across the street from the Capitol, the words written in big letters on the front of that building are these: Equal justice under law. When charges were brought against President Nixon, the impeachment charges voted

against him were clearly established by the Supreme Court—that the President and no person in this country is above the law.

We are a government of laws and not of men. That is a foundation principle of America. It is in our early debates about establishing the Constitution and the rule of law.

We are a government of laws and not of men. That was raised during the drafting of the impeachment clause. I remember I researched that at the time. That high ideal was discussed by the people who wrote our Constitution. So I say to you that this was a high-profile case of immense national interest. It had been a subject about which TV and news stories, magazines, newspapers, and so forth have written—the Huang case. The American public had every right to expect this case would be handled scrupulously and that there not be the slightest misstep.

A judge with a lifetime appointment ought not to have felt in any way obligated to do anything other than conduct himself according to the fair and just aspects of handling this case. That, to me, was basic. That is why we give the stunning power of a lifetime appointment. But we have to ask that they adhere to high standards in utilizing that power. If they misuse it, we can't vote and say: We don't like the way you are doing your job, judge, we are going to remove you. No. He has a constitutional right to a lifetime appointment, unless he commits an impeachable offense. Bad decisions are not impeachable offenses.

So the judge took this case, and I believe he had a high obligation to conduct himself properly. The whole Nation was watching. Maybe he didn't have all the facts, but we found that he started at a base level of 6. Under our Federal sentencing guidelines—many of you may not know, but this Congress did a great thing a number of years ago. When I was prosecuting cases, they eliminated parole and put a restriction on how a judge could sentence. They said you have to carefully evaluate every case that comes before you, and we have a sentencing commission that goes over the details.

There are guidelines about what you must find. If you find the defendant used a gun, or that he is a previously convicted felon, or that he used corrupt means to organize an entity, all of these factors could increase the time he or she serves in jail. How much money was involved could increase the time in jail; a little bit is less, and more is more. Judges have used all of those guidelines. But there was great concern in the Congress that many judges in Federal court didn't sentence appropriately. You might have an offense in one district that is treated one way, and it might be treated much more lightly in another district. So he got the base level for that.

One of the factors that the judge had awareness of and had the evidence on was that a substantial part of this fraudulent scheme was committed outside the United States. Under the sentencing guidelines, that calls for adding two different levels to this sentence. Judge Paez made no adjustment. He did not increase the level for the fact that in part of this scheme the money came from outside the United States. People who were giving the money were from outside the United States. A substantial part of this involved international activity. That is precisely the motive behind adding to punishment within the level of guidelines. The judge failed to do so. I believe he clearly should have done so under the circumstances.

He also had evidence that at least 24 illegal contributions were spread out over the course of 2 years involving multiple U.S. and overseas corporate entities, which John Huang was responsible for soliciting and reimbursing these illegal contributions. So he was actively involved with these corporations. Under Federal guidelines, ''If an individual is an organizer or a manager that significantly facilitated the commission or concealment of the offense''—that is a direct quote—''under 3(b)1.3, he should be given a 2 to 4 level increase.''

Judge Paez gave him no level increase for those two acts. John Huang also was ''an officer and director of various corporate entities involved and also was a director and vice chairman of a bank.'' What does that mean when you are doing sentencing guidelines? Under the guidelines, if an individual abuses a position of public or private trust, such as using his position as a board director and vice president of a bank in a manner that significantly facilitated the commission or concealment of the offense, then he should have added two additional levels for that. Right there, we are talking about at least six, maybe eight, different additional levels. The judge found no increases for that.

So when he pleaded guilty, Judge Paez found that his level was eight. That is very critical because, I am sad to say, that is the highest level you can have and still get probation and not spend a day in jail. It calls for a sentence of zero to 6 months if you have level 8. If the judge wants to be tough, he can give him 6 months if he falls under level 8. If he wants to be lenient, he can give straight probation, or zero time in jail. Judge Paez gave him probation, the lowest possible sentence. If it would have been level 9, the lowest possible sentence would have been time in the slammer, in the bastille where he belonged.

I am troubled by that. I know there was a lot of pressure to move this case along, get this case out of the way and not have any embarrassment. I am sure there was a lot of tension. But a lifetime-appointed Federal judge should have a commitment to the highest standards of integrity. Even if it involved the President of the United States, the man who appointed him, he should not play with the sentencing guidelines. I assure you that 18-, 19-, and 25-year-old kids, every day, going into Federal court—and I have seen it; I presided over them—are getting 10, 15, 25 years without parole because they are significant drug dealers and they have been selling crack. They are sent off to the slammer and nobody worries about them.

So how is it that John Huang raises $1.6 million that had to be returned, pleads guilty to some token offense on a contribution to the mayor of Los Angeles, and he gets to walk out without 1 day in jail? Well, the prosecutor was at fault, in my opinion. This was an unjustified disposition of this case, in light of the circumstances involved.

I cannot imagine that anybody can ultimately defend the disposition of this case. They may say, well, the judge just followed the prosecutor's recommendation. The judge did follow the prosecutor's recommendation, but he was not required to do so. In that plea bargain, as I noted, it said the judge is not required to follow this plea bargain. If he, Mr. Huang, rejects it, we will withdraw the plea and we will go back to square one and start all over. The judge is not required to accept it. The judge wasn't required to accept the plea, and he should not have accepted this plea.

These are the exact words from the plea agreement:

> This agreement is not binding on the court. The United States and you—

Meaning Mr. Huang, in the contract between the prosecutor and Mr. Huang—

> understand that the court retains complete discretion to accept or reject the agreed upon disposition provided for in this agreement. If the court does not accept this agreement, it will be void, and you will be free to withdraw your plea of guilty. If you do withdraw your plea of guilty, this agreement made in connection with it and the discussions leading up to it shall not be admissible against you in any court.

That is standard language. I have used it many times myself. The judge was obligated to follow the law of the United States. He was obligated to make sure justice occurred, if there was equal justice under the law.

I don't know how judges who send kids to jail for 20 years without parole can sleep at night when they are talking about letting this guy off the hook for this offense.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. SESSIONS. Yes.

Mrs. BOXER. I know my friend doesn't want us to vote on Judge Paez.

Mr. SESSIONS. Let me just say to the Senator that I have asked for an additional hearing to find out if I might be wrong about this and hear both sides of it. But I am not going to support a filibuster on this nomination. If we do that, we will just vote on it, as far as I am concerned.

Mrs. BOXER. I thank my friend very much.

I want to ask him if he read what Senator SPECTER said regarding the two cases we raised, the Maria Hsia case and the Huang case. I ask the Senator to react to this because I think it is important.

When asked if this vote ought to be put off, he said:

These matters are now ripe for decision by the Senate. There has been some suggestion of a further investigation on this matter, but when Judge Paez's nomination has been pending since 1996, and all of the factors on the record demonstrate it was the Government's failure, the failure of the Department of Justice to bring these matters to the attention of Judge Paez and on the record, he has qualifications to be confirmed.

In other words, what Senator SPECTER is saying is that Judge Paez was following the recommendation of the prosecutor.

I ask my friend: When the prosecutors say this is what we think is the best for the case, is it really that unusual for a judge to say let the prosecution stand? If we want to accuse Judge Paez of something, it ought to be that he was soft on the case, No. 1. I say to my friend: It was randomly selected; he got these two cases; he didn't ask for these cases. No. 2, he followed the prosecution's request, and he is being condemned for it.

My last point is—I know my friend will comment on all of this—my friend was interested in the sentencing issue surrounding Judge Paez. We have the facts on that, and he does as well.

I think it is important to note that if you look at U.S. district court as a whole—

Mr. SESSIONS. I have the floor.

Mrs. BOXER. I will come back to it.

Mr. SESSIONS. I will finish, and the Senator can respond.

Mrs. BOXER. I appreciate my friend yielding. I will wait.

Mr. SESSIONS. I am sorry. I will be happy to enter into a dialogue and come back to it later.

Senator SPECTER was, in fact, a State prosecutor. He is familiar in that boiler room of Philadelphia when judges are sitting up there and prosecutors come forward on burglary cases. The judge is a victim. He has to take the recommendation of the prosecutor and does so routinely. Federal judges try to do that, but it is always recognized that they have ultimate responsibility, as this plea agreement says.

In a case of national importance, which in itself just on the face of it does not pass the smell test, in my view, he should not have accepted it.

Another thing Senator SPECTER has never done is handle the sentencing guidelines. They were not a part of the State courts of Philadelphia or Pennsylvania, but they were a part of the Federal court where Judge Paez was sitting. I don't think Senator SPECTER has ever considered the fact that the evidence is what the judge had, and he did not have all that he should have had. But what he did have indicates that he did not properly apply the guidelines. That is the only thing he can be responsible for, in my view. If evidence was withheld from him, I understand that. But what I have been quoting here is what he did have.

I also note in Roll Call, in the Republican Representative Jay Kim probation case, they said Judge Paez's sentence of Representative Kim was a mere slap on the wrist and makes us think that the Senate Judiciary Committee ought to question whether or not Paez is too soft on criminals to be a Federal judge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair.

I hate to ask this to be delayed. But he is a sitting Federal judge. It is not messing up his Federal practice in a couple or three weeks to get to the bottom of this and how the case was assigned, because it didn't come out of an indictment by a grand jury, it came out of the handling by the prosecutor. In my experience, those cases are not randomly assigned. Quite often, they are taken directly by the prosecutor to the judge.

I would like to have somebody under oath explain to me how the Hsia case and the Huang case went to Judge Paez. Out of 34 judges, they went to Judge Paez. That doesn't strike well with me. I would like to know that before we go forward with the vote. If he has a good answer, I am willing to accept it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be allowed to proceed in morning business for up to 10 minutes and that my remarks be followed by the Senator from California, Mrs. BOXER.

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

Mr. GRAMS. Thank you very much.

THE INCOME TAX ANNIVERSARY

Mr. GRAMS. Mr. President, 87 years ago today, the Federal Government began collecting income tax. I rise not to celebrate the anniversary, but to condemn the occasion. What began as a simple flat tax on the revenue of a few has turned into a Pandora's box that devastates many. And so I take this opportunity today to strongly urge Congress to begin repealing the process of the constitutional amendment granting the Federal Government the power to tax, abolish the income tax, and replace it with a tax that is fairer, simpler, and friendlier to the taxpayers.

The reasons for abolishing the Federal income tax are compelling. To begin with, the income tax has clearly violated the fundamental principles upon which this great Nation was founded.

Mr. President, our country was born out of a tax revolt—a tax revolt built upon freedom and liberty. To preserve liberty, our Founding Fathers crafted an article in the Constitution unequivocally rejecting all direct income taxes that were not apportioned to each state by its population.

During the following 100 years, this provision brought enormous economic opportunities and prosperity for America. Although Congress attempted to enact income taxes in the late 19th century, the Supreme Court repeatedly declared the income tax unconstitutional. As a result, between 1870 and 1913, before the income tax was levied, the U.S. economy expanded by over 435 percent in real terms. This was an average growth rate of more than 10 percent per year, without inflation.

Congress has passed many ill-advised laws, but nothing has been more disastrous than the passing of the 16th amendment in 1909, which allowed the Federal Government to begin levying and collecting income tax as of March 8, 1913.

This shift in policy represented the efforts of those liberal elements who believes and promoted the ideology that society has a claim on one's capital and labor. They suggested that the redistribution of private income would increase equality among people. Their strategy was simple: they claimed this income tax was to ''soak the rich'' and was not supposed to provide a mechanism for Washington to reach into most Americans' pockets—the argument we still hear again and again on the Senate floor.

Initially, less than 1 percent of all Americans paid income tax. Only 5 percent of Americans paid any income tax as late as 1939. But today, nearly every American is subject to the income tax. The Federal tax burden is at an historic high. A median-income family can expect to give up nearly 40 percent of its income in Federal, State, and local taxes—more than it spends on food, clothing, transportation, and housing combined.

More Americans are working harder and are earning more today. But a large share of the higher incomes of hard-working Americans aren't being spent on family priorities, but are instead being siphoned off by Washington.

They are working harder, but they are taking home less money because the Government is taking a bigger bite out of their paychecks. Then there is ''bracket creep.'' I think everybody knows what that is. It means a large share of revenues goes to taxes as inflation pushes you into another income level, or another tax bracket, so Washington can get a bigger bite out of your paycheck.

Mr. President, is this what our Founding Fathers fought for? Even the sponsor of the 16th amendment, Congressman Sereno E. Payne of New York, later realized his mistake and denounced direct taxation as ''a tax upon the income of honest men and an exemption, to a greater or lesser extent, of the income of rascals.''

T. Coleman Andrews, a former commissioner of the Internal Revenue Service said:

Congress [in implementing the 16th Amendment] went beyond merely enacting an income tax law and repealed Article IV of the Bill of Rights, by empowering the tax collector to do the very things from which that article says we were to be secure. It opened up our homes, our papers and our effects to the prying eyes of government agents and set the stage for searches of our books and vaults and for inquiries into our private affairs whenever the tax men might decide, even though there might not be any justification beyond mere cynical suspicion.

To my colleagues who would brush off that statement as an exaggeration, I remind them of the horror stories we heard from many of our constituents 2 years ago, when the Senate Finance Committee held hearings into abuses carried out by the IRS. Those poor taxpayers whose lives were shattered thanks to the unwarranted excesses of an overeager tax collector were not exaggerating.

The income tax must be abolished because it has become so complicated and inefficient. The Federal Tax Code today stretches on for more than 7 million words, and is made up of 4 huge volumes, another 20 volumes of regulations, and thousands of pages of instructions. Not even tax accountants or lawyers fully understand it. What chance does the average taxpayer have of getting it right?

The government publishes 480 separate tax forms and mails out 8 billion pages of forms and instruction each year. The IRS employs over 10,000 agents to collect taxes, more agents than the FBI and the CIA combined.

The income tax must be abolished because it keeps enlarging the government. In Washington, taxing and spending always go hand in hand. As the income tax rate goes up, government spending explodes. Between 1913 and 1999, inflation-adjusted federal government spending increased by more than 16,000 percent.

The income tax must be abolished because even in an era of budget surplus, it allows the government to continue overcharging Americans as we see today with our surpluses. According to the Congressional Budget Office, working Americans' tax overpayments will be as high as $1.9 trillion in the next 10 years. After the biggest tax increase in history, President Clinton has repeatedly denied working Americans a tax refund and refuses to return tax overpayments to the American people. His last budget again increases taxes instead of cutting them. In a time of surplus, this President is out with a proposal to again increase your taxes.

How is this possible? We would all agree that if a customer is overcharged for a service he receives, the right thing for the merchant to do is to return the extra money—not keep it because the merchant has other things he'd like to spend it on. The same principle holds true for tax overpayments. I strongly believe we should return tax overpayments to their rightful owners—the taxpayers—rather than spend them on new government programs. Not only does this money belong to them, but the American people will spend it far more intelligently than Washington politicians ever could.

Mr. President, on this somber income tax anniversary, I argue that we have no choice but to repeal the income tax and abolish the IRS. I urge my colleagues to join me in a pledge that we will dedicate ourselves to replacing the Tax Code with a better system early next Congress, as we continue to do everything we can to reduce the existing tax burden on the overtaxed American people.

The PRESIDING OFFICER. The Senator from California.

NOMINATIONS

Mrs. BOXER. Mr. President, as one of the two California Senators, this is a very big day for two Californians who have been nominated for the Ninth Circuit Court: In the case of Richard Paez, more than 4 years ago, the longest time anyone has had to wait for a vote in a 100-year history; and Marsha Berzon, nominated a couple of years ago.

I am grateful we have gotten to this day. I am very hopeful. In fairness, our colleagues from both sides of the aisle will make a statement on this cloture vote, if we have to have a cloture vote, that they do deserve an up-or-down vote.

I will attempt in the next few minutes to put a face on the nominations. I had about 5 minutes to speak yesterday and will take a little bit longer today.

I will introduce Marsha Berzon, who is a stellar attorney. She is shown with her husband and her two children. This is a wonderful woman. The whole family has been so excited about her nomination, but every time we think we will have a vote, we don't seem to get there.

I say to Marsha and her family: We will have a vote and I am optimistic you are going to be seated on this bench.

Marsha Berzon is exquisitely qualified, as is Richard Paez. She is a native of Ohio. She was raised in New York. She now lives in California, is married to Stephen Berzon, shown here. She practices law with her husband and is a mom of two youngsters.

She was first nominated to the U.S. Court of Appeals for the Ninth Circuit in January of 1998, and she testified before the Senate Judiciary Committee in July of 1998. There was no action on her nomination in the 105th Congress, so her nomination was sent back and she testified on June 16, 1999. Then she was favorably reported out of the committee.

We are very hopeful since the committee considered her to be very well qualified that the Senate will agree.

Let me give a few of her qualifications. She is a nationally known and extremely well-regarded appellate litigator. She is a graduate of Harvard/Radcliffe College and Boalt Hall University of Law. She served as a law clerk for the Ninth Circuit Court of Appeals, Judge James Browning, and for U.S. Supreme Court Justice William Brennan. She has argued four cases in the Supreme Court of the United States and filed dozens of briefs in the Court in a wide variety of cases. She is praised broadly not only by those whom she had as clients, but more telling, I think, she is praised by the people she opposed, people on the other side of the case. People of both political parties have praised Marsha.

I could go on with the extensive quotations of the high regard she is held in, but they were printed in the RECORD yesterday.

She is supported by Senator HATCH. He is also supporting Richard Paez. ARLEN SPECTER is very strongly in favor of her. She is supported by former Republican Senator James McClure of Idaho. She has the support of Paul Haerle, Associate Justice of the Court of Appeals, First Appellate District in California, who is the former chair of the California Republican Party and a former point secretary to then-Governor and then-President Ronald Reagan.

She has tremendous support from law enforcement: From the president of the California Correctional Peace Officers Association; from Arthur Reddy, International Union of Police Associations; Robert Scully, the National Association of Police Organizations; from William Sieber, president of the Los Angeles Professional Peace Officers Association. She has a huge amount of support in the business community which I think is important to those on both sides of the aisle.

I ask unanimous consent to have a list of supporters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR MARSHA S. BERZON, NOMINEE TO THE NINTH CIRCUIT U.S. COURT OF APPEALS

ELECTED OFFICIALS

Arlen Specter, U.S. Senator (R–PA)
Former Senator James A. McClure (R–ID)

JUDGES

Paul R. Haerle, Associate Justice, Court of Appeal, First Appellate District, California (former chair Cal. Republican Party, former Appointments Secretary to Gov. Ronald Reagan)
Michael M. Johnson, Superior Court Judge, Los Angeles

LAW ENFORCEMENT

Don Novey, President, California Correctional Peace Officers Association, West Sacramento, CA
Arthur J. Reddy, International Vice President, Legislative Liaison, International Union of Police Associations AFL–CIO, Alexandria, VA
Robert T. Scully, Executive Director, National Association of Police Organizations, Inc., Washington, DC
William Sieber, President, Los Angeles County Professional Peace Officers Association, Monterey Park, CA

BUSINESS LEADERS

Lydia Beebe, Chair, Fair Employment and Housing Commission, Corporate Secretary, Chevron Corporation, San Francisco, CA
William F. Boyd, Vice President, Corporate Counsel and Secretary, Coeur d'Alene Mines Corporation, Coeur d'Alene, ID
Dennis C. Cuneo, Vice President, Toyota Motor Manufacturing North America, Inc. Earlanger, KY
John D. Danforth, Vice President and General Counsel for Creative Labs, Inc., Milpitas, CA
William D. Ruckelshaus, Madrona Investment Group, L.L.C., Seattle, WA
Patricia Salas Pineda, Vice President and General Counsel, New United Motor Manufacturing, Fremont, CA
W. I. Usery, Jr., Bill Usery Associates, Inc., Washington, D.C. (former Rep. Secretary of Labor)

LAW SCHOOL PROFESSOR/DEAN

Robert A. Hillman, Associate Dean, Cornell Law School, Ithaca, NY
Theodore J. St. Antoine, Professor of Law, The University of Michigan Law School, Ann Arbor, MI

ATTORNEYS

James N. Adler, Irell & Manella, CA
Fred W. Alvarez, Wilson, Sonsini, Goodrich & Rosati, PC, Palo Alto, CA (former Commissioner of the Equal Employment Opportunity Commission and Former U.S. Assistant Secretary of labor)
Douglas H. Barton, Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, Larkspur, CA
Ronald G. Birch, Birch, Horton, Bittner and Cherot, Washington, D.C.
Henry C. Cashen, II, Dickstein, Shapiro, Morin & Oshinsky, L.L.P., Washington, DC
Laurence P. Corbett, Point Richmond, CA
David C. Crosby, Wickwire, Greene, Crosby, Brewer & Steward, Juneau, AK
Charles G. Curtis, Jr., Foley & Lardner, Madison, WI
Lynne E. Deitch, Butzel Long, PC, Detroit, MI
Larry C. Drapkin, Mitchell, Silberberg & Knupp, CA
Pamela L. Hermminger, Gibson, Dunn & Crutcher
Robert J. Higgins, Dickstein, Shapiro, Morin & Oshinsky, L.L.P., Washington, DC
Judith Droz Keyes, Corbett & Kane, Emeryville, CA
Edward M. Kovach, Lambos & Junge, San Francisco, CA
Daniel H. Markstein, III, Maynard, Cooper & Gale, PC, Birmingham, AL
Anna Segobia Masters, Crosby, Heafey, Roach & May
John L. Maxey, II, Maxey, Wann & Begley, PLLC, Jackson, MI
J. Dennis McQuaid, McQuaid, Metzler, McCormick & Van Zandt, L.L.P., San Francisco, CA
Steven S. Michaels, Debevoise & Plimptom, New York, NY
Morton H. Orenstein, Schachter, Kristoffr, Orenstein & Berkowitz, San Francisco, CA
Carter G. Phillips, Sidley & Austin, Washington, DC
Patricia Phillips, Morrison & Foerster, Los Angeles, CA
William B. Sailer, Qualcomm
Stacy D. Shartin, Seyfarth, Shaw, Fairweather & Geraldson
Robert A. Siegel, O'Melveny & Myers, Los Angeles, CA
Ronald G. Skipper, San Bernardino, CA
Stephen E. Tallent, Washington, DC
Wendy L. Tice-Wallner, Littler, Mendelson, Fastiff & Tichy, San Francisco, CA

Mrs. BOXER. In there you will see deans of law schools. You will see many attorneys who have come to appreciate Marsha. Again, this is a woman who has tremendous support in the community, Republican and Democrat; a fine family member. She will be an asset to this court and I am very hopeful Marsha will receive the overwhelming vote of this body.

Did my friend have a question? I would say to my friend, he is, I know, waiting to speak. I also had to wait quite a while. I am going to be about another 15 minutes.

So today we have this wonderful opportunity, yes, on Marsha, and we have an opportunity to say yes to another wonderful nominee, Richard Paez. Again, to put a face on it, here is Richard's face. This is a wonderful human being. He is a wonderful judge with many years of experience on the bench. He is a wonderful family man, married to his wife Dianne for quite a while, with two terrific kids. He is very involved with his children's lives, involved in their sports and academic achievements. He is someone most deserving of this honor I hope we are about to bestow upon him.

Yes, Richard has waited for 4 years. This has been very difficult for him. It has been very difficult for his family. But I can only say I am not going to look back. I want to look ahead. We are going to have a vote, and I am very hopeful we will see the tide turn in his favor. Everything I see now leads me to believe that.

Richard has the support of Senators HATCH and SPECTER and he just got the public support of Senator DOMENICI. We have a statement from him, which will take me just a moment to find. I am very pleased about it.

Yesterday, Senator DOMENICI has a statement in the RECORD. He says:

I rise today to announce I intend to vote to confirm Judge Richard Paez to the Ninth Circuit. He has waited 4 years. I believe the time has come.

He says:

I have reviewed Judge Paez' record, including some of the issues which appear controversial. I am satisfied he has adequately responded to the concerns.

I will paraphrase. He talks about those concerns. Then he goes on and says:

Mr. President, Judge Paez has earned bipartisan support from a variety of sources.

He goes through those.

I called Senator DOMENICI this morning—I didn't have a chance to speak to him because he was at a hearing—to thank him profusely for his support. This is a deserving man. I am proud to see Senators from the other side stepping up to the plate and supporting him. I think it is so important.

Richard Anthony Paez was born in Salt Lake City, UT, which happens to be the hometown of our distinguished chairman of the Judiciary Committee. He graduated in 1969 from Brigham Young University and received his law degree from Boalt Hall at the University of California at Berkeley in 1972.

For 13 years, he served as municipal court judge. Then he was nominated to the district court. He has been in that capacity now for about 5½ years. As the first Mexican American on that district bench, he has proven himself to be a role model and a real leader.

He has won the respect of law enforcement and attorneys who practice in his court. They have analyzed his rulings. We have an amazing article that I have already had printed in the RECORD. I wanted to refer my colleagues to it. It is from the Daily Journal, a very open, bipartisan review of Richard Paez. People from the most liberal to the most conservative who looked at Richard's record, Judge Paez's record, essentially said his decisions will stand the test of time. His opinions are praised as being well reasoned. So I think we know Judge Paez will be fair.

He has received the endorsement of the National Association of Police Organizations, the Los Angeles Police Protective League, the Los Angeles County Police Chiefs' Association, the current district attorney, Gil Garcetti, and the late Sheriff Sherman Block of Los Angeles, Republican sheriff in Los Angeles. Listen to what the LA Police Protective League said:

. . . he has a reputation for integrity, fairness and objectivity, all qualities we believe essential for a member of the Appellate Court.

The lawyers who appear before him have praised his skills. Yesterday, I read comments from some of them. I will repeat some of these comments:

He is a wonderful judge.
He's outstanding.
He rates a 12 or 13 on a scale of 10.

Another one:

I don't know anyone here who has not been exceedingly impressed by him.

Another:

I think he has great temperament. He never says or does anything that's off.
He has a very good demeanor. He's very professional. He doesn't have any quirks.

So it goes on and on. It is a wonderful thing to be supporting Judge Paez because I feel I have so many objective people saying so many good things about him.

A law professor who looked at one of the rulings said:

The opinion is clear, concise, straightforward, logical—

I think this is important to my colleagues from the other side—

and provides no indication of the author's personal policy predilections on the issue. . . . [It is] implicitly respectful of the separation of powers among the branches of government.

Again, we have so many Republicans supporting Richard outside of this Chamber and, hopefully, enough inside this Chamber so we can get him through. But let me tell you some of those outside the Chamber.

Sheldon Sloan, a former California judge, former president of the LA County Bar, the former head of Governor Pete Wilson's Judicial Selection

Committee—here is the man who picked the judges for Governor Pete Wilson—wrote a letter to Chairman HATCH, saying that Judge Paez:

. . . has performed his duties with distinction and he is held in great esteem by all who worked with him, be the members of the bench or of the Bar.

He goes on to say:

Richard Paez is a hard-working, experienced, quality Judge. He can be strong without being overbearing and he can be compassionate without being soft. He has been, and he will continue to be, a credit to the judiciary as a whole.

The American Bar Association gave Judge Paez the highest rating possible.

When I hear colleagues come over here, and they had every right in the world to vote no on this nomination; absolutely. I do not want to overstate it, but I would lay down my life for their right to do what they think is right. But the one thing with which I take issue is when the record is distorted. I do not think it is purposely distorted, but Richard has some people who do not want him to be on the bench, and they distorted things. We have heard things on the floor; that there were games being played in the district court when he got certain cases; that Judge Paez is soft on criminals when, in fact, a review that was requested by Senator SESSIONS showed, on the contrary, that Judge Paez is tougher than most.

This shows his downward departures in sentencing—in other words the times he has sentenced less than the guidelines—were far fewer than the average court. He granted downward departures only 6 percent of the time when U.S. district courts granted downward departures 13.6 percent of the time. So he has been tough. He has an excellent record on criminal appeals. He has not been reversed once on a criminal sentence.

I feel he has a strong sentencing record. Then, again, when Senator SESSIONS says he gave too easy a sentence to certain people, as Senator SPECTER put in the RECORD yesterday, he was following what the prosecution asked him to do to the letter. He was following what the prosecution asked him to do. So if there is any gripe about it, it is with the prosecutor. He did what the prosecutor asked.

So, I ask my colleagues—I would love to ask Senator HUTCHINSON how much time he needs on the floor, and Senator SPECTER, because I have another few minutes, but I would like to accommodate them.

Mr. HUTCHINSON. I think morning business is for 10 minutes. That is what I need, 10 minutes.

Mrs. BOXER. And my colleague?

Mr. SPECTER. Mr. President, if I may respond, I spoke in support of Judge Paez yesterday. I would like to speak for about 4 minutes on a matter, if I could squeeze in here?

Mrs. BOXER. May I make a suggestion, and may I ask a question? I am about to wrap up on Judge Paez and put a number of things in the RECORD. I have a question.

Mr. President, would it be in order to propound a unanimous consent request that Senator HUTCHINSON be allowed to speak for 10 minutes, Senator SPECTER for 7 minutes, and I will come back for another 10 minutes so I can give my friends time?

Mr. SPECTER. Reserving the right to object, is that a unanimous consent request?

Mrs. BOXER. Yes, it is.

Mr. SPECTER. Mr. President, can I persuade my colleague to let me have 4 minutes ahead of him?

Mr. HUTCHINSON. Yes.

Mrs. BOXER. Mr. President, I revise the request to ask for 4 minutes for Senator SPECTER, 10 minutes for the good Senator from Arkansas who has been waiting, and 10 minutes for this Senator. This is after I finish my remarks, which will be in a moment.

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

Mrs. BOXER. I thank my friends.

I will conclude about Judge Paez in this fashion. I will have printed in the RECORD the extensive list of his supporters—elected officials, both Republican and Democratic, national law enforcement associations, California State judges and justices, bar leaders, business leaders, community leaders, attorneys, and Hispanic groups. I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR THE HONORABLE RICHARD A. PAEZ, NOMINEE TO THE NINTH CIRCUIT COURT OF APPEALS

CALIFORNIA ELECTED OFFICIALS

U.S. Representative James E. Rogan, (R–CA 27th)
Speaker of the California State Assembly Antonio R. Villaraigosa
Los Angeles County Sheriff, Sherman Block (deceased)
Los Angeles County District Attorney, Gil Garcetti
Los Angeles City Attorney, James K. Hahn

NATIONAL AND LOCAL LAW ENFORCEMENT ORGANIZATIONS

National Association of Police Organizations, Inc., Executive Director, Robert T. Scully
Los Angeles Police Protective League Board President, Dave Hepburn
Los Angeles County Police Chiefs' Ass'n, Endorsement Comm. Chair, Stephen R. Port
Association for Los Angeles Deputy Sheriffs, Inc., President Pete Brodie
Department of California Highway Patrol Commissioner, D.O. Helmick

CALIFORNIA STATE JUSTICES AND JUDGES

California Court of Appeal Justice H. Walter Croskey
California Court of Appeal Justice Barton C. Gaut
California Court of Appeal Justice Paul Turner
Los Angeles Superior Court Judge Victoria H. Chavez
Los Angeles Superior Court Judge Edward A. Ferns
Los Angeles Superior Court Judge Carolyn B. Kuhl
Los Angeles Superior Court Judge Michael Nash
Los Angeles Superior Court Judge S. James Otero
Los Angeles Municipal Court Judge Elizabeth Allen White

BAR LEADERS/BUSINESS LEADERS/COMMUNITY LEADERS

Former California Judge and Former President of the Los Angeles County Bar Association, Sheldon H. Sloan
Los Angeles County Bar Association President, David J. Pasternak
Los Angeles County Bar Association, Litigation Section Chair, Michael S. Fields
Former California Judge, Lawyer Elwood Lui, Jones Day, Reavis & Pogue, Los Angeles, California
Loyola Law School Associate Dean for Academic Affairs, Laurie L. Levenson, Los Angeles, California
National Council of La Raza President, Raul Yzaguirre
Mexican American Bar Association of Los Angeles County President-Elect, Arnoldo Casillas
Special Counsel to the County of Los Angeles, Consultant to the Los Angeles Police Commission, Merrick J. Bobb
Arizona Hispanic Chamber of Commerce President & CEO, Sandra L. Ferniza
Latina Lawyers Bar Association President, Elsa Leyva

Mrs. BOXER. Mr. President, believe me, this is going to be a very big day for this nominee, for my friend Richard Paez. He is a good man. Before Senator SPECTER begins, once more I thank him. He has been so fair to this nominee and also to Marsha Berzon. I thank him for his strong support of these two nominees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

REPORT ON INVESTIGATION OF ESPIONAGE ALLEGATIONS

Mr. SPECTER. Mr. President, I have sought recognition to speak about the ''Report on the Investigation of Espionage Allegations against Dr. Wen Ho Lee.'' I have circulated this 65-page report with a Dear Colleague letter today, but I think it important to speak about it on the Senate floor.

The Dear Colleague letter urges Senators to support S. 2089 which is designed to reform the Foreign Intelligence Surveillance Act to avoid the mistakes which were made in the investigation of Dr. Wen Ho Lee.

In the Wen Ho Lee matter, the FBI went to the Attorney General personally to ask for approval for a FISA warrant and was turned down. The Attorney General in August of 1997 assigned the matter to a subordinate who had no experience on FISA matters. The Attorney General did not check on the matter, and the FBI request was, therefore, rejected. The FBI then let the matter languish for some 16 months before taking any investigative action.

At that stage, the Department of Energy meddled in the matter by giving a lie detector test to Dr. Lee, representing he had passed it when, in fact, he failed it, throwing the FBI investigation off course. The FBI then gave another polygraph on February 10

which Dr. Lee failed, but there was no action taken to remove him from the office until March 8, so that he stood with access to this very important information for some 19 months.

This information was so important that, according to the testimony of Dr. Stephen Younger at the bail hearing, it could change the global strategic balance.

The legislation seeks to correct these failures by requiring the Attorney General personally to review the matter when requested in writing by the Director of the FBI, and then, if the FISA application is declined, to state in writing the reasons, which will give a roadmap to the FBI as to what to do, and then for the Director of the FBI to personally supervise the investigation and to centralize the authority of the FBI to keep the meddling of the Department of Energy illustratively out of it.

This report is disagreed with in some manner by the Department of Justice, and there is some disagreement by other Federal agencies and some Senators. But it sets out a narrative, and anybody who has a disagreement will have an opportunity to testify before the oversight subcommittee.

This legislation has been cosponsored by Senator TORRICELLI, Senator GRASSLEY, Senator BIDEN, Senator THURMOND, Senator FEINGOLD, Senator SESSIONS, Senator SCHUMER, Senator HELMS, and Senator LEAHY. There is widespread support for the legislation even though there is some disagreement as to whether the probable cause was adequate for the FISA warrant or some of the other specific statements of fact.

This report has been prepared with the exhaustive work of Mr. Dobie McArthur. It summarizes in detail what happened on the errors of the Wen Ho Lee investigation. I am circulating it, as I say, with a Dear Colleague letter to Senators.

I think it is an important matter. It has been cleared by the Department of Justice and other agencies so that it does not contain any classified information. It can be found at my Senate website: www.Senate.gov/~Specter.

I ask unanimous consent that the Dear Colleague letter and the executive summary be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 8, 2000.

DEAR COLLEAGUE: I urge you to support S. 2089 which would reform the Foreign Intelligence Surveillance Act (FISA) to prevent future lapses like the ones which plagued the investigation of Dr. Wen Ho Lee. Had these reforms been in effect, a FISA warrant would doubtless have been issued and major risks to U.S. national security could have been avoided.

The seriousness of Dr. Lee's downloading classified codes onto an unclassified computer was summarized at his bail hearing on December 13, 1999 when Dr. Stephen Younger, Assistant Laboratory Director for Nuclear Weapons at Los Alamos, testified:

''These codes and their associated data bases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, *change the global strategic balance*.'' (Emphasis added)

While the overall investigation of Dr. Lee from 1982 through 1999 contained substantial errors and omissions by the Department of Energy and the Department of Justice, including the FBI, the failure of DoJ to authorize the FISA warrant in August 1997 and the failure of the FBI to pursue prompt follow-up investigation gave Dr. Lee a critical opportunity to download highly classified information.

The Attorney General was personally requested by ranking FBI officials to approve the FISA warrant. She did not check on the matter after assigning it to a DoJ subordinate who applied the wrong standard and admitted it was the first time he had worked on a FISA request. After DoJ declined to approve the FISA warrant request, the FBI investigation languished for 16 months (August 1997 to December 1998) with the Department of Energy permitting Dr. Lee to continue on the job with access to extremely sensitive information from August 1997 until March 1999.

Senator Torricelli summed up the situation in his February 24th floor statement supporting S. 2089:

''There was a startling, almost unbelievable failure of coordination and communication between the Department of Justice, the FBI, and the Department of Energy in dealing with this matter, and only through that lack of coordination with this matter, and only through that lack of coordination was an allegation of possible espionage able to lead to 17 years of continued access and the possibility that this information was compromised.'' (Congressional Record S801)

This bill would require the Attorney General to personally decide whether a FISA warrant should be approved by DoJ when personally requested in writing by the FBI Director, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence. If the Attorney General declines, the reasons must be set forth in writing.

This bill would further require the FBI Director to personally supervise the follow-up investigation to secure additional evidence/information to obtain the FISA warrant. The bill further provides that the individual need not be ''presently engaged'' in the particular activity since espionage frequently spans years or decades and improves the coordination of counter intelligence activities among Federal agencies.

I am enclosing for your review: (1) a copy of S. 2089; (2) a sixty-five page Report on the Investigation of Espionage Allegations against Dr. Wen Ho Lee, including a five-page Executive Summary. Circulation of this Report has been delayed until the Department of Justice including the FBI, the CIA and the Department of Energy agreed that the Report does not contain classified information.

While the Department of Justice and some Senators disagree with some of the conclusions in this Report, there has been general agreement that legislation is warranted. To date S. 2089 has been co-sponsored by Senators Torricelli, Grassley, Biden, Thurmond, Feingold, Sessions, Schumer, Helms and Leahy.

If you are interested in co-sponsoring, please contact me at 224–9011 or have your staff contact Dobie McArthur at 224–4259.

Sincerely,

ARLEN SPECTER.

REPORT ON THE INVESTIGATION OF ESPIONAGE ALLEGATIONS AGAINST DR. WEN HO LEE, MARCH 8, 2000

SUMMARY

While the full impact of the errors and omissions by the Department of Energy and the Department of Justice, including the FBI, on the investigation of Dr. Wen Ho Lee requires reading the full report, this summary covers some of the highlights.

The importance of Dr. Lee's case was articulated at his bail hearing on December 13, 1999 when Dr. Stephen Younger, Assistant Laboratory Director for Nuclear Weapons at Los Alamos, testified:

''These codes and their associated data bases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, *change the global strategic balance*.'' (Emphasis added)

As Dr. Younger further noted about the codes Dr. Lee mishandled:

''They enable the possessor to design the only objects that could result in the *military defeat of America's conventional forces . . .* They represent the *gravest possible security risk to . . . the supreme national interest*.'' (Emphasis added)

It would be hard, realistically impossible, to pose more severe risks to U.S. national security.

Although the FBI knew Dr. Lee had access to highly classified information, had repeated contacts with the PRC scientists and lied about his activities, the FBI investigation was inept. In December 1982, Dr. Lee called a former employee of Lawrence Livermore National Laboratory who was suspected of passing classified information to the PRC. Notwithstanding the facts that Dr. Lee denied (lied) about calling that person, admitted to sending documents to Taiwan marked ''no foreign dissemination'' and made other misrepresentations to the FBI in 1983 and 1984, the FBI closed its investigation in March 1984.

A new investigation was initiated in 1994 by the FBI after Dr. Lee failed in his obligation to report a meeting with a high ranking PRC nuclear scientist who said that Dr. Lee had been helpful to China's nuclear program. This contact occurred at a time when the PRC had computerized codes to which Dr. Lee had unique access. Notwithstanding good cause to actively pursue this investigation, the FBI deferred its inquiry from November 2, 1995 to May 30, 1996 because of a Department of Energy Administrative Inquiry, which was developed by a DoE counterintelligence expert in concert with a seasoned FBI agent who had been assigned to the DOE for the purposes of the inquiry.

In the 1993–1994 time frame, DoE was incredibly lax in failing to pursue obvious evidence that Dr. Lee was downloading large quantities of classified information to an unclassified system. According to Dr. Stephen Younger, it was access to that information which would eventually enable the ''possessor'' to ''defeat America's conventional forces''. DoE's ineptitude had disastrous consequences when the FBI asked DoE's counter-intelligence team leader for access to Dr. Lee's computer and the team leader did not know Dr. Lee had signed a consent-to-monitor waiver.

The most serious mistake in this sequence of events occurred when DoJ did not forward the FBI request for a Foreign Intelligence Surveillance Act (FISA) warrant to the FISA court where:

(1) The FBI presented ample, if not overwhelming, information to justify the warrant;

(2) The Attorney General assigned the matter to a DoJ subordinate who applied the

wrong standard and admitted it was the first time he had worked on a FISA request;

(3) Notwithstanding Assistant FBI Director John Lewis's request to the Attorney General for the FISA warrant, the Attorney General did not check on the matter after assigning it to her inexperienced subordinate.

After DoJ's decision not to forward the FBI's request for a FISA warrant, which could have been reversed with the submission of further evidence, the FBI investigation languished for 16 months with DoE permitting Dr. Lee to continue on the job with access to classified information.

On the eve of the release of the Cox Committee Report that was expected to be highly critical of DoE, DoE arranged with Wackenhut, a security firm with which the DoE had a contract, to polygraph Dr. Lee on December 23, 1998 upon his return from Taiwan. According to FBI protocol, Dr. Lee would have been questioned as part of the post-travel interview. However, the case agents were inexplicably unprepared to conduct such an interview. Ultimately, the polygraph decision was coordinated between DoE and the FBI's National Security Division. The selection of Wackenhut to conduct this polygraph was questioned by the President's Foreign Intelligence Advisory Board and criticized as ''irresponsible'' by the FBI agent working Dr. Lee's case.

The FBI's investigation was thrown off course when they were told Dr. Lee had passed the December 23, 1998 polygraph which the Secretary of DoE announced on national TV in March 1999.

A review of the Wackenhut polygraph records by late January contradicted the Department of Energy's claims that Dr. Lee had passed the December 1998 polygraph; and a February 10, 1999 FBI polygraph of Dr. Lee confirmed his failure. In the interim from mid-January, Dr. Lee began a sequence of massive file deletions which continued on February 10, 11, 12 and 17 after he failed the February 10, 1999 polygraph.

It was not until three weeks after the February 10, 1999 polygraph that the FBI asked for and received permission to search Dr. Lee's computer which led to his firing on March 8, 1999. A search warrant for his home was not obtained until April 9, 1999. Those delays are inexplicable in a matter of this importance.

The investigation of Dr. Lee demonstrates the need for remedial legislation to:

1. Require that upon the personal request of the Director of the FBI, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence, the Attorney General will personally review a FISA application submitted by the requesting official.

2. Where the Attorney General declines a FISA application, the declination must be communicated in writing to the requesting official, with specific recommendations regarding additional investigative steps that should be taken to establish the requisite probable cause.

3. The official making a request for Attorney General review must personally supervise the implementation of the Attorney General's recommendations.

4. Explicitly eliminate any requirement that the suspect be ''presently engaged'' in the suspect activity.

5. Require disclosure of any relevant relationship between a suspect and a federal law enforcement or intelligence agency.

6. Require that when the FBI desires, for investigative reasons, to leave in place a suspect who has access to classified information, that decision must be communicated in writing to the head of the affected agency, along with a plan to minimize the potential harm to the national security. National security concerns will take precedence over investigative concerns.

7. The affected agency head must likewise respond in writing, and any disagreements over the proper course of action will be referred to the National Counterintelligence Policy Board.

Mr. SPECTER. Mr. President, how much time do I have that I am yielding back?

The PRESIDING OFFICER. The Senator has 3 minutes of his 7 minutes.

Mr. SPECTER. I only asked for 4, but I yield back the remainder of my time. I thank my distinguished colleague, Senator HUTCHINSON from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

EXTENSION OF MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that subsequent to the UC of the Senator from California, the morning business period be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 2215 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

TIMBER AND AGRICULTURE ENVIRONMENTAL FAIRNESS ACT

Mr. HUTCHINSON. Mr. President, I have heard from hundreds of private landowners, forest owners, and farmers in Arkansas who are greatly concerned about the Environmental Protection Agency's attempt to rewrite portions of the Clean Water Act.

I know the Senator from Idaho has been very much involved in this issue, has had hearings on this, and has been a leader in determining exactly what the EPA intends to do.

In August of last year, as the occupant of the chair knows, the EPA proposed a regulation which requires States to renew their efforts to fully implement a so-called voluntary total maximum daily load, or TMDL, program.

The States, in conjunction with the EPA, would establish TMDLs for water bodies statewide. If States fail to meet those TMDL guidelines, the EPA would then have the authority to enforce the new water quality standards. I believe that is what this agency had in mind all along.

Should the EPA be successful in carrying out their plans, this regulation will have a direct impact on two of my State's most important industries: agriculture and timber. Agriculture and forestry activity, which the EPA currently treats as potential ''non-point source'' polluters, could be regulated as point source pollution.

A regulation requiring foresters, private landowners and farmers to obtain discharge permits for traditional forestry and agriculture activities is costly, overly burdensome and unnecessary.

I believe this is yet another deliberate attempt to circumvent the Clean Water Act and legislate through regulation. Rewriting TMDL requirements and redefining point source pollution should be addressed when Congress, the elected representatives of the people, reauthorizes the Clean Water Act.

Arkansas has put forth a tremendous effort to implement statewide Best Management Practices and other water quality regulations.

If my State is required to establish and enforce expanded federal, one-size-fits-all TMDL standards, it must redirect already limited funds and resources away from successful State implementation programs and hand them over to bureaucratic EPA procedures and oversight.

These are some of the reasons why landowners in Arkansas are so upset. In early January I spoke at a meeting in El Dorado, AR, where 1,500 people attended to voice their concerns.

A few weeks later, 3,000 people attended a similar meeting in Texarkana, AR. Although the public comment period for this proposed regulation is over, a third meeting scheduled for later this month is expected to draw similar crowds.

The thousands of people who attend these meetings have families, busy schedules, and many other responsibilities, but they are willing to sacrifice their time to learn more about this proposed regulation and how it will affect their livelihood.

One of the core issues motivating Arkansans to attend public meetings by the thousand is *trust*. Ultimately, the people of my State do not trust the EPA. In other words, the EPA has not earned the trust of my constituents.

Clearly, the EPA has done an incredibly poor job communicating their proposal to those whom it will affect the most. During my time in public service, I have never seen this kind of public outcry to anything the EPA has done.

In response to the reaction from foresters, private landowners and farmers, private landowners and farmers in Arkansas, I have introduced S. 2139, the Timber and Agriculture Fairness Act.

My bill consists of two simple parts: First, it exempts silviculture operations and agriculture stormwater discharges from EPA's National Pollutant Discharge Elimination System permitting requirements; and, second, it defines nonpoint source pollution relating to both agriculture stormwater discharges and silviculture operations.

This two-prong approach, I believe, is the sensible way to winning back the trust of Arkansans and the American people.

We must remind ourselves that we have a Government ''of the people, by

the people, and for the people.'' By passing this legislation, we will give the Government back to its original owners.

Mr. President, I ask my colleagues to support S. 2139.

I express my appreciation to the Senator from California for fitting me in between her comments.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Idaho.

Mr. CRAPO. I ask unanimous consent to speak for up to 10 minutes in morning business.

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

Mr. CRAPO. I thank the Senator from California for allowing me to take a few moments to address the Senate.

TRIBUTE TO DONALD E. DIXON

Mr. CRAPO. Mr. President, I would like to make a statement in recognition of one of my very close friends out in Idaho who has just had a wonderful accomplishment in his life. He is a neighbor, a friend, and a member of my staff from Idaho, Don Dixon.

On March 24, Don will be given the distinct honor of induction into the Eastern Idaho Agriculture Hall of Fame. The honor reflects his commitment to farming in Idaho and the respect and esteem in which he is held in our community. I know you join eastern Idaho and myself in extending to Don congratulations on this achievement.

Don is a lifelong farmer and resident of Idaho Falls, ID. He owns and tends the farm his grandfather purchased in 1900 and, thereafter, was owned by his father. Apparently, the farming bug hit Don hard because he took over the Dixon operation with his brother soon after college and his military service. A measure of his success is reflected by his continued expansion of the farm and livestock and the handover of a solid operation to his son.

For years, Don's work has produced some of the region's best potatoes, in a State that has the world's finest spuds, cattle, hay, and grain. In this time of agriculture distress and low prices, Don has demonstrated himself to be a model farmer by taking steps to protect the environment by undertaking the best management practices and water conservation through improved irrigation techniques. We can all be proud of his work to be a productive member of the agriculture community and a good steward of the land.

Although his induction into the Hall of Fame is a special accomplishment, Don has long been chosen as a representative of his community. He has been an active member of eastern Idaho's business and agriculture organizations for as long as I can remember. Don has served on the board of the Eastern Idaho State Fair and, for 6 years, served on the Idaho Potato Commission, a post nominated by our Governor. His recognition at the national level is evident from Don's successes as Director of the National Potato Promotion Board.

In 1995, Don joined my staff and served with distinction through the balance of my House tenure, working on agriculture and natural resources issues. He was instrumental in my work with farmers and ranchers throughout the State during the debate on the 1996 farm bill. When I was elected to the Senate in 1998, Don agreed to continue our partnership by becoming my State Director of Agriculture, a position he has fulfilled with distinction and widely-held respect.

Don has served the people of Idaho above and beyond the call of duty, meeting more farmers and community leaders than any of his peers and probably has logged enough miles on his pickup truck to circumnavigate the world several times. The patience and understanding of his wife Georgia, his four children, and extended family for his work is a testament to Don's commitment to service and leadership in eastern Idaho's agriculture community.

Don's generosity and good-natured approach to life and work is also reflected in his induction into the Eastern Idaho Agriculture Hall of Fame. He is a valued counselor and friend of my entire family. I salute him on the accomplishment of this high honor. I know you and my colleagues in the Senate join me in offering our congratulations to Don Dixon.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues who were able to work out time back and forth on various issues.

NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mrs. BOXER. Mr. President, I had the privilege to address the Senate for about 15 minutes on the quality of two wonderful Ninth Circuit court nominees who are coming up for cloture votes today at 5 o'clock. I am very hopeful we can, in fact, shut off debate on this and get to the votes themselves tomorrow.

These are two excellent people, wonderful human beings, wonderful family members. Their families and they have gone through a difficult time because they have been kind of twisting in the wind—for 2 years, in Marsha's case; in Richard's case, for 4 years—while awaiting this moment. I hope if they are watching today, they feel as optimistic as do I that hopefully it is going to have a happy ending.

CEDAW

Mrs. BOXER. Mr. President, today is International Women's Day. To all you women out there, and men who care about women, happy International Women's Day.

I think it is very fitting on International Women's Day to discuss a treaty this Senate should ratify, but has not ratified in over 20 years. This treaty, signed by President Carter, almost made it to the Senate floor some 6 years ago when it was voted favorably out of the Foreign Relations Committee. Unfortunately, it was never brought up. The treaty is called CEDAW. It stands for the Convention on the Elimination of all Forms of Discrimination Against Women.

This is a treaty that has been nicknamed the Magna Carta for women because it essentially gives basic human rights to women all over the world. That is why 165 nations, all of our allies and friends in the world, have in fact ratified it. But we haven't ratified it. One might say, well, who hasn't ratified it? I am sorry to say, we are standing with such stalwarts of democracy as Iran, North Korea, Sudan, and Somalia. We don't belong in that company. This country is, in fact, a leader of human rights. It is really an embarrassment that we have not brought that treaty to the Senate floor.

I wrote a resolution that calls on the Senate to ask the Foreign Relations Committee to hold a hearing on CEDAW. It now has 25 cosponsors, including Republicans. It is very simple. It expresses the sense of the Senate that the U.S. Senate Committee on Foreign Relations—that is a committee on which I serve—should hold hearings, and the Senate should act on CEDAW, should take action on this convention to eliminate all forms of discrimination against women. The resolution goes through why this treaty is so important. It talks about how important it is that CEDAW be enacted: because it would help give women equal rights, equal opportunity, equal education; it would help them get protection against violence. We know that happens all over the world where women don't have equal rights. And it would give us the clout, if you will, the portfolio to be stronger as a world leader.

The bottom line of this is that today I asked the Democratic leadership to ask unanimous consent to bring this resolution that I wrote to the floor. The resolution doesn't say ratify this convention. It simply says to the Foreign Relations Committee, please hold hearings.

It was objected to by the other side of the aisle because they don't want to have this hearing. I will discuss that because it is with great respect that I bring up these differences between the two sides of the aisle. The chairman of the Foreign Relations Committee, with whom I have a wonderful relationship, a very good working relationship, took to the floor of the Senate today. He unequivocally stated—and when he wants to be unequivocal, he can—that he will not hold hearings on the Convention to Eliminate all Forms of Discrimination Against Women. And he explained why. I totally respect his right to have this

view, but I will paraphrase the reasons he gave as to why he doesn't want to hold hearings on this. I will offer another view.

First, he said he wasn't going to hold hearings because there are radical groups behind this treaty.

I ask unanimous consent to print in the RECORD a list of the organizations that have endorsed the women's convention.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS THAT HAVE ENDORSED THE WOMEN'S CONVENTION (PARTIAL LIST)

Action for Development
*American Association of Retired Persons
*American Association of University Women
*American Bar Association
American College of Nurse-Midwives
American Council for the United Nations University
American Federation of Teachers
*American Friends Service Committee
*American Jewish Committee
*American Nurses Association
American Veterans Committee
Americans for Democratic Action, Inc.
*Amnesty International USA
Association for Women in Development
Association for Women in Psychology
Anti-Defamation League of B'nai B'rith
*Baha'is of the United States
Black Women's Agenda
*B'nai B'rith International
Bread for the World
*Business and Professional Women/USA
BVM Network for Women's Issues
Catholics for A Free Choice
Center for Advancement of Public Policy
Center for Policy Alternatives
Center for Reproductive Law and Policy
Center for Women's Global Leadership
Center of Concern
Chicago Catholic Women
Church of the Brethren, Washington Office
*Church Women United
Coalition on Religion & Ecology
Coalition for Women in International Development
Columban Fathers' Justice & Peace Office
Commission on the Advancement of Women/InterAction
D.C. Statehood Solidarity Committee
Earthcommunity Center
Eighth Day Center for Justice
Episcopal Church
*Evangelical Lutheran Church of America
*Feminist Majority Foundation
Francois Xavier Bagnoud Center for Health and Human Rights
Friends of the U.N.
*Friends Committee on National Legislation
*General Federation of Women's Clubs
Global Commission to Fund the UN
Gray Panthers
Guatemala Human Rights Commission
Hadassah, The Women's Zionist Organization of America
Health & Development Policy Project
Human Rights Advocates
Human Rights Watch/Women's Rights Division
The Humane Society
International Center for Research on Women
International Gay and Lesbian Human Rights Commission
International Human Rights Law Group
International Women's Health Coalition
International Women's Human Rights Law Clinic
International Women Judges Foundation
The J. Blaustein Institute for the Advancement of Human Rights
Jewish Council for Public Affairs
*Jewish Women International
Lambda Legal Defense and Education Fund, Inc.
Lawyers Committee for Human Rights
*Leadership Conference of Women Religious
*League of Women Voters of the United States
Louisville Women-Church
Maryknoll Mission Association of the Faithful
Maryknoll Office of Global Concerns
Massachusetts Women-Church
Na'amat USA
*National Association of Commissions for Women
National Association of Social Workers
National Association of Women Lawyers
National Audubon Society
National Coalition Against Domestic Violence
National Coalition of American Nuns
*National Council of Negro Women
National Council of the Churches of Christ in the USA
National Council of Women of the USA
*National Council of Women's Organizations
*National Education Association
National Jewish Community Relations Advisory Council
National Women's Conference Committee
*NOW Legal Defense & Education Fund
NETWORK—A National Catholic Social Justice Lobby
Older Women's League
Oxfam America
Planned Parenthood Federation of America
*Presbyterian Church (U.S.A.), Washington Office
Psychologists for Social Responsibility
Robert F. Kennedy Memorial Center for Human Rights
San Francisco Bay Area Women's Ordination Conference
*Sierra Club
Sisterhood is Global Institute
Sisters of St. Joseph of Peace
Soka Gakkai International—USA
Society for International Development/Women in Development
*Soroptimist International of the Americas
Union of American Hebrew Congregations
*Unitarian Universalist Association, Washington Office
Unitarian Universalist Service Committee
United Church of Christ Office for Church and Society
*United Methodist Church
*United Nations Association of the United States of America
United States Committee for UNICEF
United States Committee for UNIFEM
Washington Office on Africa
Winrock International
Woman's National Democratic Club
Women Empowering Women of Indian Nations (WEWIN)
Women of Reform Judaism
Women for International Peace and Arbitration
Women for Meaningful Summits
Women Law and Development International
*Women's Action for New Directions/Women Legislators Lobby
Women's Environment and Development Organization
Women's Institute for Freedom of The Press
*Women's International League for Peace and Freedom
Women's Legal Defense Fund
Women's Ordination Conference
World Citizen Foundation
*World Federalist Association
*YWCA of the U.S.A.

*Active National Membership Organizations.

Mrs. BOXER. With the Chair's indulgence, I will read to the Senate just a few of these organizations. I want the Senate to decide if these organizations are radical or in any way not in the mainstream of thought. These are just some of the organizations that say, yes, the United States should ratify this treaty to end all forms of discrimination against women: the American Association of Retired Persons; the American Association of University Women; the American Jewish Committee; Amnesty International USA; the Bahais of the United States; the Black Women's Agenda; the B'nai B'rith International; Business and Professional Women USA; Chicago Catholic Women; Church of the Brethren, Washington Office; Church Women United; Episcopal Church; the Evangelical Lutheran Church of America; Hadassah; Human Rights Watch; The Humane Society; Lawyers Committee for Human Rights; Leadership Conference of Women Religious; National Association of Commission for Women; National Coalition Against Domestic Violence; the National Coalition of American Nuns; the National Council of Churches of Christ in the USA; the National Council of Women's Organizations; the Presbyterian Church, Washington Office; the Soroptimist International of the Americas; the Union of American Hebrew Congregations; the Unitarian Universalist Association, Washington Office; the United Methodist Church; the Women's Legal Defense Fund; and the YWCA of the United States of America.

I don't mind debating an issue on its merits, its demerits, its flaws, its problems. But to come to the Senate floor and say the people behind this convention to eliminate all forms of discrimination against women are radicals is simply not a fact in evidence, unless you think Hadassah is radical or the nuns are radical or all these churches and organizations are radical. They are far from radical. They are mainstream America. Mainstream America supports this, and we can't get a hearing because our chairman believes these groups are radical.

I understand some tactics have been used to get the chairman's attention to hold this hearing that he does not appreciate. And that is his right. But I beg my chairman to look past that and understand that these groups are in the mainstream of America. America should be in the leadership and out front on this issue. So the first point he made, I do not agree with, that radicals are behind this treaty.

Secondly, his other argument was that signing this international treaty would interfere with our sovereignty; in other words, it would interfere with us as lawmakers to do our job, would interfere with our laws. Nothing could be further from the truth. We have thousands of international treaties of which we are a part. They are all in this book. I won't put this in the RECORD because it would cost too much to print, but it is page after page with almost every civilized country. We

have treaties with them on all kinds of things—on science, on military aid, on human rights.

I will give you a couple that we signed on human rights. We are a party to a number of human rights treaties. One in particular is the U.N. Convention Against Torture, and other cruel, inhumane, and degrading treatment or punishment. We ratified that in 1990. The International Covenant on Civil and Political Rights was ratified in 1992. The Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1994.

So to say that these treaties will interfere with us just doesn't make any sense. Again, it is just not a fact in evidence.

The third reason my chairman says he doesn't want to hold a hearing is that he believes the whole purpose of this convention is to grant women the right to choose. In other words, in his opinion, this whole thing is about abortion rights. I want to say again how off the mark I think that suggestion is. When the committee voted this convention out for ratification 6 years ago, there was a big debate on this matter. What the committee did—by the way, I will support it overwhelmingly—it said this treaty and this convention is abortion neutral. It specifically said it ''does not create or reflect an international right to abortion or sanction abortion as a means of family planning.'' It goes on, ''We don't endorse it as a means of family planning,'' et cetera. The understanding states that ''nothing in the convention reflects or creates a right to abortion'' and that ''in no case should abortion be promoted as a method of family planning.''

So these issues that the chairman of the committee has raised, in my opinion, are straw men, or straw people, or straw women. They are not fact. The fact is, when we voted out this convention 6 years ago, we specifically stated it had nothing to do with abortion. The fact is that 165 nations have passed this, and we are standing with the most retrograde, rogue states in our opposition to it. There are thousands and thousands of treaties that do not interfere with our rights of sovereignty. The fact is that it has nothing to do with abortion. The most mainstream groups—and I have read some of them to you, and they are all that way—are behind this treaty and are working very hard to get it done.

Now, 21 years ago, the U.N. General Assembly adopted a treaty. Twenty years ago, President Carter signed the treaty. So it is really long overdue. I don't want to stand with Iran, Sudan, Somalia, and North Korea, as the rare nations who have not ratified this. I think it is a disgrace that we are not a party to this treaty. We know since 1981, when it entered into force, it has had a positive impact on the countries that have signed it. One such example is constitutional reform in Brazil, which brought significant guarantees of women's human rights, and CEDAW provides the framework for articulating these rights.

There are many other wonderful things that have happened worldwide as a result of this treaty. Other nations have copied word for word from the treaty the kinds of rights they are going to give women in their nations. We have an important book, ''Bringing Equality Home,'' which shows how many good things have happened because of that.

You might say, Senator BOXER, why does America have to act if these good things are happening? The fact is, we have to act because we should be proud that all of the things in this treaty we already do in our country. So we should be a leader, not a follower, on this. And we need that portfolio because when there is a case of a country that is not doing right by its women—and let me give you a case in point. There was a case in Kuwait where women were struggling to get the right to vote. It was a big brouhaha, and everybody thought, my goodness, we came to their assistance in the gulf war, they are going to follow suit and women will get the right to vote. Guess what happened. They did not. We were pressing them so hard, but I bet they turned to our negotiator and said, ''Wait a minute, why should we listen to you, you aren't even a party to the CEDAW treaty.'' It takes away our ability to lead for equal rights for women because we have not yet ratified.

I am very hopeful that Senator HELMS will have a change of heart on this, although I believe he does hold strong views. But today I learned that Congressman Gilman, who is the Republican chair of the committee called the House International Relations Committee, has agreed to hold hearings on this treaty.

The fact is, it is our business, our work, our job. We are the ones who should be doing it. Although I am very pleased that the House is going to have the hearing—and I hope I can get over there and testify. But I think we should have our own hearings. After all, we have 25 Members of the Senate who were on this. I will read you the list of Senators who have gone on this, asking for hearings on this: Senators MURRAY, MIKULSKI, COLLINS, SNOWE, ROBB, WELLSTONE, BIDEN, LAUTENBERG, KENNEDY, SARBANES, CLELAND, Bob GRAHAM, Jack REED, LINCOLN, FEINSTEIN, LANDRIEU, FEINGOLD, DURBIN, DASCHLE, LEAHY, DODD, BINGAMAN, TORRICELLI, KERRY, and SPECTER.

We have many Republicans and many Democrats. I honestly think that if everyone knows about this resolution—and I will work hard on that—we will get some more. We now have a quarter of the Senate on record asking for hearings on CEDAW. My view is, since it was voted out favorably 6 years ago by the committee on a bipartisan vote of 13–5, we ought to do it again and get it moving and bring it down here for debate.

Women deserve equal rights, voting rights, human rights. They deserve to be protected from violence, either in their own homes or walking down the street. They should be protected against institutional violence. We have seen things that go on in Africa with operations that are forced upon women. It is very important that for us to lead in the world, we must be a leader on this treaty.

Again, I say to my friends on the other side who oppose this, I respect your right to oppose it. But, my goodness, what about having a hearing on it so we can listen to both sides? I think women in this country are waking up to this fact. There are so many issues we deal with every day. The women in my State are dealing with making it home in time to greet their children coming home from school or who are in day care. Their husbands are also working and putting dinner on the table and planning all the things they plan for their families. They are balancing their lives with their jobs. Do you know what? They care about this.

I have had meetings with many women who care about this because we are on this Earth right now and we have to try to make it a better world. We can't stop every evil, that is for sure; we know that. But we can stand for equal rights and human rights for people all over the world. We can stand up and say in certain countries women are treated like second-class citizens and, in some cases, not even third-, fourth-, or fifth-class citizens; they are treated like property. They have no respect. I just believe this great Nation of ours has come a long way to have the equality we have. Sometimes I look at the young women here and I think: Do you really know what it was like before women had equality?

Do you know what it was like when I went to get a job on Wall Street after graduating from college and was told: Women don't work here? The most shocking thing about it was that I said OK. And I packed up my bag and left. I didn't even argue with them. It was a given. There were only certain jobs for women.

I had to study to pass my test as a stockbroker on my own without the benefit of anyone. Once I got my licensing back, I said: Now, can I please be a stockbroker, and bring commission to this brokerage house, by the way? Well, all right, but just do it quietly. We want to make it look like you are a secretary. Those were tough days. It wasn't that long ago. I know I am old, but I am not that old. We faced that kind of discrimination.

Women could not vote until 1920. People look around here and say: Why aren't there more women? Believe me. I say that every day. But the bottom line is we didn't get to vote until 1920. We weren't used to power—not even the power to vote until the 1920s. We are learning how to deal with it now. But it takes time. Why shouldn't the world learn from our experience? What

we know to be a fact and evident is that women are equal. By the way, it doesn't mean we are better. We are equal. We are equally good in some cases and equally bad in some cases—not better. But we know that and we respect that in this country, although I would still like to see the equal rights amendment be part of the Constitution. But basically we know that. We should take that knowledge and that commitment, and make sure the women of the world have a chance at life. I think we can do it through this treaty. I would think we would be proud to do it across the party line.

I think this is going to become an issue in this election because there is no reason why we shouldn't at least hold a hearing and debate these issues.

The chairman of the Foreign Relations Committee was down here today. He was eloquent in his opposition. Now I am on the floor and he is not here. I hope I have been a little eloquent on why we should pass the treaty. Why not bring that debate inside the Foreign Relations Committee where it belongs? Why not hear from Senators on both sides who care about this one way or the other? Why not vote it out? Why not come to the floor and have a good debate on these issues, and perhaps elevate the Senate? We get into our petty quarrels. Sometimes we take up issues that are, frankly, not as important as others. This one would be one that I think would make us all proud, wherever we come out on this matter and on this question. But in terms of the arguments against it, I hope I have put the other side out on the table.

Good people are behind this treaty—good, mainstream American groups. The treaty is a Magna Carta for women. We ought to be proud of it. We ought to stand with the countries in the world that are civilized, that give their women equal rights and fair rights. We ought to stand with them. It is time we do it.

It is International Women's Day. I will end where I started with happy International Women's Day. I hope when we think about this perhaps in the next few days and weeks and months, we will factor in a very important treaty—the Convention to Eliminate All Forms of Discrimination Against Women—on the floor of the Senate for a high-level debate and a vote.

Thank you very much Mr. President.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

CEDAW HEARING

Mrs. MURRAY. Mr. President, let me thank the Senator from California, Mrs. BOXER, for raising the issue that today is International Women's Day—it is a very important day for women around the world and their rights—and to thank her for her work on the resolution asking the Foreign Relations Committee to hold a hearing on CEDAW, which is a very important resolution. It is time that we as a Senate hear what is involved and have a chance to get testimony and to possibly move forward on it. It would be a great step forward.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I have come to the floor this afternoon to publicly thank my colleague from the State of Washington, Mr. GORTON, for endorsing my bill, S. 2004, the Pipeline Safety Act of 2000. I am delighted Senator GORTON joined with me on this very important public safety issue. Senator GORTON has the respect of many in the Senate leadership, and I expect he will be a great help in helping us pass this pipeline safety bill. I look forward to working with him to make sure that the tragedies he talked about today—such as the one that occurred in Bellingham, WA—don't happen again.

I also wish to take a moment to recognize the efforts of many, many people in my home State of Washington—especially the mayor of Bellingham, Mark Asmundson, who has done more than anyone I know to raise public awareness about pipeline dangers and to call for stronger safety measures.

I encourage my colleagues, many of whom I have met personally over the last several months on this issue, to take this opportunity now to join Senator GORTON and me in helping to ensure the safety of the pipelines that transport natural gas, oil, and other hazardous liquids throughout our communities.

Since 1986, there have been more than 5,700 pipeline accidents nationwide. These accidents have killed 325 people and injured another 1,500. Three of those people died in Bellingham, WA, last June. We want to make sure we take steps this year to ensure that does not happen again to any other community. It is time to act. It is time to prevent another disaster.

My bill, S. 2004, would expand State authority. It would improve inspection practices, a move that is drastically needed. It would expand the public's right to know.

For any of you who may suffer from a disaster in the future, you will quickly find that your communities and cities won't have the ability to ask pipeline companies whether pipelines have been inspected, and what problems there are, or actions they have taken to solve those problems, unless we pass the public's ''right-to-know provision.'' It will improve the quality of pipeline operators, and it will increase funding to improve safety.

I look forward to working with the rest of the Washington State delegation to put the lessons that we learned all too tragically in Bellingham, WA, into law.

I ask my colleagues, many with whom I have met, to again take a look at this legislation and join us in sponsoring it, and for this Senate and Congress to move on this very important piece of safety legislation.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE FAA CONFERENCE REPORT

Mr. STEVENS. Mr. President, I would like to take a few minutes at this time to congratulate the majority leader, Chairman JOHN MCCAIN, Senator SLADE GORTON, Representative BUD SHUSTER, and everyone in Congress who has worked so hard to produce a conference report on the FAA. Many of my colleagues have discussed the importance of this bill to our national aviation infrastructure, so I will not repeat now their comments. It is my purpose to remark to the Senate how important this bill is to my State of Alaska.

Mr. President, 75 percent of Alaska's communities are accessible only by air. We have enormous needs and, frankly, those needs have often taken a back seat to major metropolitan areas of the lower 48. It is my hope this bill will address some of those inequities, and I congratulate my Congressman, DON YOUNG, for his hard work on this bill.

We have 71 unlighted airports in Alaska. In an area where we spend half of our year in darkness, those airports are unlighted. One hundred and fifty airports in my State are less than 3,300 feet in length. More than half of our rural airports are without minimal passenger shelters. You reach the airport, get off the airplane, and there is literally nothing there. One hundred and seventy-six public use airports do not have basic instrument approach capability, and 194 locations in Alaska lack adequate communication, navigation, and surveillance.

This bill does not address all of those needs, and I hope to work with the Members of the House and Senate on the Appropriations Committee to fill a few of those gaps. This is a classic case in which some congressional earmarking is appropriate because the national administration too often has

written off Alaska as a priority in matters relating to aviation.

I am pleased my colleagues agreed with my proposal to increase the percentage of airport improvement program funds that flow to airports engaged in cargo operations. This modification will bring additional moneys, almost $6 million, to the Anchorage International Airport, which is now the busiest cargo airport in this Nation—Anchorage, AK.

It is also encouraging to see the committee once again included my language to allow the Administrator of the FAA to modify regulations to take into account special circumstances in Alaska. Sometimes rules that appear to make sense in the lower 48 simply do not work in our north country. That is why the conference agreed to exempt Alaska from provisions that bar new landfills within 6 miles of an airport. This provision is literally unworkable in Alaska where most of our remote villages are surrounded by Federal refuges and, despite repeated efforts, we are not even allowed to build a road a mile long because of intervention of an alphabet soup type of Federal agency domination.

That may sound strong, but it is literally true.

Many of you may have heard I was concerned about a provision in the budget treatment section of the final compromise package on the FAA. That is true, and I would like to briefly discuss it.

The practical effect of the provision that the House ultimately agreed to delete from this bill would have been to bar any Senate bill or conference report or budget resolution from being considered that did not slavishly adhere to the legislative structure or levels of funding in this bill. Such a provision amounted to an ultimatum to the Senate that presented an unwarranted intrusion into the legislative process. The provision would have given a small number of House Members the ability to completely derail an appropriations conference report, agreed to by the House and the Senate, on completely procedural grounds.

This provision could have had severe and damaging unintended consequences. For example, the House insistence on the across-the-board cuts in last year's wrapup bill would have triggered that provision, and the omnibus bill would not have been in order on the floor of the House.

The minority party in the House could have used this provision to oppose a transportation appropriations conference report, a supplemental conference report, or an omnibus bill if the guaranteed levels or program structures were modified in any fashion, pursuant to the waiver provisions contained in the law, even if such modification were made at the request of the leadership or of the authorization committees.

The bottom line when considering this particular provision is that it is hard to predict the future. Budget constraints, shifting congressional priorities, administration priorities, and other aviation issues that emerge after enactment of a reauthorization bill often require modification of other legislative provisions. The (C)(3) provision that has been deleted failed to provide for such exigencies, and I am pleased the conferees have deleted it. I hope we will not face that proposal again.

Beyond that, the budget treatment in the FAA reauthorization bill is challenging for the Appropriations and Budget Committees, but it is manageable. It will necessitate that the Senate and the House make some choices between discretionary priorities, transportation, and other priorities during the consideration of the budget and the funding bills for the year 2001. Above all, it will require the House and the Senate to agree to a budget at levels that will enable us to keep the mandates of the FAA reauthorization bill.

This bill adds between $2.1 and $2.7 billion in aviation spending above the fiscal year 2000 levels. I support that. I support spending as much on aviation as we can afford. I am not unmindful of the pressure that this and other guaranteed spending will place on the budget, the Budget Committee, and the appropriations bills. We will have to all work together on these matters.

Once again, I thank the members of the conference and my staff, including Steve Cortese, Wally Burnett, Paul Doerrer, Mitch Rose, and my legislative fellow Dan Elwell, for all of their work on this measure over the past year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I ask unanimous consent to speak approximately 12 minutes on the Paez nomination. I don't know whether there is any agreement on that. Otherwise, I will do it in morning business.

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

THE PAEZ NOMINATION

Mr. SESSIONS. Mr. President, I remain very troubled by this nomination. I know it has been pending for a long time because of the controversy surrounding the activism of the Ninth Circuit Court of Appeals to which Judge Paez has been nominated and by Judge Paez's own personal history of activism and his philosophy of judging that indicates to me he is quite clearly right along with the leftward group in tilt and movement of that circuit. We need to remove that circuit to the mainstream, not continue it out in left field, not having it be reversed 17 times, unanimously, by the U.S. Supreme Court in 1 year, a record that has never been met and probably never will be surpassed by any circuit in history. We need to get that circuit in the mainstream of law. Judge Paez will keep it out of the mainstream.

But we have had recent developments. We have been looking into Judge Paez's handling and acceptance of the guilty plea of John Huang, in Los Angeles, where he is a sitting district judge, Federal court judge. I believe there are a number of factors that indicate to me that that was not handled properly, not handled according to the highest standards of justice and, in fact, the plea bargain and sentence he approved was not justified under the law, and that he violated Federal guidelines in order to approve a plea bargain that was unacceptable, in my view, as to what should have occurred in the disposition of that case.

So I believe, and I have asked, and I have written the majority leader and asked that he pull this nomination off the floor and we be allowed to go back to committee and have live witnesses, under oath, to find out how it was, out of 34 judges who could have heard the Huang case in Los Angeles, that this case got to Judge Paez, the one who was already being nominated by the President for a court of appeals that is one step below the U.S. Supreme Court. How did it go to him?

Also, we had the Maria Hsia case that was recently tried here in Washington, and she was convicted. I believe there was a mistrial in California, but he had that case, too. How did this judge, out of 34, get both those cases that had great potential to embarrass the President, because this was the key part of the campaign finance corruption scandal? John Huang is the guy who raised $1.6 million in illegal funds from foreign sources that the Democratic National Committee had to return because they were illegally obtained.

Then he comes in and the Department of Justice, which was urged by the chairman of the Judiciary Committee of the Senate and the House, Members of this body—we urged the Department of Justice to send a special prosecutor to handle this case, and she did, in a number of cases; Attorney General Janet Reno did make special appointments.

Mrs. BOXER. Will the Senator yield for a question?

Mr. SESSIONS. I will be glad to yield.

Mrs. BOXER. I hope my friend understands that in the Maria Hsia case there were two trials. The campaign trial he is talking about did not go to Judge Paez. The trial he had with her had to do with a tax evasion case where there was a jury that deadlocked. My friend keeps bringing up these cases injecting politics into this. My friend knows all these cases are taken on a random basis. My friend knows there are rated—

Mr. SESSIONS. Mr. President, I reclaim the floor. I appreciate the question.

Mrs. BOXER. I want my friend to comment on it.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SESSIONS. Maria Hsia was indicted in California and charged here. She had a hung jury there and was convicted here. That was a critical case to the Clinton-Gore administration. It was important to them. She had the potential to cooperate and talk.

At any rate, it still remains odd to me that in these high-profile cases about which much has been written in recent weeks, one of which was tried here in Washington, Judge Paez got both of them.

I submit to my colleagues that perhaps that circuit is assigning those cases randomly, but this case of John Huang did not come off an indictment; it came off a plea bargain. I have a copy of the plea bargain which is part of the public record in California. It was signed by John Huang, his attorneys, and the prosecutor, a Department of Justice employee of Janet Reno who holds her job in Washington at the pleasure of the President of the United States, whose campaign was involved in this illegality. That is who was making the decision on the prosecutorial end.

To me, the question is whether or not the judge handled himself correctly. Some say the judge did not know of all this material and it was not his fault; it was the prosecutor's fault. I do believe the prosecutors failed in advocating effectively the interests of the people of the United States and the rule of law in this case.

In California, young people every day are getting sent to jail for 15 years, 20 years, without parole, for dealing in crack cocaine and other violations. A guy raises $1.6 million from the Chinese Government and launders it into the Democratic National Committee, and what does he walk out with? Total probation, not a day in jail. That is wrong.

This is how they did it. This is a plea agreement. First and foremost, a judge is not bound to accept the plea agreement. He does not have to accept it. I am going to read the language in this agreement that talks about that. This is Huang and his attorneys and the U.S. attorney prosecutor. They signed this agreement. It says:

> This agreement is not binding on the Court.

And the court in this case is Judge Paez.

> The United States and you—
>
> Huang—
>
> understand that the Court retains complete discretion to accept or reject the agreed-upon disposition provided for in Paragraph 15(f) of this Agreement.

They had an agreement, but the judge had every right not to accept it. It goes on to say:

> In addition, should the Court reject the Agreement and should you thereafter withdraw your guilty plea—

They said if the judge did not follow this recommendation of probation, John Huang could withdraw his plea and go to trial and declare his innocence and they would not use anything he said against him.

It goes on to say:

> . . . without prejudice . . . to indictment—

In your defense.

It goes on in detail about it. That is normally done. I was a Federal prosecutor. I am aware of that.

They had the deal arranged. They took it to him. He was not given all of the facts in the case, but he was given enough facts in the case and he was aware of enough facts to reject this plea.

I want to go over with my colleagues a couple of the items. I mentioned them earlier, but this is so critical. This is why we need to take some time to pause before we confirm this man for a lifetime appointment to a court one step below the U.S. Supreme Court. We waited and fought for 4 years as to whether or not he should be confirmed. Now we have these new charges pending, and I do not see why in the world we cannot be given 3 weeks—just 3 weeks—to inquire into it and make a decision.

This is what he was given. He was given evidence that a substantial part of the fraudulent scheme was committed outside the United States because this was foreign money. If that is true, the judge was required to add two levels to the sentencing. He added no levels to the sentencing for that.

He was told there were 24 illegal contributions spread out over a course of 2 years involving multiple overseas corporate entities of which June Huang was responsible for soliciting the money and reimbursing the contributions. That should have added two to four new levels.

He was an officer and a director in a bank, and as an officer and a director, he should have had two levels added for abusing a position of public or private trust.

These are not requests. These are matters at which the judge is supposed to look. They are mandates of law. He ignored all of those, and that is how the judge came out with a sentence level of 8 and not maybe 14 because if it had been a level 9, one more level up, and this sentence would have required John Huang to go to jail at least some time.

The Department of Justice did not want him to go to jail. They wanted him to have a deal. He spent not one day in jail and pled to a contribution to the mayor's race of the city of Los Angeles and did not plea to any criminal charge relating to the 1996 Presidential campaign and, in fact, I want to note what this plea agreement said. It grants him immunity on all of those charges. This is what the agreement said, America. Listen to this. This is serious business.

It said: Judge, if you accept this plea, the prosecutors of the United States will not prosecute you, John Huang, for any other violations of law other than those laws relating to national security or espionage occurring before the date of this agreement signed by you.

He could have been found to commit murder. Giving blind immunity is a very dangerous commitment to make. He could have committed embezzlement. He could have committed bribery. He could never be prosecuted. He got his probation deal, he walked out of court, and he received no time in jail.

There was no evidence presented in court about the $1.6 million he spent in this campaign for the Democratic National Committee, which was illegal and had to be returned. None of that came out. It was not a plea bargain; it was a wrong plea bargain. He should have looked those lawyers in the eye and said: Gentlemen, I have the right to reject this plea and I do. This is a matter of national importance. It is a matter that goes to the core of justice and our commitment in this country to equal justice under law.

He did not do so. He actually went along with a procedure in which he accepted guideline levels that he could not justify and that were wrong. He was affirmatively wrong. He maybe should have had more evidence, but he had enough to reject this agreement.

I know my time is up, Mr. President. I believe strongly in this. We ought not to be doing this. We ought not to be shoving this through. This man ought not to be on the bench until we know precisely how he got this case and why, and have him stand up under oath and explain why he did not follow the plain guidelines of the law of the United States of America. I believe strongly in it. I have voted for an overwhelming number of Federal judges put forth by this administration. This Congress has rejected only 1 out of over 300-something. This one has been controversial from the beginning, and he ought not go forward.

Mr. President, my time is up, and I yield the floor.

Mr. HATCH. Mr. President, I support the nominations of Ms. Berzon and Judge Paez, and spoke yesterday urging my colleagues to do the same.

I would hope my remarks prove persuasive. But if they do not, my colleagues of course are free to reasonably disagree with my view and to cast a vote against these candidates.

It is quite another story, however, for members of this body to frustrate a majority vote on these nominees by forcing a super-majority cloture vote.

I have reached this conclusion after having been part of this process for over 20 years now, and having served as Chairman of the Judiciary Committee for more than half a decade.

There are times when legislators must, to be effective, demonstrate their mastery of politics. But there are also times when politics—though available—must be foresworn.

I am reminded of the great quote of Disraeli, which I will now paraphrase—''next to knowing when to seize an opportunity, the most important thing is knowing when to forego an advantage.'' I hope my colleagues will forego the perceived advantage of a filibuster.

Simply put, there are certain areas that must be designated as off-limits from political activity. Statesmanship demands as much. The Senate's solemn role in confirming lifetime-appointed Article III judges—and the underlying principle that the Senate performs that role through the majority vote of its members—are such issues. Nothing less depends on the recognition of these principles than the continued, untarnished respect in which we hold our third branch of Government.

On the basis of this principle, I have always tried to be fair, no matter the President of the United States or the nominees. Even when I have opposed a nominee of the current President, I have voted for cloture to stop a filibuster of that nominee. That was the case with the nomination of Lee Sarokin.

To be sure, this body has on occasion engaged in the dubious practice of filibusters of judicial nominees. But such episodes have been infrequent and, I shall add, unfortunate.

During a number of occasions in the Reagan and Bush Administrations, my colleagues on the other side engaged in filibusters of judicial nominees. Frequently, they backed off, ostensibly realizing there were enough votes to stop a filibuster.

And just last year, I watched with sadness as the minority made history by filibustering one of its own party's nominees. Forcing a cloture vote on Clinton nominee Ted Stewart—who is now acquitting himself superbly as a district judge in Utah—reflected nothing more than a political gambit to force action on other judicial nominees. Fortunately, the effects of that filibuster were short-lived, as the minority recognized the errors of its ways.

These unfortunate episodes do not a precedent make. The fact that these actions precede us does not establish a roadmap for the Senate's handling of future nominations.

Moreover, these filibusters were limited in number. During some of the Reagan and Bush years, I thought our colleagues on the other side did some reprehensible things in regard to Reagan and Bush judges. But by and large, the vast majority of them were put through without any real fuss or bother, even though my colleagues on the other side, had they been President, would not have appointed very many of those judges. We have to show the same good faith on our side, it seems to me.

My message against filibusters of judicial nominees is one I hope to make abundantly clear to my colleagues in the majority. This is so because, to the extent our majority party gives repeated credence to the practice of filibustering judicial nominees, we can expect the favor to be returned when the President is one of our own. We hope in earnest that the next President will hail from our party. And if we are gratified in that hope, how short-sighted it will have been that we gave a fresh precedent to the minority party in this body to defeat—by requiring not 51 but a full 60 votes—that Republican President's judicial nominees.

It is important to remember another reason against filibustering judicial nominees. Most of the fight over a nomination has occurred well before a nominee arrives at the Senate floor. Proverbial battles are fought between people in the White House and members of the Judiciary Committee.

As a general matter, when nominees get this far, most of them should be approved. Though there are some that we will continue to have problems with, it is our job to look at them in the Judiciary Committee. That is our job—to look into their background. It is our job to screen these candidates.

In the case of both Ms. Berzon and Judge Paez, each was reported favorably to the floor. And now we have the unusual situation of a Democrat President, the Republican and Democrat Senate Leaders, and Republican and Democrat Chairman and Ranking Member of the Judiciary Committee, all agreeing that votes on the nominees should go forward. But certain Senators who oppose these nominees have nonetheless elected to thwart such votes.

At bottom, it is a travesty if we establish a routine of filibustering judges. We should not play politics with them.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is finally going to act on the nomination of Marsha Berzon to be a judge on the Ninth Circuit Court of Appeals. The history of her nomination is one of the most disappointing episodes in the Senate's recent shameful treatment of judicial nominees. One of America's most qualified appellate litigators has been held hostage by opponents who raise complaints without substance or merit to impede her confirmation. Today I hope to dispel some of the myths that opponents of her confirmation have used to block Marsha Berzon's nomination. I urge the Senate to confirm her, and put a highly qualified lawyer on the bench where she belongs.

What kind of nominee do we have before us today in the person of Marsha Berzon? We have a woman who has distinguished herself at all levels, from clerkship through successful private appellate practice. We have a woman who has already argued before the Supreme Court four times and has repeatedly appeared before Circuit courts around the country.

Thirty years ago Ms. Berzon received the honor of being picked as U.S. Supreme Court Justice William Brennan's first female law clerk. Her opponents have seized on this honor as suggesting that Ms. Berzon possesses a liberal and activist judicial philosophy. I say to those who believe serving as a Supreme Court clerk is emblematic of one's political beliefs that they are wrong to believe a clerk adopts her Justice's philosophy for life. First, to be chosen by any Justice of the Supreme Court as a clerk is a rare and noteworthy honor, reserved for the most promising legal minds from the finest law schools. So the most important thing to be gathered from Ms. Berzon's service as a Supreme Court clerk is that her promise as a lawyer and future judge was already apparent thirty years ago just as she was beginning her career.

Second, it is demonstrably untrue that you can tell the philosophy of an individual by the belief of his or her former boss. I'm sure we all know examples of people who have worked for us in the Senate who don't share our views on every issue. But perhaps the best example of the unfairness of assuming that Marsha Berzon believes everything that Justice Brennan did is another former Brennan clerk, Judge Richard Posner of the 7th Circuit Court of Appeals. Many consider Judge Posner the most creative legal mind of his generation, and no one who is familiar with his law and economics philosophy would call him a liberal.

So let's put that fallacious line of argument to rest.

Listen to the praise our Judiciary Committee Chairman, my friend Sen. HATCH, heaped upon Marsha Berzon when the Committee considered her nomination before forwarding it to the full Senate. Chairman HATCH called Berzon ''one of the best lawyers I've ever seen.'' He noted in a letter supporting her nomination that her ''competence as a lawyer is beyond question'' and that she has the ''sound temperament that will serve her well as a federal judge.'' At the time Chairman HATCH also noted that Marsha Berzon had attracted ''both Republican and Democratic support.'' I am pleased that the Chairman continues to support her nomination on the floor.

Opponents of Marsha Berzon have questioned her credentials unfairly. Despite graduating with honors from Harvard/Radcliffe college and teaching law school courses at both Cornell and Indiana University Law schools, her scholarship has been attacked.

Some who have opposed Berzon's nomination have even called her a labor zealot. But Mr. President, there are a number of people in this room who were attorneys before joining the Senate. They know, as do I, that the code of professional responsibility requires zealous advocacy on a client's behalf. So to mention her zeal for her practice is simply to highlight one of those qualities which makes her such a fine candidate for the 9th Circuit. It shows that she has taken her practice of law to the highest and most professional level.

And lest her opponents complain about professionalism and infer unfairly that a former labor lawyer cannot be fair to management, listen to what numerous management-side attorneys who have litigated against her say about Marsha Berzon. Let's take the case of W.I. Usery, Jr., a former Republican Secretary of Labor:

Usery said Ms. Berzon ''has all the qualifications needed, as well as the honesty and integrity that we need and deserve in our court system today. . . I know she will be dedicated to the principles of fairness and impartiality in all her judicial activities.''

Or perhaps, we should listen to Fred Alvarez, President Ronald Reagan's former EEOC Commissioner and Assistant Secretary of Labor. Alvarez says:

Someone with the intellect and integrity, which Ms. Berzon has demonstrated, understands the difference between advocacy and the solemn responsibilities undertaken as a federal appellate court judge . . . I can think of no other union-side lawyer who would command so strong and so compelling a consensus from management lawyers on her suitability for such an important position on the 9th Circuit Court of Appeals.

So there you have it Mr. President. Top Republican officials—who we can be sure favor management positions by personal philosophy—endorse Berzon and her professionalism without reservation.

So let's put the foolish argument that Marsha Berzon can't be fair concerning labor issues to rest.

Let's review. We've shown that arguments that Berzon is some liberal by her association with Justice Brennan are fallacious. We've shown that arguments that she is a zealous advocate and should be rejected as an ideologue in fact highlight her mastery of the practice of law and make her highly qualified for this position. We've exploded the myth that she is anti-management and incapable of impartiality in hearing cases pitting management versus labor, and found that she works towards reaching consensus. So one has to wonder Mr. President, what is really going on here?

I'm concerned about the appearance that Marsha Berzon has had such a long, hard road to confirmation because she is a woman. And I don't blame the public for taking that message from this delay when a highly qualified appellate attorney is held up for years and the arguments against her confirmation are so thin.

At the end of 1999, the entire federal judiciary included only 158 women—that's a scant and embarrassing 20% of sitting judges. Rather than attempting to address that disparity, this Senate has chosen to continue the policies of limiting the upward elevation of talented and capable women attorneys and judges. We've repeatedly delayed action on a host of female candidates. What's the impact? If fewer women get confirmed, there are fewer lower court judges to elevate to the nation's appellate courts. And if the judiciary remains a male bastion, as far as we've come in this country in recognizing equal rights for women, we risk creating the perception that gender biases will continue to plague our judicial system well into the 21st century.

I believe Ms. Berzon is highly qualified to sit on the 9th Circuit, and her confirmation should wait no longer. I enthusiastically support her and I urge my colleagues to do the same.

I yield the floor.

Mr. BUNNING. Mr. President, I rise in opposition to the nominations of Richard Paez and Marsha Berzon to sit on the 9th Circuit Court of Appeals.

There are serious problems with the 9th Circuit. It has become a renegade Circuit, far out of the mainstream of modern American jurisprudence, and I am afraid that if these nominees are confirmed, they will only make a bad situation worse.

Over the past six years, the 9th Circuit has been overturned 86% of the time by the U.S. Supreme Court, a terrible record. During this period, the Supreme Court has reviewed 99 decisions from the 9th Circuit, and overturned 85 of those decisions. During the current session, the 9th Circuit has been overturned in all of the 7 cases reviewed by the Supreme Court, and in one term—1996–97—27 of 28 decisions were overturned, including 17 by unanimous votes.

This is the worst record of any circuit, and is especially troubling given the size and influence of the 9th Circuit. It covers almost 40% of the country, and 50 million Americans—20 million more than any other circuit. The fact that the 9th Circuit has been slipping toward judicial extremism is no laughing matter, and directly affects a large part of our nation and almost one-fifth of our citizens.

The main reason for the judicial imbalance on the 9th Circuit is that Democratic appointees currently comprise 15 of the 22 positions on the 9th Circuit, 10 of whom were appointed by President Clinton. I do not begrudge President Clinton his appointees; he is the President, and has the constitutional right and responsibility to fill the federal bench. But the 9th Circuit has become lopsided with activist judges that has helped push it far out of the judicial mainstream. The circuit cries out for balance.

Confirming Richard Paez and Marsha Berzon to the 9th Circuit would only exacerbate its problems. Mr. President, I do not know the nominees and I have nothing against them. Their records show that they have long legal backgrounds, and deserve a final vote on their nominations. But, the record also shows that they both tilt far too left in their judicial views and would not help to restore balance or judicial sensibilities to the 9th Circuit.

Ms. Berzon has worked as the general counsel of the AFL–CIO for over a decade, and was long active with the ACLU. At least one conservative group has described her as the ''worst judicial nomination President Clinton has ever made.'' Mr. President, Ms. Berzon is entitled to her views and I am not going to criticize her for her personal beliefs. But looking at her past and the causes which she has pushed show that, if confirmed, she is not going to help steer the 9th Circuit toward the judicial mainstream.

As for Judge Paez, he currently sits on the federal district court in the 9th Circuit, and his nomination is opposed by over 300 grassroots conservative organizations that are troubled by his judicial activism. The U.S. Chamber of Commerce, and the Hispanic Chamber of Commerce, have even taken the unusual step of opposing his nomination because of their concerns over some of his past decisions, arguing that he has pursued an agenda that ''has the potential to cause significant disruption in U.S. and world markets.'' Mr. President, business groups usually do not become involved in judicial nominations, and when they do it should make us wonder.

Even the Washington Post editorial page, no friend of conservative causes, has cautioned that opposition to Judge Paez ''is not entirely frivolous'', and points to past public remarks by Judge Paez that show how ''sympathetic'' he is to activist, judicial thinking.

Mr. President, since coming to the Senate I have voted for some of President Clinton's judicial nominees, and I have opposed several. Yesterday, in fact, I voted to confirm Julio Fuente to sit on the Third Circuit. But confirming Richard Paez and Marsha Berzon to sit on the 9th Circuit would be a mistake, and would directly affect 50 million Americans. The 9th Circuit has serious problems, and confirming these nominations are not going to fix those problems. Consequently, I am going to oppose them.

Mr. FEINGOLD. Mr. President, I rise to speak today in strong support of the nomination of Richard Paez to be a judge on the Court of Appeals for the 9th Circuit. By finally moving on the nominations of Judge Paez and Ms. Marsha Berzon this week, the Senate will take long-delayed steps towards returning the 9th Circuit dockets to a manageable level. Action on these nominees is long overdue. I believe their nominations should be confirmed, and I hope, after all this delay, there will be strong bipartisan votes in favor of them.

Four years, 1 month, and 11 days. Just over forty-nine months. One thousand, four hundred and ninety-nine days. That's right. 1499 days, two short of 1500. That is how long Judge Richard Paez has been waiting for the Senate to act on his nomination. In the same amount of time, a young adult could enter and complete a full college degree program. Let me repeat that. Judge Paez has waited for the Senate to grant him the simple grace of voting his nomination up or down for longer than it takes a young American to complete an entire college education. A President or Governor could be inaugurated, serve his or her entire term

and be re-inaugurated during that same four year time period. While I'm sure Judge Paez is a patient man, possessed of the proper judicial temperament that makes him an excellent candidate to sit on the 9th Circuit, I know that even his patience must have long-ago worn thin waiting for the Senate to act on his nomination.

First nominated to fill a 9th Circuit vacancy on January 26, 1996, Judge Paez has been subject to delay after delay after delay, and yet his opponents have not been able to give a convincing reason why we shouldn't confirm his nomination. Even with his 13 year record as a LA Municipal Court Judge and nearly 6 years as a U.S. District Court Judge for the Central District of California, those who don't want him on the bench can't build a case against his elevation to the 9th Circuit. They charge that he is an ''activist judge,'' but the record simply doesn't support this allegation.

Judge Paez now bears the dubious distinction of suffering through the longest pendency of a nomination to the federal bench in the history of the United States.

All Judge Paez, has ever asked for was this opportunity: an up or down vote on his confirmation. Yet for years, the Senate has denied him that simple courtesy.

I find it ironic that Judge Paez, the same judge who diligently worked to reduce the length of delays in resolving civil matters in Los Angeles and throughout California's court system through his design and implementation of a civil trial delay reduction project, should himself be subjected to such egregious delay in getting his ''day in court'' before the full Senate. Particularly when the Senate confirmed his nomination for a District Court judgeship in July 1994 by unanimous consent. Now I recognize that control of this body has changed since 1994, but his nomination to the District Court was confirmed without objection. And his record on that court has been exemplary.

This delay has not simply been unfair to Judge Paez and his family. It has affected the administration of justice. Listen to the concerns of Procter Hug, Jr., Chief Judge of the 9th Circuit. Chief Judge Hug has responsibility for overseeing the functioning and managing the caseloads of the entire Circuit. Currently, of the 28 spots on the 9th Circuit, 6 stand vacant. Chief Judge Hug explained in a letter this past week to the Judiciary Committee that during his term as Chief Judge, the Senate has left him with up to 10 vacancies on the court at any one time. He has responded to this judicial emergency by begging his colleagues to redouble efforts to resolve cases and then increased their dockets to prevent even longer delays in resolution of cases. Hug argues forcefully for the confirmation of Judge Paez and Ms. Berzon and asks this body to swiftly fill the other 4 vacancies on the court.

Now Mr. President, let me address the argument made by the Majority Leader and others that the pending 9th Circuit nominations should be rejected because that circuit has a supposedly high level of reversals when its decisions are reviewed by the Supreme Court. This argument simply doesn't hold water.

First, if we assume that this argument is not meant to be critical of the views or qualifications Judge Paez or any other nominee personally, it makes no sense at all. Even if we disagree with the direction of that court, why would we deny the 9th Circuit adequate resources, thereby depriving the litigants in that circuit of efficient administration of justice? It just makes no sense.

More importantly, arguing that the Ninth Circuit is out of step with the Supreme Court and needs to be reined in doesn't get opponents over the hurdle that they have not yet been able to satisfy—to show that Judge Paez is unsuitable for the appellate bench. He is obviously not responsible for past decisions of the 9th Circuit. So the argument has to be that his elevation will continue the Circuit on its supposedly misguided course. The evidence of Judge Paez being unable to follow Supreme Court precedent is thin indeed, if not non-existent.

But more fundamentally, it is simply not factually correct that the 9th Circuit is out of step with the Supreme Court and other circuit courts. Chief Judge Hug in his letter convincingly refutes the argument that his circuit is reversed more often than others. In fact, its clear from the numbers that even in 1996–1997, when the 9th Circuit's reversal rate was at its highest level of recent years, it was reversed less frequently than 5 other circuits—the 5th, 2nd, 7th, D.C. and Federal—each of which were reversed 100% of the time that year by the Supreme Court. In more recent years, the statistics show even more clearly that the 9th Circuit is not a runaway train that somehow needs to be slowed down, but many in the Senate would like it to become a more conservative circuit, perhaps to be broken into two conservative circuits. And they are willing to hold up Judge Paez and others to achieve that political objective.

Furthermore, I have to point out that reversal rates are a very poor criteria for judging a court's work. The Supreme Court is not required to review every appellate decision. It picks which cases to review. So it is hardly surprising that when it does take a case, it reverses a lower court. Chief Judge Hug quite rightly points out that the 9th Circuit decides about 4,500 cases on the merits each year. 4,500. So the fact that 10 or 20 cases per year are reversed really should not trouble us. It is just not a plausible argument against a nominee for this Circuit that its decisions are out of the mainstream.

We ought to congratulate the women and men currently serving on the 9th Circuit for so successfully fulfilling their judicial roles at the same time vacancies are greatly increasing their dockets and stretching their time thin. The pressure to carefully make the proper judicial decisions is great, and these Judges are responding with professionalism. I thank them for that, but I cannot help but think that we are putting an unconscionable burden on them.

So what is the point of raising meritless arguments against this nominee? Why the long delay? Let me suggest two possibilities, neither of which reflect well on the Senate. First, Senators delaying these nominations may be trying to run out the clock until President Clinton leaves office. Confirmations always slow down in a presidential election year. In 10 months, we will have a new President. Perhaps a different President will put forward a different nominee. But Judge Paez was actually nominated a year before the President's 2nd inaugural. So holding up this particular nomination for purely political reasons is most unfair. In some ways, this nomination should get special treatment. We had an intervening election after the nomination was first made, and President Clinton won. It is indefensible to hold a nomination hostage for his entire second term. It defies the clear constitutional prerogatives of the duly elected President to choose nominees to the bench and the duty of the Senate to say yes or no.

Some Senators may also object to moving the nomination of Judge Paez because of a perceived judicial philosophy. Some opponents of his nomination look to his long and distinguished service in legal aid and attempt to tar him with the epithet of ''liberal,'' forgetting that his exemplary judicial career has been filled with distinction at all levels. A close look at his record as a U.S. District Court judge since the Senate confirmed his nomination in 1994 debunks attempts to label his opinions as conservative or liberal, reactionary or progressive.

The Los Angeles Daily Journal, which is a newspaper devoted to covering the courts and the legal profession in Los Angeles commissioned 15 legal experts to examine Judge Paez's decisions in seven different cases. Each case was reviewed by at least 2 experts. The results were clear. Thirteen of the legal scholars and practitioners found Paez's opinions ''well-reasoned and well-written.'' Two others were mildly critical. And, in the one decision in which the experts were critical of Judge Paez's decision not to dismiss claims that Unocal Corporation was liable for human rights abuses in Burma, a third expert countered the criticism of Judge Paez's decision, saying ''I would give Judge Paez very good marks on his ruling.'' What's the point here? In a variety of decisions, the commentators praised the work of Judge Paez. Here are some of their comments:

I carefully read Judge Paez's opinion and found that it was excellent in every respect.

His writing was clear and his expression was good. He did not show any ideological or personal bias.

Judge Paez's injunction—in a case against anti-abortion demonstrators—was entirely consistent with the reasoning and result in conservative jurisdictions.

The result is that claims that the Judge's record is activist, or liberally slanted are simply wrong. Claims that he is anti-business are simply not borne out by the facts. Paez also ruled in favor of Philip Morris on a second-hand smoke suit and for Isuzu against Consumers Union. Senators opposing this nominee because they claim he's anti-business are missing the point. Paez rules on each case on the merits—yes, on the merits—and shows no favoritism for or against business. So again, Mr. President, I'm just baffled by these claims of activism or anti-business philosophy being leveled against Richard Paez.

Now if his record as a judge doesn't support these charges of ''judicial activism'' where did Judge Paez's opponents get the idea that he must be stopped. Opponents aren't saying it openly but it could be that they are worried that a judge who formerly worked in a legal aid capacity must be a liberal, and incapable of making balanced decisions. Having failed to find any hint of bias or lack of judicial temperament in 20 years of judicial decisions, what other reason for opposition could there be other than a belief that if you are an attorney who agrees to work on behalf of those unable to access the legal system because they are poor or under-educated, as Judge Paez did for nine years early in his career, you must be a liberal, right?

Wrong. Dead wrong. The organized Bar in every single state requires public service of attorneys. Every major law firm has dedicated efforts to reach under-served populations needing legal advice. That's part of the profession, a noble part of the profession, and those who would complain about Judge Paez's service to those in need would do well to remember their own reasons for choosing to serve the public. For my part, I applaud the decision of Judge Paez and others like him to serve the poor, and I cannot imagine how his unique perspective from working one on one with these populations for nine years would not be desirable and an advantage to parties before the 9th Circuit. His perspective is badly needed in a circuit which serves 20% of the nation's population, many of whom are people who needed legal aid when he was working with them during the 70s.

If opponents of Judge Paez want to fill the court only with seemingly conservative judges, they mistake their role in the constitutional scheme in my opinion. Let's not kid ourselves. Partisan politics shouldn't play a part in the confirmation of judges, but they do. But to hold up a well-qualified judge for a President's entire term on the basis of unsupported allegations of ''judicial activism'' is shameful, it takes the impact of politics on this process to an extreme that we have not seen before, and I hope we never see again.

Mr. President, regardless of the reason for delays in acting on Judge Paez's nomination, the effects of delay are damaging and unmistakable. I believe they are twofold. First, as I discussed before, justice is put on hold in the 9th Circuit because of crowded dockets. Second, this Senate sends a subtle, but unmistakable signal to Hispanic Americans, or recent immigrants about opportunities in America.

It's an old adage but a true one. Justice delayed is justice denied. Parties take their disputes to court to reach a resolution. Longer dockets mean delays for families and businesses seeking to settle legal conflicts and move forward. Holding up qualified nominees like Judge Paez and leaving huge holes to fill on appellate benches literally delays justice.

And the subtle, even subconscious message sent to Hispanic Americans when they examine who hears their disputes in a court of law is that Circuit court judgeships are not open to them. Young Hispanic Americans hearing about Judge Paez will unfortunately learn the message without it ever being said out loud that there are limitations to their advancement in careers of public service. The signals sent by Senators' failure to vote for Paez's confirmation lead to diminished expectations and a view of limited, not limitless opportunities for millions of Hispanic Americans. The Washington Post reported on Monday that only 9 Hispanic American judges currently sit on appellate courts in this country out of a total of 170 appellate judges. And only 31 out of 655 District Judges, including Judge Paez, are Hispanic Americans. That's a shameful record as we begin the 21st century.

Here's the message sent if Judge Paez is not confirmed. You can go to law school at UC Berkeley's Boalt Hall School of Law, work tirelessly with under-served and under-represented populations needing legal assistance, be a successful and well-respected judge on the local bench and the federal District Court, get the highest rating from the American Bar Association, receive endorsements from law enforcement organizations, bar leaders, business leaders, and community leaders, and yet be needlessly and unfairly delayed and prevented from being elevated to the prestigious 9th Circuit Court of Appeals based on unsubstantiated and vague concerns that you are a ''judicial activist'' or a ''liberal.'' There is only one nominee in this position, whose nomination has been held up for over 4 years. That is Richard Paez, who is a Hispanic American. That's the wrong message from this Senate to millions of Americans, and we should not send it.

I strongly support Judge Paez's confirmation, and urge my colleagues to join me in quickly filling this and other vacancies on the 9th Circuit. This long delayed confirmation vote for Richard Paez is an important test for the Senate. I hope we pass it.

I yield the floor.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will now vote on adoption of the conference report accompanying H.R. 1000.

There are 2 minutes equally divided for debate. The Senator from Washington.

Mr. GORTON. Mr. President, this bill provides a generous contribution to the future of aviation in the 21st century. It significantly reforms the operations of the Federal Aviation Administration. It represents the collective wisdom of the chairman and the ranking minority member of the Commerce Committee, the chairman and the ranking minority member of the Subcommittee on Aviation, and the majority and minority leaders of this Senate. We do not have many bills such as this. I commend it to my colleagues for passage.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. We have known a long time we have been underfunding our aviation system as a whole, particularly our air traffic control system, reforming the FAA—all the rest of it—building airports.

Overall, aviation funding is increased by 25 percent in this bill. It is a start. FAA operations funding is increased. Airport money is increased by 33 percent; air traffic control modernization is increased by 40 percent.

This is the first shot we have at making the airways safe for the American people. I urge my colleagues to support the bill.

Mr. President, I note Senator LAUTENBERG wanted to have 1 minute in opposition, but I do not see him on the floor. I do not know what to add further to that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, we are about to vote on a bill that purportedly takes care of the problems of the FAA. I have to say, this bill guarantees funding increases in a manner that is grossly imbalanced. It threatens to cut funding from Amtrak, from the Coast Guard, from highway safety, and the NTSB in order to provide an aviation entitlement.

Investments in aviation do have to be made, but it has to be in a balanced way if we are going to avoid gridlock. You cannot ignore the rail system or highway safety and only focus on aviation.

The agreement seeks to guarantee a 64-percent increase in airport grants and a 37-percent increase in modernization funding. Tight budget caps mean either cuts in transportation appropriations—including the Coast Guard or Amtrak—or cuts to other discretionary programs, such as education, health care, veterans' benefits, or agriculture.

Further, it does not provide for the kinds of funding that operations will need to put on more controllers to man this larger system. It does not provide money for the continued training of new controllers.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 1000. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 17, as follows:

{Rollcall Vote No. 35 Leg.}

YEAS—82

Abraham	Enzi	Mack
Akaka	Feingold	McConnell
Allard	Feinstein	Mikulski
Ashcroft	Gorton	Murkowski
Baucus	Graham	Murray
Bennett	Grassley	Reed
Biden	Hagel	Reid
Bingaman	Harkin	Roberts
Bond	Hatch	Rockefeller
Boxer	Helms	Roth
Breaux	Hollings	Santorum
Brownback	Hutchinson	Sarbanes
Bryan	Hutchison	Schumer
Bunning	Inhofe	Shelby
Byrd	Inouye	Smith (NH)
Campbell	Jeffords	Smith (OR)
Chafee, L.	Johnson	Snowe
Cleland	Kennedy	Specter
Cochran	Kerrey	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thompson
Coverdell	Landrieu	Thurmond
Daschle	Leahy	Torricelli
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	
Durbin	Lugar	

NAYS—17

Bayh	Frist	Moynihan
Burns	Gramm	Nickles
Craig	Grams	Robb
Crapo	Gregg	Sessions
Edwards	Kyl	Voinovich
Fitzgerald	Lautenberg	

NOT VOTING—1

McCain

The conference report was agreed to.

Mr. GORTON. 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.

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

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

EXECUTIVE SESSION

NOMINATION OF MARSHA L. BERZON TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

CLOTURE MOTIONS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 159, the nomination of Marsha L. Berzon, to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, James M. Jeffords, Robert F. Bennett, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Harry Reid of Nevada, Charles E. Schumer, and Tom A. Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Marsha L. Berzon to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 86, nays 13, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—86

Abraham	Boxer	Collins
Akaka	Breaux	Conrad
Ashcroft	Bryan	Coverdell
Baucus	Burns	Crapo
Bayh	Byrd	Daschle
Bennett	Campbell	Dodd
Biden	Chafee, L.	Domenici
Bingaman	Cleland	Dorgan
Bond	Cochran	Durbin
Edwards	Kerry	Roberts
Feingold	Kohl	Rockefeller
Feinstein	Kyl	Roth
Fitzgerald	Landrieu	Santorum
Frist	Lautenberg	Sarbanes
Gorton	Leahy	Schumer
Graham	Levin	Sessions
Grams	Lieberman	Smith (OR)
Grassley	Lincoln	Snowe
Gregg	Lott	Specter
Hagel	Lugar	Stevens
Harkin	Mack	Thomas
Hatch	McConnell	Thompson
Hollings	Mikulski	Thurmond
Hutchison	Moynihan	Torricelli
Inouye	Murray	Voinovich
Jeffords	Nickles	Warner
Johnson	Reed	Wellstone
Kennedy	Reid	Wyden
Kerrey	Robb	

NAYS—13

Allard	Enzi	Murkowski
Brownback	Gramm	Shelby
Bunning	Helms	Smith (NH)
Craig	Hutchinson	
DeWine	Inhofe	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. VOINOVICH. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion on the nomination, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 208, the nomination of Richard A. Paez, to be United States Circuit Judge for the Ninth Circuit.

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, Robert F. Bennett, Harry Reid, Richard G. Lugar, Chuck Hagel, Conrad Burns, John Warner, Patrick Leahy, Charles E. Schumer, Thomas A. Daschle, and Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The yeas and nays resulted—yeas 85, nays 14, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—85

Abraham	Biden	Burns
Akaka	Bingaman	Byrd
Ashcroft	Bond	Campbell
Baucus	Boxer	Chafee, L.
Bayh	Breaux	Cleland
Bennett	Bryan	Cochran

Collins	Inouye	Reid
Conrad	Jeffords	Robb
Coverdell	Johnson	Roberts
Crapo	Kennedy	Rockefeller
Daschle	Kerrey	Roth
Dodd	Kerry	Santorum
Domenici	Kohl	Sarbanes
Dorgan	Kyl	Schumer
Durbin	Landrieu	Sessions
Edwards	Lautenberg	Smith (OR)
Feingold	Leahy	Snowe
Feinstein	Levin	Specter
Fitzgerald	Lieberman	Stevens
Gorton	Lincoln	Thomas
Graham	Lott	Thompson
Grams	Lugar	Thurmond
Grassley	Mack	Torricelli
Gregg	McConnell	Voinovich
Hagel	Mikulski	Warner
Harkin	Moynihan	Wellstone
Hatch	Murray	Wyden
Hollings	Nickles	
Hutchison	Reed	

NAYS—14

Allard	Enzi	Inhofe
Brownback	Frist	Murkowski
Bunning	Gramm	Shelby
Craig	Helms	Smith (NH)
DeWine	Hutchinson	

NOT VOTING—1

McCain

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 85, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEAHY. Mr. President, is the Senator from Vermont correct that we have now voted cloture on both the nominations before the Senate?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Then what is the parliamentary situation, as regarding the two nominations?

The PRESIDING OFFICER. There are 30 hours, evenly divided.

Mr. LEAHY. 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.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I have a unanimous consent request and closing script.

As you know, cloture was just invoked on two Ninth Circuit judges. I still hope we have not set a precedent. I don't believe we have because it was such an overwhelming vote to invoke cloture and stop the filibuster. We should not be having filibusters on judicial nominations and having to move to cloture. But we had to, and it was an overwhelming vote of 86–13 on the first one, and I guess that was the vote on the second one, too. I intend to offer a time agreement between the proponents and opponents regarding postcloture debate.

Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire be in control of up to 3 hours of total debate on both nominations, and that Senator LEAHY, or his designee, be in control of up to 1 hour 30 minutes of total debate on both nominations; that following the conclusion or yielding back of the time, the Senate lay the nominations aside until 2 p.m., at which time the Senate would proceed to back-to-back votes on or in relation to the confirmations of Berzon and Paez. That would be at 2 p.m. tomorrow.

Mr. LEAHY. Reserving the right to object, and I will not, I tell the distinguished leader I was struck by the comments of the distinguished leader in saying we should not have the precedents of filibusters and requiring cloture. I commend him for supporting the cloture motion and moving this forward so we would not have that precedent. I am concerned, though, because I have heard rumors that one of these votes may be on a motion to indefinitely postpone a vote on these nominees. I understand that while such a vote might be in order, there is no precedent for such a vote on a judicial nominee; am I correct on that? I mean in my lifetime, and I was born in 1940.

The PRESIDING OFFICER. There is a precedent that a motion to postpone is in order after cloture is invoked.

Mr. LEAHY. That was not my question, Mr. President. My question was very specific. In fact, I stated that I understand motions to postpone indefinitely, I believe, are always in order, as are filibusters. But as the distinguished leader said, we would not want to set a precedent of filibusters on judicial nominations. Am I correct that we have not used motions to postpone indefinitely on judicial nominations following cloture?

The PRESIDING OFFICER. The precedent does not state what the item of cloture is on.

Mr. LEAHY. Mr. President, if I understand, we have never had this circumstance. Certainly, I have not in my 25 years in the Senate. I do not believe ever having a circumstance where we have had cloture on two judicial nominations and then had a motion to postpone, in effect, killing the nominations.

Mr. LOTT. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. LOTT. I believe, traditionally, it is in order postcloture to have a motion to table or a motion to postpone indefinitely. I don't know the precedents in terms of that actually having been used. I am certainly not advocating it. But under the rules of the Senate, I am under the impression that it would be in order. I thought maybe I could answer it succinctly without getting into the precedents.

Mr. President, has the request been——

Mrs. BOXER. Reserving the right to object, and I will not object, I say, first, to the majority leader that I appreciate very much his effort to bring the nominations forward, and voting for cloture, because without that we would not be where we are. I want that understood.

I state on the RECORD today that this Senator believes if there is going to be a motion made—which there very well may be because that is the rumor that I hear—to indefinitely postpone a vote on one of these nominees, then I believe that kind of a motion is denying that nominee an up-or-down vote. You can argue that it is really like an up-or-down vote, but after we have gotten over 80 votes, with the help of the majority leader and Senator HATCH, in a bipartisan way—and Senator LEAHY worked on that—you would think we could vote up or down. There is no precedent that I have gotten from the Parliamentarian up to this point where he has been able to show me this was done with a judicial nomination after cloture was invoked. I wish to make that point because I don't like to ever blindside my colleagues on anything.

I think that if we go this route, it will be interpreted as a way to deny a vote on the nominee, and I hope this will not be the case. Surely, I hope, if it is offered, we will defeat it. But it seems to me a bad precedent. I hope we won't see this go in that fashion. I thank the Chair. I shall not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Then the votes will occur back to back at 2 p.m. on Thursday. In light of this agreement, there will be no further votes this evening. I believe our staffs have probably put everybody on notice of that.

LEGISLATIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NUCLEAR WEAPONS

Mr. KERREY. Mr. President, the question of how to write Federal laws and consider treaties that enable our armed forces and diplomats to protect and defend the people of the United States is both important and difficult for Members of Congress to answer. To write laws that keep America safe, we must evaluate today's threats and tomorrow's threats, we must consider the plans presented by our military to meet those threats, and we must be vigilant against the understandable tendency to want to withdraw from the world. We must remember those moments in our past when lack of preparation and planning resulted in terrible loss and then prepare to defend against threats we face.

We must also remember that freedom is not free, and that the price paid by

those men and women who choose to serve us in active, reserve, and National Guard duty is considerable. They serve the nation. They are not just in the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard; they are in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, and the United States Coast Guard. This is a real distinction with a real difference.

The difference is that United States forces do not just defend American shores. They defend liberty around the world. In the confused aftermath of the cold war, one thing should be abundantly clear: The fight for freedom is worth the price. From the end of the Vietnam War in 1975 to the collapse of the Berlin Wall in 1989 there was an active debate about the value and importance of this fight. However, the sight of tens of millions of men and women celebrating the end of a political system that denied them freedom thrilled even those grown cynical about the value of cold war expenditures. The intellectual debate about the value of communism ended when we saw and examined the destruction that was done by political tyranny. The human spirit was reduced and squandered. The air, the water, and the health of the people were sacrificed. Even the development of economic standards of living—long thought to be comparable to America's—were shockingly inferior.

Four times in my Senate career I have heard world leaders speak to joint sessions of the Congress to praise the price paid by America for their freedom. Duly elected as Presidents of newly freed people, each stood before us and spoke. Lech Walesa thanked us on behalf of the people of Poland. Nelson Mandela thanked us on behalf of the people of South Africa. Vaclav Havel thanked us on behalf of the people of Czechoslovakia. And Kim Dae Jung thanked us on behalf of the people of South Korea. Their message was simple: If the United States had not taken their side in the struggle for freedom, they would not have succeeded.

Certainly we have made mistakes. Our actions have not been free of treachery, deceit, and failure. Sometimes our actions have brought shame and disgrace. Yet, we should allow ourselves to learn and be guided by these failures. We cannot permit them to discourage us from continuing the work of writing laws that enable us to hold the ground we have won and to continue, most of all, the effort on behalf of others held captive by the world's remaining dictators or those who choose to terrorize us with their unlawful actions.

This rather long opening leads me to a simple discussion of just one of the questions we need to answer before we write the laws and negotiate the treaties that determine the nature, size, and shape of our defenses. The question is this: What nuclear force structure is needed to provide a minimal level of safety to the people of the United States? My intent in beginning this way is to make certain that I approach this question with the requisite seriousness to ensure that my answer will defend America rather than defending an ideology.

The person who has been given the authority to command our strategic nuclear forces lives at Offut Air Force Base adjacent to Bellevue, NE. As Commander in Chief of Strategic Forces—or STRATCOM—his responsibility is to carry out the orders and instructions given to him by the President through his Joint Chiefs of Staff. I have had the pleasure and honor of visiting STRATCOM on many occasions. On each of those occasions I have been briefed on the plans and mission of our strategic nuclear forces. On each of these occasions, I have left with pride and enthusiasm for the patriotism, energy, and talent of the men and women who serve at STRATCOM. On every occasion I have left with the impression that Americans are getting their money's worth from this effort. With this in mind, I think it is important to describe for the American people what STRATCOM is and what it does.

The mission of STRATCOM is simple, but it is also deadly serious. Their mission is to ''deter major military attack, and if deterrence fails, employ forces.'' In this effort, Adm. Richard Mies, the Commander of STRATCOM, controls the most effective and lethal set of armaments ever assembled by human beings: The strategic nuclear force of the United States of America. Yet, nearly a decade after the end of the cold war, many Americans no longer have an appreciation for the size and power of this force. I would like to take this opportunity to describe the force Admiral Mies controls.

First, America's strategic nuclear weapons are based on a triad of delivery systems: Land-based, sea-based, and strategic bombers. The U.S. relies on this triad to ensure credibility and survivability. Because our forces are diversified in this way, a potential enemy must recognize that, regardless of any hostile action, the United States would be able to retaliate with overwhelming force.

Currently, the U.S. has about 500 Minutemen III and 50 Peacekeeper missiles in the land-based arsenal. While some of the Minuteman III missiles are being modified to accept single warheads, the bulk of these missiles are armed with three warheads. These warheads have a yield ranging from 170 to 335 kilotons. The 50 Peacekeeper missiles are each armed with 10 individually targetable warheads with a yield of 300 kilotons. In other words, our current land-based force alone can, upon an order and instruction from the President of the United States, deliver approximately 2,000 warheads to 2,000 targets on over 500 delivery vehicles with a total yield of about 550 megatons.

In itself, this is an awesome force. But it is only the beginning of what is available to U.S. military planners. At sea, we have 18 Ohio-class submarines. These are the ultimate in survivability, able to stay undetected at sea for long periods of time. As such, our submarine force must give pause to any potential aggressor. Eight of these boats carries 24 C–4 missiles. Each of these missiles are loaded with eight warheads with 100 kilotons of yield. The other 10 subs carry 24 of the updated D–5 missiles. These missiles are also equipped with eight warheads with varying degrees of yield from 100 to 475 kilotons.

This is close to 1,500 additional targets that we are able to hit accurately and rapidly, if the President of the United States merely gives the order—an awesome force, again, all by itself to be able to deter individuals or nation states from taking action against the United States.

The third leg of the triad, the strategic bomber force, includes both the B–2 and the B–52 bomber. These bombers have the capacity to carry 1,700 warheads via nuclear bombs and air-launched cruiser missiles.

Talking about this force, I use—and others do as well—words such as ''yield'' and ''kilotons'' or ''megatons.'' Unfortunately, most of these words to a lot of us have very little meaning. On previous occasions, I have come to the floor to describe what a single 100-kiloton weapon would do to one American city, the kind of destruction not just to that American city but to the American economy, as well as to the psyche of the American people who would, to put it mildly, be terrorized as a consequence of this single action. I don't want to recount that narrative today, but I do think it is important for us to try to put the power of these weapons in perspective. Oftentimes we don't. The numbers are so large and the weapons systems so numerous that we get dulled in our recognition of what they can do.

Let me use one example. On August 6, 1945, the Enola Gay dropped the first atomic bomb on the Japanese city of Hiroshima. That and the subsequent bombing of Nagasaki ended World War II. Little Boy was the name of the bomb that was dropped on Hiroshima. It destroyed 90 percent of the city. Instantly, 45,000 of this city's 250,000 inhabitants were killed. Within days, another 19,000 had died from the aftereffects of the bomb. This bomb had a yield of 15 kilotons. A 300-kiloton warhead such as can be found on top of our Peacekeeper missile is 20 times as powerful. We don't have in our strategic arsenal a weapon that is under 100 kilotons. Each of the 50 Peacekeeper missiles in our arsenal carries 10 of these 300-kiloton weapons. In all, Admiral Mies, under orders from the President of the United States, can deliver 6,000 strategic nuclear warheads with an approximate yield of over 1,800 megatons.

Mr. President, I think it is very important, as we debate what our nuclear weapons system needs to be, that we understand this concept and that we sort of take a map and use some common sense and try to evaluate what 6,000 nuclear weapons with over 100 kilotons of yield each could do to targets inside of our principal reason for deterrence, maintaining that arsenal, and that is Russia today.

I think common sense would cause us to pause and wonder whether or not we are keeping a level of weapons beyond what is necessary.

The purpose of this description is to give my colleagues a sense of this force and what this force could do if brought to bear by order of our Commander in Chief. I think it is fair for the American people to ask, first, what is the purpose of this force. According to the 2000 edition of the Secretary of Defense's Annual Report to the President and to Congress:

Nuclear forces remain a critical element of the U.S. policy of deterrence.

Simply put, the United States maintains its nuclear arsenal to guard against an attack from any potential weapons of mass destruction threat. I think it is important for us as well to examine these potential threats and ask if our current nuclear forces are structured to adequately address them.

As I see it, there are three main sources of threat for which we must maintain a nuclear deterrent. The first is the threat from rogue nations like Iraq, Iran, and North Korea. While the United States must remain vigilant in the effort to confront the weapons of mass destruction programs of these nations, there is no evidence that any of these countries currently possess nuclear weapons. Furthermore, it would be hard to justify the expenditure of approximately $25 billion a year to maintain an arsenal of over 6,000 warheads to defend against the threat posed by rogue nations.

If not rogue nations, what about China? While the threat from China has gotten a lot of attention lately, press accounts indicate the Chinese have no more than 20 land-based nuclear missiles capable of reaching the United States. Also according to the media, Chinese nuclear weapons are not kept on continual alert. Rather, nuclear warheads and liquid fuel tanks are stored separate from their missiles. It would take time for the Chinese to fuel, arm, and launch these weapons. Now, just one of these weapons would cause immense pain and devastation, but the likelihood of their use, accidental or intentional, is low. Once again, the maintenance of over 6,000 warheads is hardly justified by China's 20 missiles.

The only other threat that can justify our nuclear force levels is the Russian nuclear arsenal. But what is the current state of the Russian nuclear arsenal?

The Russian military relies on the same triad of delivery systems as we do. In their land-based arsenal, the Russians have approximately:

180 SS–18 missiles with 10 warheads at 550 kiloton yields each,

They have 160 SS–19 missiles with six warheads at 550 kiloton yields each.

They have 86 SS–24 missiles with 10 warheads at 550 kilotons yields each.

They have 360 SS–25 missiles with a single warhead each at 550 kiloton yield, and they have

10 SS–27 Topol M missiles with a single warhead at 550 kiloton yield.

This is obviously an impressive force. Any one of these weapons could devastate an American city or cities. But the Russians are finding that many of these missiles are nearing the end of the service-lives. And budgetary constraints have slowed the pace of acquisition of their latest land-based missile, the Topol M, to the point at which they are having trouble maintaining the numbers of weapons that will be allowed under the START treaties.

The collapse of the Russian economy, and the resulting strain on the Russian military budget, has also had disastrous consequences for the Russian Navy. Russia now has less than 30 operational nuclear-armed submarines. In fact, the slow op tempo of Russian submarines has meant that at certain times none of these boats are at sea. Regardless, reports indicate these subs maintain almost 350 nuclear delivery vehicles with more than 1,500 available warheads.

The Russian Air Force has also suffered. At the end of 1998, Russia had about 70 strategic bombers, but not all of these were operational. Estimates are Russian strategic bombers have about 800 warheads on both nuclear bombs and air launched cruise missiles.

Mr. President, the overall picture of the Russian arsenal force is that it is deadly, but it is decaying as well at an extremely rapid rate. Russian generals have said that they see a time in the near future when the Russian strategic arsenal will be measured not in thousands but in hundreds of weapons. It is this decay in the Russian arsenal which I believe poses the greatest threat to the United States and should encourage us to do more to find ways in which to achieve significant parallel nuclear reductions.

Some will argue that we have in the process already a way to achieve those reductions and it is called START. Yet even if START II is ratified by the Russian Duma, the United States and Russia would still have 3,500 nuclear warheads on each side at the end of 2007. We can't afford to wait over 7 years to make reductions that leave the Russians with still more weapons than they can control.

In response, some argue not to worry, START II is going to be quickly followed by START III. In discussions with the Russians on a possible START III treaty, the United States has told Russia that we are not willing to go below the 2,000- to 2,500-warhead threshold. This number is based on a 1997 study on U.S. minimum deterrence needs completed by the then-Chairman of the Joint Chiefs of Staff, General Shalikashvili.

While I have no doubt that this report was professionally prepared and evaluated on criteria available at the time, I believe strongly it is time to redo this study. The current size of the United States and Russian nuclear arsenals is not based on any rational assessment of need; rather, it is a relic of the cold war. As the former commander of STRATCOM, Gen. Eugene Habiger, has said, ''The cold war was a unique war. And when the war ended, the loser really didn't lose. We still had this massive military might on both sides staring each other in the face.''

As I have described the accuracy, diversity, and power of our nuclear arsenal, I find it difficult to argue that the men and women at STRATCOM will be able to accomplish their objective of deterring attack with far fewer weapons. I don't know what the magic number is for minimum deterrence, but given our cooperative relationship with Russia, given the fact Russia is about to hold its third democratic election for President, and given our conventional and intelligence capabilities, I am confident we can deter any aggressor with less than 6,000, or 3,500, or even 2,000 warheads. It is time we begin the process to come up with a realistic estimate of our deterrence needs.

As long as nuclear weapons remain a reality in this world, the men and women at STRATCOM will have a job to do in defending our Nation. Their contribution to our safety cannot be underestimated. But just as they have a responsibility, we have a responsibility to act in a way that will decrease the danger of nuclear weapons and increase the safety and security of the American people.

Mr. President, I yield the floor.

NOMINATION OF JUDGE FUENTES

Mrs. FEINSTEIN. Mr. President, I did not have the opportunity to vote on rollcall vote No. 34, the nomination of Julio M. Fuentes to be U.S. circuit judge, for the third circuit. Judge Fuentes is a very highly regarded judge, and had I been present on the floor, I would have voted ''yea.''

INTERNATIONAL WOMEN'S DAY

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in marking the 25th annual observance of International Women's Day.

Today, March 8, 2000, is a day on which people around the world will celebrate the myriad contributions and accomplishments of women.

Women in the United States and around the world have made tremendous progress toward full equality since this observance was initiated by the United Nations in 1975, the International Year of the Woman.

Sadly, that progress has been tempered by the continued prevalence—and in some places the troubling acceptance and even encouragement—of gender-based discrimination, harassment, and violence.

No one disputes that women in the United States have come a long way in the quarter century since the first International Women's Day was observed. Women are making significant contributions at every level of our society and in every level of government, from local school boards to the President's Cabinet.

But we must do more. Quality, affordable child care must be more accessible. Women should not have to choose between taking care of their children and the job that they need to provide the basic necessities of food, clothing, and shelter for their families.

The glass ceiling, while perhaps a bit cracked, still blocks the progress of many women who work outside the home. And women who work outside of the home deserve equal pay for equal work. We must do all we can to close the wage gap between women and their male counterparts.

In the United States, March is National Women's History Month. This month we celebrate the contributions of women such as Carrie Chapman Catt, a native of Ripon, Wisconsin, who served as the last president of the National American Women Suffrage Association, and was the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement is legendary, and her legacy in grassroots organizing is equally significant. She led a tireless lobbying campaign in Congress, sent letters and telegrams, and eventually met directly with the President—using all the tools of direct action with which political organizers are now so familiar today.

Catt's crusade for suffrage saw a home front victory on June 10, 1919, when Wisconsin became the first state to deliver ratification of the constitutional amendment granting women the right to vote before it was adopted as the Nineteenth Amendment in August of 1920.

Carrie Chapman Catt's legacy is alive and well today as women around the globe become more active in their communities and in the political process.

As Ranking Member of the Subcommittee on African Affairs of the Committee on Foreign Relations, I had the opportunity late last year to travel to ten African nations. During my trip, I saw first-hand the important role that women play in every aspect of society in sub-Saharan Africa.

In Rwanda, I was struck by the generosity and far-sightedness of a woman I met just outside the capital city of Kigali. She had donated land to refugees from different ethnic backgrounds and was helping them to build a new, integrated community on that property. It is this kind of selfless act that will help to build the bridges that are necessary to heal the wounds left by the ethnic violence in that country.

While in Uganda, I had the opportunity to meet with female legislators and the Minister of Ethics and Integrity, who happens to be female. Africa can only benefit from the women who are taking an active role in governing.

Women's voices also need to be heard in ongoing peace negotiations around the globe. For example, it is crucial that women be included in the inter-Congolese dialogue, and that they be allowed to participate fully in Rwanda's justice system.

On a more somber note, the HIV/AIDS epidemic has ravaged the countries of sub-Saharan Africa. This disease affects women at a significantly higher rate than men. We need to be vigilant in preventing mother-to-child transmission and in promoting programs at home and abroad that educate women about reproductive choices and the prevention of sexually transmitted diseases, including HIV.

I would also like to take this opportunity, as we honor all women and girls worldwide, to again call for prompt hearings in the Senate Committee on Foreign Relations, of which I am a member, on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW marked its 20th anniversary last year and still has not been ratified by one of its chief architects—the United States. The Senate should fulfill its constitutional responsibility to offer its advice and consent on this treaty.

Mr. President, as the father of two daughters, I believe we must do all we can to improve the status of women in the United States and around the world. Respect for basic human rights—regardless of gender, race, ethnicity, religion, national origin, or sexual orientation—is a fundamental value that we must pass on to our children and grandchildren.

Thank you, Mr. President. I yield the floor.

Mr. KERRY. Mr. President, in honor of International Women's Day, I respectfully call upon my friend, the Chairman of the Senate Foreign Relations Committee, to hold hearings on an international treaty to fight discrimination against women around the world.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations in 1979 and signed by President Carter in 1980. It is a comprehensive and detailed international agreement to promote the equality of women and men. It legally defines discrimination against women for the first time and establishes rights for women in areas not previously covered by international law. More than 160 countries have ratified CEDAW, including all of our European allies and most of our important trading partners. It is well past high-time that the United States Senate take up and ratify this important international agreement.

In 1988, I convened field hearings on CEDAW in Massachusetts to highlight the importance of this treaty to American women. In the years that followed, I was pleased to support the efforts of former Senator Claiborne Pell, then-chairman of the Foreign Relations Committee, to develop a resolution of ratification of CEDAW. In 1994, thanks to Senator Pell's leadership, the Foreign Relations Committee voted 13 to 5 to report the Convention favorably with a resolution of ratification to the Senate for its advice and consent. Despite support for ratification from Members of Congress on both sides of the aisle, many state legislatures, the Clinton administration, and from the American public, opponents of this treaty blocked its consideration by the full Senate.

The resolution of ratification for CEDAW could be taken up tomorrow, if there was the political will in the Senate to do so. Ratification of CEDAW will strengthen our continuing efforts to ensure that women around the world are treated fairly and have the opportunity to realize their full potential. It will send a clear signal of our commitment to eliminating all forms of discrimination against women and it will underscore the importance we assign to international efforts to promote the rights of women. By allowing us to participate in the UN Committee on the Elimination of Discrimination Against Women, ratification will give us a bigger voice in shaping international policies that affect women.

Our failure to ratify has encouraged criticism from allies who cannot understand our refusal to uphold rights that are already found within the provisions of our own Constitution. It has put us in the same category with a small and very undistinguished minority of countries who have not ratified CEDAW, including Afghanistan, North Korea, Iran and Sudan. It is difficult for the United States to criticize the terrible treatment of women in these and other nations when we have not yet recognized those rights as international legal standards.

CEDAW is an important human rights document that is largely consistent with the existing state and federal laws of the United States. Senate advice and consent to this Convention will demonstrate U.S. leadership in the fight for women around the world.

Mrs. FEINSTEIN. Mr. President, today is a very special day for millions of women around the world. Today is a day that celebrates the promise of a better future. Today is a day that offers the hope that injustices inflicted on too many women in too many societies will disappear from the earth forever. Today, March 8, 2000, is International Women's Day

I rise today to recognize this day's importance to the women of today and to the generations of women to come. I rise to cry shame for our failures in fulfilling this day's promise. And, I rise to direct our attention to three critical

issues: the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, international family planning, and the international trafficking of women and girls. These are issues in which the United States, and especially this body, are honorbound to spare no effort in leading the international community to improve the status of women around the world.

In 1948, the United Nations dramatically focused world attention on the international human rights agenda when it adopted the Universal Declaration of Human Rights. This historic event aimed at increasing public awareness of the need to better the human condition in many places throughout the globe. The Universal Declaration of Human Rights represented a milestone in human history. Regrettably, it glossed over the needs of over half the world's population—women.

Women's rights remained unrecognized as a legitimate concern until the Convention to Eliminate all Forms of Discrimination Against Women, CEDAW, was drafted to redress this oversight. CEDAW organized all existing international standards regarding discrimination on the basis of gender, and established rights for women in areas not previously subject to international standards. The United States actively participated in drafting of the Convention; President Carter signed it on July 17, 1980.

Then the U.S. did nothing. For fourteen years, the United States scrutinized CEDAW with an intense scrutiny normally reserved for judging the merits of a technically demanding international agreement, not a document seeking to establish the fundamental human rights of over half the world's population. CEDAW was not sent to the Senate until September, 1994.

In 1994, the Foreign Relations Committee recommended by bipartisan vote that CEDAW be approved with qualifications, but acted too late in the session for the Convention to be considered by the full Senate.

Now, almost six years later, the Convention continues to languish in the Senate, locked up in the Committee on Foreign Relations. A bi-partisan group of women Senators, among whom I am proud to be counted, has sponsored Senate Resolution 237 which expresses the sense of the Senate that the Senate Foreign Relations Committee should hold hearings on CEDAW and that the full Senate should act on CEDAW by March 8, 2000.

Today is March 8, 2000. The date has come, and will go, and this body has yet to take substantive action on CEDAW, even though this Convention contains no provisions in conflict with American law.

The Convention has been ratified by 161 countries. Of the world's democracies, only the United States has yet to ratify this fundamental document. Indeed, even countries we regularly censure for human rights abuses—China, the People's Republic of Laos, Iraq—have either signed or agreed in principle. In our failure to ratify CEDAW, we now keep company with a select few—Iran, North Korea, Sudan and Afghanistan among them. Remember, as the old saying goes, we are judged by the company we keep. Is this how we want to be known when it comes to defending the human rights of those unable to defend themselves?

In failing to sign on to this Convention, we risk losing our moral right to lead on human rights. By ratifying CEDAW, we will demonstrate our commitment to promoting equality and to protecting women's rights throughout the world. By ratifying CEDAW, we will send a strong message to the international community that the U.S. understands the challenges faced by discrimination against women, and we will not abide by it. By ratifying CEDAW, we reestablish our credentials as a leader on human rights and women's rights.

Today, as we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify CEDAW.

The second issue I would like to touch on today is one which has seen much congressional attention in recent years: U.S. support for international family planning and reproductive health.

The world now has more than 6 billion people. The United Nations estimates this figure could be 12 billion by the year 2050. Almost all of this growth will occur in the places least able to bear up under the pressures of massive population increases. The brunt will be in developing countries lacking the resources needed to provide basic health or education services. If women are to be able to better their own lives and the lives of their families, they must have access to the educational and medical resources needed to control their reproductive destinies and their health.

International family planning programs reduce poverty, improve health and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership on international family planning and reproductive health issues.

Unfortunately, in recent years these programs have come under increasing partisan attack, despite the fact that no U.S. international family planning funds are spent on international abortion.

The Fiscal Year 2000 omnibus appropriations bill contained ''Mexico City'' restrictions that prohibit U.S. grants to private foreign non-governmental organizations that perform abortions or lobby to change abortion laws in foreign countries. House leaders insisted on these provisions in exchange for acceptance of arrear payments to the United Nations.

I was disappointed that the bill included this language. I voted in favor of the legislation because I thought it critical that we pay our back dues to the United Nations, and because it contained a provision granting Presidential authority—which President Clinton later exercised—to waive the restrictions through the end of Fiscal Year 2000. I am pleased the President took this action and that he announced that he would oppose any attempt to renew the ''Mexico City'' restrictions when they expire on September 30, 2000.

International family planning programs have experienced significant cuts in funding in recent years. President Clinton's foreign aid budget for Fiscal Year 2001 calls for $542 million for international family planning programs, restoring funding to Fiscal Year 1995 levels.

Today, as we mark International Women's Day, I urge my colleagues to recommit themselves to U.S. leadership in international family planning and support the President's request.

Lastly, I would like to focus attention on a vicious, and growing problem for women the world over—forced or coerced trafficking of girls and women for the purpose of sexual exploitation.

This is a rapidly growing, highly lucrative international business. The United Nations estimates that every year millions of women fall victims to this international trafficking in human life. Criminal organizations make an estimated $7 billion a year on the trafficking and prostitution of approximately 4 million women and girls. They do some by preying on the fears and economic insecurity created by the grinding poverty, rising unemployment and disintegrating social networks common to many poorer societies, today.

The traffickers target women from Eastern Europe and East Asia, women who agree to work as waitresses, models or dancers in the industrialized world to escape the grip of poverty in their native lands. But, once they arrive, their passports are seized, they are beaten, held captive and forced into prostitution. Traffickers and pimps hold these women in bondage, forcing them to work uncompensated as repayment for exaggerated room, board, and travel expenses.

These victims have little or no legal protection; they travel on falsified documents or enter by means of inappropriate visas provided by traffickers. When and if discovered by the police, these women are usually treated as illegal aliens and deported. Even worse, laws against traffickers who engage in forced prostitution, rape, kidnaping, and assault and battery are rarely enforced. The women will not testify against traffickers out of fear of retribution, the threat of deportation, and humiliation for their actions.

We, as a nation, cannot sit idly and allow this vicious exploitation of women to continue unchecked. We must effectively enforce current laws and implement new laws to protect victims and prosecute traffickers. I am proud to be a co-sponsor of Senator WELLSTONE's International Trafficking of Women and Children Victim Protection of 1999 which provides more information on trafficking and toughens law dealing with the illegal trade of women.

I urge all of my colleagues to support this vital piece of legislation.

The issues I have laid before you today are not just women's issues, they are humanity's issues. As First Lady Hillary Clinton has said, 'Women's rights are human rights and human rights are women's rights.' They merit attention throughout the year, not just on one day.

We must debate and ratify the Convention on the Elimination of All Forms of Discrimination Against Women. We must rededicate ourselves and our resources to international family planning programs. And we must enact tough anti-trafficking legislation.

NOMINATION OF JAMES DUFFY TO THE NINTH CIRCUIT COURT OF APPEALS

Mr. INOUYE. Mr. President, I am fully aware that this is a busy year, the year we elect a new President. I also realize that one-third of our colleagues will be up for reelection or will be involved in the election for the seat from which they are retiring. As a result, all of us are striving to close this shop as soon as possible and go home. However, we do have important unfinished business with the Judiciary.

The Judiciary is the critical third branch of our government. Just as it is important that we hold an election this year, it is important that we fill the vacancies in our court system. I can not speak of vacancies in other districts or other circuits, but I believe I can speak of vacancies in the Ninth Circuit. Hawaii is part of the Ninth Circuit. Since the retirement of Judge Choy in 1984, Hawaii has not been represented on that bench by a full-time Circuit Judge. The law of the United States requires that at least one member of the bench of each state be represented on the Circuit Court, that there be a judge from Hawaii on the Ninth Circuit.

The Hawaii delegation has submitted the name of James Duffy. I have no idea whether Mr. Duffy is a Democrat or Republican. I have not asked him. However, his reputation as a skilled lawyer is well-established in our islands. Mr. Duffy was born and raised in Saint Paul, Minnesota. He earned a Bachelor of Arts degree from the College of Saint Thomas and earned his Juris Doctorate from Marquette University Law School in 1968 where he served on the Board of Editors of the Law Review. Upon graduation, he came to Hawaii to begin his career. He has spent his legal career in private litigation practice, doing both plaintiff and defense representation, for more than 31 years. He has served the Circuit Courts of the State of Hawaii as a court-appointed Special Master in Probate, Guardianship, and Family Court Proceedings, as a Special Master for Discovery Rulings in civil cases, and as a Mediator. Mr. Duffy has also served in leadership roles in legal organizations, educational organizations, and even as a judge in the Hawaii High School Rodeo Association. In his spare time, he and his wife, Jeanne, breed and sell quarter horses and Brahma cattle. Mr. Duffy is a vital part of the Hawaii legal and civic community.

Jim Duffy was nominated by the President for a position on the Ninth Circuit Court of Appeals on June 17, 1999. I have been advised that the American Bar Association has finished reviewing his credentials. Mr. Duffy was unanimously given the ABA's highest grade of ''well-qualified.'' The Board of Directors of the Hawaii State Bar Association also unanimously reported that Mr. Duffy was well-qualified. In fact, in a letter to the Chairperson of the ABA's Standing Committee on the Federal Judiciary, the HSBA President wrote, ''[f]or what it's worth, my Board expressed dismay that there wasn't a category called 'the very best.' We consider Jim to be the best of the best.''

Both Democrats and Republicans in my state, regard Jim Duffy as one of Hawaii's best lawyers. I do hope the Judiciary Committee will give Mr. Duffy a hearing and expedite the consideration of his nomination. This will provide its members the opportunity to meet him and review his credentials and skills. I am convinced the members will be impressed by him. I am equally convinced that Mr. Duffy will be a good judge.

THE PRESIDENT'S VISIT TO PAKISTAN

Mr. JOHNSON. Mr. President, I am pleased that President Clinton announced yesterday his decision to visit Pakistan during his upcoming trip to South Asia. During my recent visit to Pakistan, I met at length with General Musharraf and discussed a number of critically important issues including the prompt restoration of democracy in Pakistan, nuclear arms restraint by both India and Pakistan, and the need to fight global terrorism. The President's upcoming trip will provide an opportunity to continue this dialogue with both Pakistan and India in a manner that can, hopefully, bring lasting peace and economic stability to the region. The fact that both Pakistan and India have nuclear weapons makes it imperative for the United States to facilitate a resolution of a major problem in South Asia—the Kashmir dispute.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through March 6, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68). The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks.

The estimates show that current level spending is above the budget resolution by $10.3 billion in budget authority and below the budget resolution by $2.3 billion in outlays. Current level is $17.8 billion above the revenue floor in 2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $20.6 billion, which is $5.7 billion below the maximum deficit amount for 2000 of $26.3 billion.

Since my last report, dated February 1, 2000, the Congress has cleared for the President's signature the Omnibus Parks Technical Corrections Act of 1999 (H.R. 149). This action has changed the current level of budget authority and outlays.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 7, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 2000 shows the effects of Congressional action on the 2000 budget and is current through March 6, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000. The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last report, dated January 27, 2000, the Congress has cleared for the President's signature the Omnibus Parks Technical Corrections Act of 1999 (H.R. 149). This action has changed the current level of budget authority and outlays.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MARCH 6, 2000

[In billions of dollars]

	Budget resolution	Current level [1]	Current level over/ under resolution
ON-BUDGET			
Budget Authority	1,455.0	1,465.2	10.3
Outlays	1,434.4	1,432.2	· 2.3
Revenues:			
2000	1,393.7	1,411.5	17.8
2000–2009	16,139.1	16,914.0	774.9
Deficit b[2]	26.3	20.6	· 5.7
Debt Subject to Limit	5,628.4	5,686.9	58.5
OFF-BUDGET			
Social Security Outlays:			
2000	327.3	327.2	(3)
2000–2009	3,866.9	3,866.6	· 0.3
Social Security Revenues:			
2000	468.0	467.8	· 0.2
2000–2009	5,681.9	5,681.8	· 0.1

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Section 314 of the Congressional Budget Act of 1974, as amended, requires the deficit in the budget resolution to be changed to reflect increases in outlays as the result of funding for specific actions (emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks). Sec. 211 of the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Con. Res. 68) allows for a decrease in revenues by an amount equal to the on-budget surplus on July 1, 1999, as estimated by CBO, but does not allow an equal adjustment to the deficit. Therefore, the deficit number for the budget resolution shown above reflects only the outlay increases made to the budget resolution between May 19, 1999, and November 1, 1999.

[3] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MARCH 6, 2000

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	.....	.....	1,411,523
Permanents and other spending legislation	913,627	875,350	.....
Appropriation legislation	839,675	846,651	.....
Offsetting receipts	· 296,430	· 296,430	.....
Total, enacted in previous sessions	1,456,872	1,425,571	1,411,523
Passed pending signature: Omnibus Parks Technical Corrections Act of 1999 (H.R. 149)	7	3	.....
Entitlements and mandatories: Adjustments to appropriated mandatories to reflect baseline estimates	8,362	6,580	.....
Total Current Level	1,465,241	1,432,154	1,411,523
Total Budget Resolution	1,454,952	1,434,420	1,393,684
Current Level Over Budget Resolution	10,289	.....	17,839
Current Level Under Budget Resolution	.....	2,266	.....
MEMORANDUM			
Emergency designations	31,309	27,279	.....

Source: Congressional Budget Office.

NATIONAL WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, today, as we celebrate National Women's History Month, I rise to pay tribute to the extraordinary women, past and present, who have broken down barriers and continue to shape our nation's future.

First, I would like to thank my distinguished colleague, Senator BARBARA MIKULSKI, who herself has succeeded in redefining the role of women in politics by becoming the most senior woman in the Senate today. Twenty years ago, when Senator MIKULSKI was in the House, she and another one of my notable colleagues, Senator ORRIN HATCH, co-sponsored the first Joint Congressional Resolution declaring National Women's History Week, now a month long celebration acknowledging the accomplishments of women. I applaud my colleagues for their leadership in bringing forth this important celebration of women.

This year's national theme is ''An Extraordinary Century for Women—Now, Imagine the Future!'' Given the extraordinary accomplishments of women this last century and the bright future of women in this new millennium, a more appropriate theme for this month's celebration of women could not have been chosen.

This month, we pay tribute to the founders of the first Women's Rights Convention 150 years ago. Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony were visionaries who championed women's rights. We also celebrate the historic achievements of Amelia Earhart, Ida B. Wells, Eleanor Roosevelt, Jacqueline Kennedy, Sally Ride, and other legendaries who redefined the role of women and are role models, not only for today's young women, but for all.

My home state of Illinois is filled with such legendary women. Jane Addams was a socially conscious community leader who founded Hull House, a neighborhood center for immigrants in Chicago and was awarded the Nobel Peace Prize in 1931. Minnie Saltzman-Stevens was an internationally known Wagnerian soprano who received her first voice training from the O.R. Skinner Music School in Illinois. Content Johnson was an artist who gained considerable reputation as a portrait and still life painter in oils. Elizabeth Irons Folsom was an author and winner of the 1923 O'Henry Prize for short stories. Margaret Illington, born Maud Light, was a renowned actress who so loved Bloomington, Illinois, that she changed her name to Illington, forever bearing the proof of her love. These women paved the way for today's talented female Illinoisans.

Today's prominent Illinoisans include my friend and former colleague Carol Moseley-Braun, the first African American elected to the Senate and now the US Ambassador to New Zealand; Karen Nussbaum, Director of the Women's Bureau in the US Department of Labor; Marlee Matlin, the only hearing impaired person ever to win an Academy Award for Best Actress; Hillary Rodham Clinton, American first lady, attorney, and leader on education and children's issues; and Caribel Washington, an 86 year old civil rights activist who continues to use her strength and fortitude to inspire all people.

The struggles and triumphs of these women will guide those who follow. One such follower is Winifred Alves, who I had the pleasure of meeting the other day. Winifred is this year's recipient of the Girl Scout Gold Award.

Winifred's future is as bright as her Gold Award.

Despite opposition, many of us in this Congress are fighting to ensure fair pay for women and close the wage gap. We are working to open the doors of college to all Americans by providing quality education at the elementary and secondary level and college tuition assistance to make higher education more affordable. We are working to improve our nation's health by bringing the issues of affordable prescription drugs and a Patient's Bill of Rights to the forefront.

Although Winifred's future is bright, the lives of many of our children remain in jeopardy until we pass tougher gun laws. Last week, six year old Kayla Rolland was tragically shot to death by her fellow kindergarten classmate with a stolen gun. Kayla never had an opportunity to become a Girl Scout. She died senselessly because another six year old child was able to gain access to an illegal firearm. How many more of our children must die before we, as a Congress, band together on a bipartisan basis to pass comprehensive gun legislation?

In this month of March, let us not only pay tribute to those women who have pioneered and inspired all of us, let us remember the young lives we have failed to protect by failing to pass commonsense gun control legislation. Let us also remember, their mothers, teachers, neighbors and friends, who helped shape these young lives but will never know the full potential of their joyous labor. And let us also remember our own mothers, sisters, and aunts who, although unknown to most, continue to shape our lives and our nation's future.

CONVENTION TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Mr. KENNEDY. Mr. President, I commend my colleague, Senator BOXER, for bringing this important treaty before the Senate. I am proud to be a sponsor of Senate Resolution 237, which expresses the sense of the Senate that hearings should be held by the Foreign Relations Committee on the Convention to Eliminate All Forms of Discrimination Against Women.

The treaty establishes international standards and definitions to protect women against discrimination. The treaty also calls for action in the areas of education, health care, and domestic relations, and creates a process to monitor the status of women and their progress toward equity. The standards are fully consistent with existing U.S. protections against discrimination. In countries that do not have such protections, this treaty is an effective tool to combat violence against women, reform unfair inheritance and property rights, and strengthen women's access to fair employment and economic opportunity.

165 countries have not ratified the treaty. As the country that consistently leads the way in the battle for human rights and human dignity, and that took an active role in drafting the treaty, it is past time for the United States to ratify it as well.

U.S. support for women's equality at home and abroad requires that we promptly consider and ratify this treaty. I urge the Senate to pass this resolution and to do all we can to expedite the ratification of this important treaty.

To move our country in that direction, the Foreign Relations Committee should hold a hearing.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 7, 2000, the Federal debt stood at $5,747,932,431,376.73 (Five trillion, seven hundred forty-seven billion, nine hundred thirty-two million, four hundred thirty-one thousand, three hundred seventy-six dollars and seventy-three cents).

Five years ago, March 7, 1995, the Federal debt stood at $4,851,012,000,000 (Four trillion, eight hundred fifty-one billion, twelve million).

Ten years ago, March 7, 1990, the Federal debt stood at $3,027,086,000,000 (Three trillion, twenty-seven billion, eighty-six million).

Fifteen years ago, March 7, 1985, the Federal debt stood at $1,708,698,000,000 (One trillion, seven hundred eight billion, six hundred ninety-eight million).

Twenty-five years ago, March 7, 1975, the Federal debt stood at $499,218,000,000 (Four hundred ninety-nine billion, two hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,248,714,431,376.73 (Five trillion, two hundred forty-eight billion, seven hundred fourteen million, four hundred thirty-one thousand, three hundred seventy-six dollars and seventy-three cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNIZING THE IMPORTANCE TO THE COMMUNITY OF JEWISH FAMILY AND CHILDREN'S SERVICES ON THEIR 150TH ANNIVERSARY

• Mrs. FEINSTEIN. Mr. President, I rise today to recognize the great service that Jewish Family and Children's Services has provided the people of San Francisco and the Bay Area for 150 years.

Since its founding in 1850, Jewish Family and Children's Services has been dedicated to alleviating suffering and helping people realize their potential. It has grown into one of the region's largest social service organizations, with more than 2,100 volunteers helping more than 40,000 people a year.

Jewish Family and Children's Services provides a wide range of services from adoption services and child mentoring programs, to programs aimed at helping seniors. They also have many programs designed to help people with special needs such as AIDS counseling and care management, and alcohol and substance abuse programs.

Over the past 150 years, Jewish Family and Children's Services has improved the quality of life for thousands of people. Please join me in honoring this outstanding organization.•

TRIBUTE TO WOMENS RURAL ENTREPRENEURIAL NETWORK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Womens Rural Entrepreneurial Network (WREN) of Bethlehem for receiving the Home Loan Bank of Boston's 1999 Community Development Award. The award recognizes the top project in the state undertaken by a nonprofit community group and a local bank. WREN's hard work has made a real difference in the lives of the women of Northern New Hampshire, and the accomplishments of its members are to be commended.

With the assistance of Passumpsic Bank, WREN developed a program to help women in Northern New Hampshire start their own businesses. The program initially offered training in areas such as business plan development, marketing, financial management and computer literacy, but quickly expanded to include other crucial skills such as networking and technology training. As a result of the success of those programs, WREN is currently developing a community center that will house a retail store to sell the products of the program's participants, a community art studio and an expanded meeting and teaching space. The sky is the limit for this program, and its future certainly looks bright.

The achievements of the program are remarkable, and they serve as a shining example of what can be accomplished when local banks and community-oriented groups work together. It is truly an honor to serve such a hard-working organization in the United States Senate.•

WOMEN'S HISTORY MONTH: TRIBUTE TO ALICE WALKER

• Mr. CLELAND. Mr. President, 20 years ago, my friends and colleagues Senator BARBARA MIKULSKI of Maryland and Senator ORRIN HATCH from Utah joined to create a National Women's History Week. Since that time, the commemoration has expanded into an entire month of celebration and recognition of the many contributions and accomplishments of American women. I am proud to use this occasion to highlight the many accomplishments of one of Georgia's own, author and teacher Alice Walker.

Alice Walker has become one of the leading voices among African-American writers. She has published poetry, novels, short stories, essays, and criticism, the most famous probably being ''The Color Purple'', for which she was awarded the Pulitzer Prize in 1983. Her portrayal of the struggle of African-Americans throughout history, especially the experiences of black women in the American South, has earned her praise around the world. Ms. Walker's insightful and riveting portraits of poor, rural life display human resourcefulness, strength and endurance in confronting oppression.

Alice Walker was born on February 9, 1944, in Eatonton, Georgia, the eighth and last child of Willie Lee and Minnie Lou Grant Walker, who were sharecroppers. When she was eight years old, she lost sight in one eye during an accident with one of her brothers' BB guns. This incident proved to be a turning point in Walker's life. Walker has said that it was from this point that she ''really began to see people and things, really to notice relationships and to learn to be patient enough to see how they turned out * * *''

In high school, Alice Walker was valedictorian of her class. That achievement, coupled with a ''rehabilitation scholarship,'' made it possible for her to go to Spelman College, a historically black women's college in Atlanta, Georgia. After spending two years at Spelman, she transferred to Sarah Lawrence College in New York, traveling to Africa as an exchange student during her junior year. She received her bachelor of arts degree from Sarah Lawrence College in 1965.

After graduation, Alice Walker spent the summer in Liberty County, Georgia where she helped to draw attention to the plight of poor people in South Georgia. She went door to door registering voters in the African-American community. Her work with the neediest citizens in the state helped her to see the debilitating impact of poverty on the relationships between men and women in the community. She moved to New York City shortly thereafter where she worked for the city's welfare department. It was then that she was awarded her first writing grant in 1966.

Ms. Walker had originally wanted to go to Africa to write, but decided against it and instead traveled to Tougaloo, Mississippi. It was there where she met her future husband, civil rights attorney Melvyn Leventhal. He was supportive of her writing and admired her love for nature. They married in 1967 and became the first legally married interracial couple in the state of Mississippi. While her husband fought school desegregation in the courts, Alice worked as a history consultant for the Friends of the Children, Mississippi's Head Start Program.

Since there was still a great deal of racial tension in the state, and because her husband was working adamantly in the courts to dismantle the laws barring desegregation, animosity against the couple was strong. While the couple lived in Mississippi, Alice and her husband slept with a gun under their bed at night for protection. Their only daughter, Rebecca, was born in 1969.

Alice Walker became active in the Civil Rights Movement of the 1960's, and remains an involved and vocal activist for many causes today. She has spoken out in support for the women's equality movement, has been involved in South Africa's anti-apartheid campaign, and has worked toward global nuclear arms reduction. One of her most pronounced involvements has been her tireless work against female genital mutilation, the gruesome practice of female circumcision that remains prevalent in many African societies.

Among her numerous awards and honors for her writing are the Lillian Smith Award from the National Endowment for the Arts, the Rosenthal Award from the National Institute of Arts & Letters, a nomination for the National Book Award, a Radcliffe Institute Fellowship, a Merrill Fellowship, a Guggenheim Fellowship, and the Front Page Award for Best Magazine Criticism from the Newswoman's Club of New York. She has also received the Townsend Prize and a Lyndhurst Prize.

In 1984, Ms. Walker started her own publishing company, Wild Trees Press. She has authored more than 20 books over the years. Divorced from her husband, she currently resides in Northern California with her dog, Marley where she continues to write. Her most recent book, ''By the Light of My Father's Smile'', was released in 1998. I am honored to recognize this remarkable woman, a daughter of Georgia and mother of the fight for equality.•

TRIBUTE TO CHESTER M. LEE

• Mr. WARNER. Mr. President, I rise today to pay tribute to a truly incredible American and resident of McLean, Virginia for the past 35 years, who has passed from this world.

Chester M. Lee—known as ''Chet'' to family and friends—was born on April 6, 1919. After graduating from the U.S. Naval Academy Class of 1942, Chet Lee went directly into service in World War II. Chet was involved in a number of battle engagements during World War II and survived a Japanese kamikaze attack on his ship, the USS Drexler, off the coast of Okinawa in 1945. Chet Lee spent 24 years in the U.S. Navy, serving his country with great honor both in and out of battle. Chet helped pioneer the Navy's use of ship radar, was instrumental in development and testing of the POLARIS missile program, and commanded two Navy destroyers and an entire destroyer division. Chet Lee moved to Northern Virginia in 1964 to serve the Secretary of Defense at the Pentagon and achieved the rank of Captain before retiring from the Navy in 1965. He continued to be affectionately referred to by Navy and non-Navy colleagues as ''Captain Lee,'' and remained an avid Navy football fan throughout his life!

In 1965, Captain Lee requested to be retired from active duty in order to answer the call at the National Aeronautics and Space Agency, which was deeply involved in the Cold War space race. At NASA, Chet spent 23 years providing instrumental leadership during our nation's most exciting and pivotal space years. Captain Lee served as Assistant Mission Director for Apollo Missions 1 to 11 and then Mission Director for Apollo Moon Missions 12 to 17. He was Director for the Apollo/Soyuz space-docking mission, perhaps one of the most significant precursor events to the melting of Cold War barriers between the U.S. and then-Soviet Union. Captain Lee's impressive NASA career continued as he played an integral role in the development, operation and payload management for the U.S. Space Shuttle program.

In 1987, Chet Lee continued advancing U.S. aerospace leadership in the private sector, joining SPACEHAB Inc., a company dedicated to pioneering U.S. space commerce. He ascended to the position of President and Chief Operating Officer in 1996. Chet was instrumental in guiding the company's participation in the joint U.S.-Russian Shuttle-Mir program, and his tenure at SPACEHAB included 13 Space Shuttle missions, including the mission that returned Senator John Glenn to space. Captain Lee became Chairman of SPACEHAB's Astrotech commercial satellite processing subsidiary in 1998 and served on SPACEHAB's Board of Directors. At the age of 80, Chet Lee continued to work full-time on SPACEHAB and Astrotech projects up to his last days here on Earth.

Chet Lee was a tireless public servant, a devoted husband, father and grandfather and mentor to countless in the aerospace community. I am proud to have had Chet as a constituent, and my blessings go out to his family and friends during this time of mourning. I ask my colleagues to pay tribute today to Captain Lee's memory and to honor him for his contributions to this great country.•

TRIBUTE TO JUDY JARVIS

• Mr. LIEBERMAN. Mr President, I rise today to pay tribute to a woman who has sent her reasoned voice across the radio airwaves of America. A strong willed and strong minded woman who is not only a friend, but I'm fortunate to say is also a constituent, Judy Jarvis. Yesterday, this great radio talk show host, Judy Jarvis, my friend, lost her battle with cancer.

She fought hard to the bitter end. She fought by informing her audience, by not keeping them in the dark about the cancer that was invading her body. She shared her fears, her hopes and her dreams with her weekday broadcasts and in interviews when the table was turned and she became the subject of the interview. Mr President I would like to submit two articles for the RECORD about her battle with cancer. A June 1999 article from Talkers Magazine and a November 29, 1999 article from People Magazine. Her listeners became an extended family, and when she wasn't well enough to continue broadcasting the entire show everyday, they warmly welcomed her cohost, her son, Jason Jarvis. As the only nationally syndicated Mother/Son radio team in America, Judy and Jason were a great team. They enjoyed each other's company and brought a wonderful mixture of generations and views to their show.

Judy Jarvis will be missed by those of us in this chamber who embrace talk radio, by all of us, Democrats and Republicans who have been privileged to be regular guests on her show. She was a woman of intellect and humor, a broadcaster who did her own research and never went for the cheap shot. She was opinionated and provocative, but never nasty. Judy dug deep for the questions that would generate answers to best inform her audience. Judy Jarvis earned a special place in the history of talk radio and left us with a strong human legacy—her husband, Wal, her sons Jason and Clayton and her granddaughter Alexandra.

I wouldn't be surprised if Judy has not already set up interviews, up there in Heaven. Her audience now is global and out of this world. Judy Jarvis, you will be missed by those of us fortunate and blessed enough to call you friend.

Mr. President, I ask that articles from Talkers magazine and from People magazine be printed in the RECORD.

The articles follows:

[From Talkers Magazine, June/July 1999]

JUDY JARVIS—PROFILE IN COURAGE

(By Michael Harrison)

HARTFORD.—Everything was rolling along just fine for nationally syndicated talk show host Judy Jarvis. Her independently produced and syndicated midday talk show which has been on the air since April of 1993 had recently achieved what she describes as a ''second tier breakthrough'' and was solidly implanted on more than 50 highly respectable affiliates across America. The longstanding live hours of noon to 3 pm ET had just been expanded an extra couple of hours per day to re-feed several prestigious new stations picking up the show. Judy was appearing as a regular guest on the cable TV news talk channels and her commentaries were being published in important daily newspapers. She was again on the annual TALKERS magazine heavy hundred list for the fifth year in a row and generally admired throughout the industry as a talented talk show host on the rise. Plus, on the business side of things she had attained recognition and respect as the head of a successful, family-run radio network operation complete with a in-house staff of nine and the beneficiary of professional sales and affiliate representation from one of New York's finest national firms, WinStar.

The show had even built its own state-of-the-art two-room studio in Farmington Connecticut at the well-known Connecticut School of Broadcasting.

Yes, things was going great guns until this past Fall of 1998—shortly after the NAB Radio Show in Seattle—when upon feeling unusually fatigued and having developed a cough that would not go away; Judy Jarvis checked into Beth Israel hospital in Boston

and didn't check out for six weeks. Tests indicated that Judy had developed lung cancer . . . a particularly vicious type that had already impacted her blood and was causing clotting problems.

''It was absolutely a shock,'' Judy tells TALKERS magazine. ''It was like being the victim of a drive-by shooting.''

Judy has never even been a smoker and, until this terrifying revelation, had enjoyed very good health.

''I was a moose!'' she says, with the good humor that typifies her positive approach to the great challenge that had fallen upon her shoulders.

Instantly committed to beating the disease, she was also determined to preserve the radio show that she and her family had worked so long and hard to build. As it is turning out, the family connection plays a key role in the rescue of the Judy Jarvis Show and Hartford-based Jarvis Productions.

Five years ago, her son, Jason, then 25, left his job at the Washington, DC political journal Hotline and became his mom's producer. He quickly developed a favorable reputation within the business as both an excellent behind the scenes broadcaster and an extremely personable individual. Her husband, Wal Jarvis—a successful businessman outside the radio industry—also serves on the company's executive board to which he brings his considerable experience and expertise. Judy simply describes Wal and the way he has supported her career and now her personal trial as ''the best ever!''

So when disaster struck . . . as an immediate stop-gap measure, ''We ran tape for a few weeks to keep the show on the air,'' Judy recounts. ''That worked well for a while,'' she says, but with her initial stay in the hospital and newly-diagnosed illness extending beyond the program's ability to keep playing reruns and maintain a viable network, her son Jason—who had never been a radio personality—stepped up to the microphone and went on the air. He told the audience about his mother's situation and began to do a radio talk show.

His natural ability and honesty were enough to hold the fort for another couple of months while Judy began an aggressive round of treatments to begin fighting the disease.

The affiliates were individually informed of the plight by WinStar reps backed up by Jarvis Productions in-house business manager Deb Shillo. Just about all the affiliates were extremely cooperative . . . especially since Jason Jarvis turned out to be a surprisingly talented talker, enhanced, of course, by the extremely dramatic circumstances in which he was immersed. American talk radio was not about to abandon this sturdy ship caught in a storm.

When discussing Jason's pinch-hitting effort, Judy tries to hold back the tears. ''He never wanted to do this,'' she says in a burst of emotion that shakes the calm restraint that had marked the conversation to this point.

''It was an amazing act of courage and love. He wanted to save it (the show) in case I would get better.''

Judy Jarvis' form of lung cancer hits 20,000 people per year and kills more women than breast cancer. But she optimistically points out that modern medicine has come a long way and ''it is not quite as grim as it might have been'' had this happened several years ago.

Judy completed the first round of treatments and returned to the show on January 4, 1999 with nearly 100% of her affiliates (and listeners) intact, waiting for her return. However, now, it had become a two-person show. Jason earned himself a place on the program as co-host and a unique mother-son talk team modestly emerged on the talk radio airwaves of America, largely unheralded by the media at large and void of the hype that usually marks the beginning of something that can lay claim to being a first.

But the challenges facing Judy Jarvis and her family were far from over. As the Winter of 1999 wore on, so did the pain in Judy's left leg, due to circulation complications arising from the illness. The bleak diagnosis indicated an irreversible condition in which the only remedy was amputation. In March, Judy Jarvis' left leg was removed below the knee.

More treatment, more recovery, more courage . . . and finally back to work, on the air again with Jason.

After a period of several weeks in a wheelchair, Judy has been successfully outfitted with a prosthesis and now is able to walk again. She has risen to the challenge with the same positive attitude that she brings to the air. Life is tough enough in the competitive world of day-to-day syndicated talk radio. Judy now does it while going through the discomfort of chemotherapy and adjusting to the trauma of losing a limb.

''The work is conducive to my recovery,'' she says, ''it helps me focus on something positive.'' And the program remains positive. Although Judy's situation has been presented quite honestly to the audience, adding an increased dramatic dimension to the culture of the show, the Judy Jarvis Show remains upbeat and issues-oriented. It continues to reflect the niche she has carved out on the talk radio landscape as a fiercely independent moderate who covers the big political issues, but also talks about day-to-day life and the endless controversies, crisis, joys and sorrows that make up real life for real human beings. Her credentials speak for themselves and give her immense credibility to really communicate with her listeners.

In terms of her status in the talk radio industry: She is a giant of strength, will and talent. Staying on the air and running her company as effectively and as dedicatedly as she has done under the conditions she has faced is the kind of inspirational heroism that brings out the best in talk radio as both a business and a cultural phenomenon.

Judy Jarvis can be reached via Deb Shillo at Jarvis Productions, 860–242–7276.

[From People, Nov. 29, 1999]

LIFE SUPPORT

CANCER-STRICKEN, TALK RADIO'S JUDY JARVIS SEES THE SHOW SHE LOVES KEPT ALIVE AS SON JASON STEPS TO THE MIKE

The topic today on The Judy Jarvis Show, out of Farmington, Conn., is overprotective parents. Jarvis listens as her son Jason ranges through a serious of examples in the news, then talks herself about a town that removed see-saws from its playgrounds because children were jumping off and sending kids on the other end crashing down. ''I don't understand it,'' says Jarvis. ''In schools they won't give kids failing grades; they won't let them play sports where the scores are too unbalanced. I learn everything I know from failure! Should parents be there all the time to make sure nothing bad happens?''

Obviously she things not. It is also clear from the way the phones light up that the 54-year-old national-radio talk show host is still, in her words, the same ''independent-minded broad'' she has always been. Thankfully, Jarvis is back—back on the air and, more important, back from cancer. It's not that she has been cured. One of 22,000 people stricken with the disease each year without ever having smoked, she still suffers from lung cancer. But for now she seems as feisty as ever. ''You know when everybody tells you to 'live in the moment'?'' asks Jarvis.

''I pretty much have done that my whole life. And now we'll just deal with whatever comes.''

The possibility of relapse notwithstanding, this moment is a good one for Jarvis. The show, broadcast by about 50 stations from Boston to Seattle, is thriving. Plus, she gets to work with her older son Jason. In fact, she has Jason to thank for her show's very survival. At the beginning of Jarvis's illness, stations stood behind her, broadcasting reruns of her show in the hope she would return. But after six weeks they were worried. That's when Jason, 30, moved behind the mike and saved the day. ''It was either we give up or I step in,'' says Jason, who had been his mother's producer.

At first, Jason merely meant to bridge the gap until Judy's return. But the two worked so well together that Jason stayed on as cohost, and they have become the only mother-son team with a nationally syndicated radio show. Jason's new role ''makes it more of a warm, supportive atmosphere,'' says Tracy Marin, operations manager at affiliate KHTL in Albuquerque. ''She was kind of hard-edged before. I think it makes it a lot softer.''

It was in October 1998, at a meeting of the National Association of Broadcasters in Seattle, that Jarvis first experienced shortness of breath and a nasty little cough. She didn't pay much attention because she was far more concerned with the convention, which she saw as a stepping-stone toward her goal of becoming a recognized name like Imus or Limbaugh. In spite of her fatigue, Jarvis broadcast live each day from Seattle, waking at 4 a.m. to go through the papers for discussion topics. ''By the end of the trip I thought I had a bug of some sort,'' she says. ''I felt just awful.'' Her husband, Wal, 54, who heads a company that makes parts for the aerospace and surgical industries, assumed that the trip had simply exhausted her.

But back in Connecticut a few days later, Jarvis became short of breath and nearly collapsed in the studio parking lot. Wal drove her to her Boston internist, who, he says, ''did a chest X-ray and didn't like the way it looked.'' Further testing showed fluid in her chest, and on Nov. 5 she was admitted to Beth Israel Deaconess Medical Center. There a lung biopsy revealed cancer.•

TRIBUTE TO MAYOR RAYMOND J. WIECZOREK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mayor Raymond J. Wieczorek upon the occasion of his leaving office. Mayor Wieczorek faithfully served the City of Manchester, New Hampshire, and its citizens for the past 10 years. A truly gifted leader, he inspired those who were fortunate enough to work with him, and created a legacy that will triumphantly carry Manchester into the 21st century.

Mayor Wieczorek has played an important role in the economic development of the City of Manchester. Through his hard work and diligence, he has been able to develop a positive working relationship with many community leaders and guide them through the process of expansion and development in the city. He has been the driving force behind the Riverwalk project, restoring and bringing businesses to the Historic Mill District and bringing business leaders back to the inner city. He oversaw the expansion of

both the Mall of New Hampshire and the Manchester Airport, as well as the preliminary plans for the Manchester Civic Center. Thoroughout his many years as a dedicated public servant, Mayor Wieczorek has cultivated a vast knowledge of information and resources that has constantly been vital in the operation of my New Hampshire offices.

An individual who truly knew how to connect with those around him, Mayor Wieczorek's door was always open to the citizens of Manchester. Whether through a word of advice, a birthday greeting or negotiations on an expansion and development project, the Mayor treated each of the individuals who approached him with care and concern, and always remembered them with a smile and a quick anecdote upon a second meeting.

I wish Mayor Wieczorek much happiness as he embarks on this new journey in life. His leadership and perseverance will be sorely missed as his decade of public service comes to an end. I want to leave him with a poem by Robert Frost, as I know that he has many more miles to travel and endeavors to conquer.

The woods are lovely, dark and deep.
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

Mayor, it has been a pleasure to represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.•

THE TENTH ANNUAL NATIONAL SPORTSMANSHIP DAY

• Mr. L. CHAFEE. Mr. President, yesterday was the tenth annual National Sportsmanship Day—a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. This year, over 12,000 schools in all 50 states and more than 100 countries participated in National Sportsmanship Day. This is remarkable, since ten years ago this program only existed in Rhode Island Elementary Schools!

Yesterday, the Institute held a day-long live internet chat room in which athletes, coaches, journalists, students, and educators engaged in discussions of sportsmanship issues, such as trash-talking, ''winning at all costs,'' professional athletes as role models, and behavior of fans. I believe that the Institute's work in addressing the issues of character and sportsmanship, and its ability to foster good dialogue among our young people is significant.

As part of the Day's celebration, the Institute selected Sports Ethics Fellows who have demonstrated ''highly ethical behavior in athletics and society.'' Past recipients have included: Kirby Puckett, former Minnesota Twins outfielder and 10-time All Star; Joan Benoit Samuelson, gold medalist in the first women's Olympic marathon in 1984; and Joe Paterno, longtime head football coach at Penn State University. This year, the Institute honored 10 individuals including Grant Hill, five-time All-Star with the Detroit Pistons, and former All-American at Duke; Jennifer Rizzotti, head women's basketball coach, University of Hartford, and member of the WNBA Houston Comets; Jerry Sandusky, former defensive coordinator/linebackers coach, Penn State University, PA; and Mark Newlen, former member of the University of Virginia basketball team (1973–77) and presently physical education teacher and coach at the Collegiate School, Richmond, VA.

This year, the Institute has found another avenue to promote understanding and good character for youngsters. A new program called ''The No Swear Zone'' has been instituted to curb the use of profanity in elementary, middle and high school sports, as well as at the college level. In order for a school's athletic team to become a member of ''The No Swear Zone,'' it must pledge to stop the use of profanity in practice and in games.

I am very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who participated in this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last ten years have made this program so successful.

Mr. President, I ask that the winning essays from this year's contest be printed in the RECORD.

The essays follow:

ALWAYS TRY YOUR HARDEST, BE ENCOURAGING

(By Katie McGwin, a fifth grader at Quidnesset Elementary School North Kingstown, RI)

To be a good sport means to be kind to others, play fairly, never cheat, try your hardest and be responsible. You can be kind to others by saying encouraging words such as ''You can do it!'' and ''You tried your hardest! Maybe next time.''

These simple words can convince people that they really can do it and they tried their hardest and next time they will do it well. You can play fairly by following the rules and never cheating.

You can try your hardest by being the best you can be. You can be responsible by keeping track of your things, doing chores, cleaning up after yourself, taking care of your pets, bringing your homework into school and many other things.

I try my hardest in my dance class. I do well, but I think I could try harder. I show my responsibility by keeping track of my things, doing chores and bringing my homework into school. I sometimes encourage people. I always play fairly and I never cheat. I am showing that I am a good sport. I do well in school and I do well at home.

Some people do not show sportsmanship. Those are the people who do not care about the rules of the game. They do not show responsibility. Those are the people who are not kind to others. They do not cheer people on. They think that they are the winners and the other team is just there to lose.

Losing can be tough. I've been there, too. Don't get too discouraged. The truth might be that your team will win next time. So keep trying.

You may have different ways of being a good sport. It doesn't matter what you do to be a good sport; it matters that you are a good sport. Remember this: Always keep trying!

CHILDREN LEARN GOOD AND BAD FROM MODELS

(By Patrick Kolsky, a 10th grader at Novato (Calif.) High School)

In the modern era, sports have been rising in popularity without opposition. Sports in the beginning were first seen as something that could help someone relieve pressure, help cope with stress, join families and communities together and to expose oneself to a little friendly competition.

Most of all, however, sports were mainly seen as a creative outlet to relieve one's extra energy and recycle it into something that was fun for everyone. In more recent years, sports have escalated into something more.

Professional sports focus on winning and salary, while the original intentions of sports take a back seat. Younger children are extremely influenced by professional athletes and are well known to try and imitate their favorite player.

Most athletes today don't really care whether they had fun while playing a sport, but only if they won or lost. and why should they? It is not their job to have fun or to set good examples—their job is to win. But when the millions of onlookers observe what ''real'' athletes perceive of sports, it is almost inevitable that they themselves will follow the lead of their role models.

These unsportsmanlike ethics that people pick up on lead to an unhealthy imbalance and lack of scruples in non-professional and non-profit-oriented sports today.

I feel very strongly that sports for children should not be a main focal point of their lives. Children's sports should focus on team play, listening and respecting an opponent.

It is unhealthy for children to be so focused on winning at a young age that it will influence other aspects of their lives. The majority of children do not become overly competitive by themselves, but rather from examination of an outside source. It is this outside source that is the most crucial to any child's path to becoming a good sportsman.

Children find role models at a young age; and whether that role model is a professional basketball player or a weatherman, they always end up being influenced by the person that they admire. When these children grow up, they usually carry with them the perception of what was ''said'' to be acceptable and then apply that to other areas of life, not just sports.

This is exactly the reason why it is imperative that good sportsmanship be stressed in children's sports as well as higher-level sports. It does no good to a child when good sportsmanship is stressed by one source, yet they look at another source and see exactly the opposite.

It is not uncommon in today's sports for the players as well as the fans to become unsportsmanlike. It is OK for people to become competitive as long as they understand the real meaning behind sports and not get too caught up in winning.

Unfortunately, many people overlook this issue entirely. Players trash-talk their opponents without remorse, and fans will become overly excited and unruly in the stands. Of course, there are consequences for all of

their actions, but to the people who only care about winning, consequences are just consequences, and nothing more. They will continue to do whatever they can if they feel it will help them win.

Some people are so focused on instant gratification that they don't care what the effects of their actions will be. This is an extremely lethal setback to young onlookers that see this kind of behavior. If their own role models do not believe that they are doing anything wrong, why should they? Every action has a consequence, but not every consequence has the effect it should on the perpetrator.

Sports is a huge industry, and there are so many fans, young and old, who hold sports in high regard and are influenced deeply by almost every aspect of the games. Some people become blind to the fact that some of the idealism that they are picking up from sports may not be in their best interest. Winning at all costs is a poor example of how some role models are supposed to behave in front of the people that idolize them. Our children are watching—and they are picking up every thing that comes their way.

PARENTS HAVE AN OBLIGATION TO BE GOOD SPORTS, TOO

(By Aroha Fanning, a senior at Jacksonville (Fla.) University)

Sports are probably one of the most popular pastimes of today's society, whether you are an athlete, a spectator or a sponsor or whether you are pro or amateur, young or old, disabled or physically fit. Athletics caters to everyone.

But the people who benefit most from sports today are not the professional basketball players or football players who sign contracts of up to $30 million a year or more. They are the little rugrats you can see running around a soccer field on a Saturday morning, or the 3-foot-nothing munchkins who take to the ice for little league ice hockey each season.

Getting children involved in sports not only keeps them active and away from the TV screen or computer monitor, it also teaches them how to be a team player and how to interact socially with other children. But what kind of sportsmanship is being modeled to our children when parents are standing on the sidelines yelling at referees and coaches and getting into fights with parents of the opposing team?

Whatever happened to phrases such as ''It's not whether you win or lose, but how you play the game'' and ''Just go out there and do your best?''

All over the country, parents are being asked to shape up or ship out of the ballpark, stadium or playing grounds. In Jupiter, Fla., parents are now required to take a good sportsmanship class before their children are allowed to play a sport. Parents in Los Angeles are asked to sign a ''promise of good behavior'' form.

Perhaps so many parents push their children into participating in athletics in hope that they will be able to get a scholarship to college and will go on to the major leagues and sign one of those $30 million contracts. Maybe others push their kids into athletics just so they can brag to their friends and family about how little Johnny is the star of his soccer team. Perhaps parental expectations come from unfulfilled childhood dreams of playing college football, baseball, basketball or whatever the sport of choice might have been.

However you look at it, or whatever the motive for pushing children into athletics, encouraging them to run onto a field while yelling at them for making a mistake or losing isn't going to make them love the sport. It is not going to get them that college scholarship. It is not going to make them the best on the team. And it is not going to fulfill the lost dream of being a college athlete.

The only thing that pushing your child beyond the true purpose of the game—to have fun—accomplishes is to push the child further away from the sport and, eventually, the parent.•

TRIBUTE TO PUBLISHERS SETH AND LUCILLE HEYWOOD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to a newspaper that has provided the town of Merrimack, New Hampshire, with information and insight for the past twenty-one years. The Village Crier is a paper for which many of the town residents of Merrimack have waited in anticipation each week. It certainly has greatly impacted the community as a whole.

The Village Crier has been on the front lines of every political battle in Merrimack, and the opinions and advice that they brought to the tale will be greatly missed. Both Seth and Lucille have put countless hours into the production of the Crier, and have gained the respect and admiration of not only their staff, but of the entire community.

It is with sincere regret and deep sadness that I bid farewell to the Village Crier. I wish both Seth and Lucille the best as they continue with their future endeavors. The Village Crier will be greatly missed, and it is an honor to represent both Seth and Lucille Heywood in the United States Senate.•

TRIBUTE TO ALEX GIANG

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Alex Giang for receiving the Merrimack Chamber of Commerce Presidential Award. A member of the chamber for several years, Alex has risen to prominence with his continuous displays of passion and perseverence. His personality endears him to all, and he is well known for his gregarious nature. Alex is a kind-hearted leader, and Mary Jo and I applaud him for his hard work and dedication to the Merrimack Chamber of Commerce.

Alex Giang inspires others to achieve the same ends by using the leadership qualities for which he has been honored. Alex has taken it upon himself to attempt to increase the membership of the chamber. He is a man determined to have others give of themselves as he has given. He has been a key figure in the creation of the chamber fund raiser, ''A Taste of Merrimack,'' where the time and effort that was spent on his part exemplified his dedication to the chamber. In addition to all of this, Alex is a purveyor of fine cuisine in the town of Merrimack.

Alex is a leader in the truest sense. He is a gregarious individual who puts forth enormous effort for worthy causes. His enthusiasm for both life and the Merrimack chamber is contagious. Alex, it is a pleasure to represent you in the United States Senate. I wish you the best of luck in the future. May you always continue to inspire those around you.•

NORMAL TRADE RELATIONS TREATMENT FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Last November, after years of negotiation, we completed a bilateral agreement on accession to the World Trade Organization (WTO) with the People's Republic of China (Agreement). The Agreement will dramatically cut import barriers currently imposed on American products and services. It is enforceable and will lock in and expand access to virtually all sectors of China's economy. The Agreement meets the high standards we set in all areas, from creating export opportunities for our businesses, farmers, and working people, to strengthening our guarantees of fair trade. It is clearly in our economic interest. China is concluding agreements with other countries to accede to the WTO. The issue is whether Americans get the full benefit of the strong agreement we negotiated. To do that, we need to enact permanent Normal Trade Relations (NTR) for China.

We give up nothing with this Agreement. As China enters the WTO, the United States makes no changes in our current market access policies. We preserve our right to withdraw market access for China in the event of a national security emergency. We make no changes in laws controlling the export of sensitive technology. We amend none of our trade laws. In fact, our protections against unfair trade practices and potential import surges are stronger with the Agreement than without it.

Our choice is clear. We must enact permanent NTR for China or risk losing the full benefits of the Agreement we negotiated, including broad market access, special import protections, and rights to enforce China's commitment through WTO dispute settlement. All WTO members, including the United States, pledge to grant one another permanent NTR to enjoy the full benefits in one another's markets. If the Congress were to fail to pass permanent NTR for China, our Asian, Latin American, Canadian, and European competitors would reap these benefits, but American farmers and other workers and our businesses might well be left behind.

We are firmly committed to vigorous monitoring and enforcement of China's commitments, and will work closely with the Congress on this. We will maximize use of the WTO's review

mechanisms, strengthen U.S. monitoring and enforcement capabilities, ensure regular reporting to the Congress on China's compliance, and enforce the strong China-specific import surge protections we negotiated. I have requested significant new funding for China trade compliance.

We must also continue our efforts to make the WTO itself more open, transparent, and participatory, and to elevate consideration of labor and the environment in trade. We must recognize the value that the WTO serves today in fostering a global, rules-based system of international trade—one that has fostered global growth and prosperity over the past half century. Bringing China into that rules-based system advances the right kind of reform in China.

The Agreement is in the fundamental interest of American security and reform in China. By integrating China more fully into the Pacific and global economies, it will strengthen China's stake in peace and stability. Within China, it will help to develop the rule of law; strengthen the role of market forces; and increase the contacts China's citizens have with each other and the outside world. While we will continue to have strong disagreements with China over issues ranging from human rights to religious tolerance to foreign policy, we believe that bringing China into the WTO pushes China in the right direction in all of these areas.

I, therefore, with this letter transmit to the Congress legislation authorizing the President to terminate application of Title IV of the Trade Act of 1974 to the People's Republic of China and extend permanent Normal Trade Relations treatment to products from China. The legislation specifies that the President's determination becomes effective only when China becomes a member of the WTO, and only after a certification that the terms and conditions of China's accession to the WTO are at least equivalent to those agreed to between the United States and China in our November 15, 1999, Agreement. I urge that the Congress consider this legislation as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

THE NATIONAL MONEY LAUNDERING STRATEGY FOR 2000—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105–310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2184. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial circuit of the United States into two circuits, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–7907. A communication from the Director, Operational Test and Evaluation, and the Deputy Under Secretary, Science and Technology, Department of Defense transmitting, pursuant to law, a report relative to laboratories and centers selected for a pilot program; to the Committee on Armed Services.

EC–7908. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–7909. A communication from the Deputy Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances transmitting, pursuant to law, the 1999 report on conditional pesticide registrations; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7910. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Approving Flight Courses for Educational Assistance Programs'' (RIN2900–AI76), received March 7, 2000; to the Committee on Veterans' Affairs.

EC–7911. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the Office of Thrift Supervision's 2000 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–7912. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–7913. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services; Finance and Accounting; Passports and Visas'', received March 7, 2000; to the Committee on Foreign Relations.

EC–7914. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received March 7, 2000; to the Committee on Governmental Affairs.

EC–7915. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–7916. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NAC–MPC Addition'', received March 7, 2000; to the Committee on Environment and Public Works.

EC–7917. A communication from the General Counsel, National Science Foundation transmitting, pursuant to law, the report of a rule entitled ''Revision of National Science Foundation Freedom of Information Act and Privacy Act Regulations and Implementation of Electronic Freedom of Information Act Amendments of 1996'' (RIN3145–AA31) (RIN3145–AA32), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7918. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law , the report of a rule entitled ''Miscellaneous Administrative Revisions to the NASA FAR Supplement'', received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7919. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Prehistoric Cultures of the Republic of El Salvador'' (RIN1515–AC61), received March 7, 2000; to the Committee on Finance.

EC–7920. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Melons Grown in South Texas; Increased Assessment Rate'' (Docket Number FV00–979–I FR), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7921. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research and Information Order; Referendum Procedures'' (Docket Number FV–99–702–FR), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7922. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Pork Promotion and Research'' (Docket Number LS–98–007), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80C2; Docket No. 99–NE–24 [2–29/3–6]'' (RIN2120–AA64) (2000–0129), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes; Correction; Docket No. 99–NM–336 [3–2/3–6]'' (RIN2120–AA64) (2000–0128), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas MD–11 Series Airplanes; Request for Comments; Docket No. 2000–NM–61

[3–3/3–6]'' (RIN2120–AA64) (2000–0127), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–111 and –300 Airplanes; Request for Comments; Docket No. 2000–NM–59 [3–7/3–6]'' (RIN2120–AA64) (2000–0126), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 98–SW–64 [3–1/3–6]'' (RIN2120–AA64) (2000–0130), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alexander Schleicher Segelflugzeubau Models ASH 25M and ASH 26E Sailplanes; Request for Comments; Docket No. 99–CE–78 [3–1/3–6]'' (RIN2120–AA64) (2000–0131), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc., Model MD600N Helicopters; Docket No. 99–SW–54 [3–1/3–6]'' (RIN2120–AA64) (2000–0132), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Big Bear City, CA; Docket No. 99–AWP–26 [3–7/3–6]'' (RIN2120–AA66) (2000–0065), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7931. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations; Henderson Harbor, NY (CGD09–99–081]'' (RIN2115–AA98) (2000–0003), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7932. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Traffic Separation Scheme in the Approaches to Delaware Bay (CGD97–004]'' (RIN2115–AF42) (2000–0001), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

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

POM–429. A resolution adopted by the Miami, FL City Commission relative to the Nicaraguan and Central American Relief Act; to the Committee on the Judiciary.

RESOLUTION NO. 100

Whereas, on 1997, the Senate and House of Representatives of the United States enacted legislation, known as the Nicaraguan and Central American Relief Act (''NACARA''), to provide nationals from Nicaragua and certain Central American countries relief from removal and deportation from the United States; and

Whereas, the deadline to submit and complete NACARA applications with supporting documents and motions expired November, 1999; and

Whereas, the City Commission wishes that the same privileges and rights bestowed to Nicaraguan and Central American nationals be extended to Haitian immigrants; now, therefore, be it

Resolved by the Commission of the city of Miami, Florida:

SECTION 1. The recitals and findings contained in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

SECTION 2. The Federal Government is hereby urged to extend the deadline for a period of six months for those individuals eligible to file applications and motions to gain lawful immigration status under the Nicaraguan and Central American Relief Act (''NACARA'').

SECTION 3. The Federal Government is hereby further urged to enact and implement legislation to extend the same rights and privileges granted under NACARA to Haitian immigrants.

SECTION 4. The City Clerk is hereby directed to transmit a copy of this Resolution to President William J. Clinton, Vice-President Albert Gore, Jr., Speaker of the House of Representatives J. Dennis Hastert, Attorney General Janet Reno, United States Immigration and Naturalization Service Commissioner Doris Meissner, Senators Connie Mack and Bob Graham, and all the members of the United States House of Representatives for Miami-Dade County.

SECTION 5. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

Passed and adopted this 27th day of January, 2000.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Jay Johnson, of Wisconsin, to be Director of the Mint for a term of five years.

Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers.

(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.)

By Mr. MCCONNELL for the Committee on Rules and Administration.

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 2005. (Reappointment)

Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission for a term expiring April 30, 2005.

(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 time and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. BENNETT, Mr. BOND, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. CAMPBELL, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SHELBY, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. ABRAHAM, and Mr. HAGEL):

S. 2214. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 2215. A bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:

S. 2216. A bill to direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided by the Agency on a non-emergency basis for a construction project, that products used in the project be produced in the United States; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. LOTT):

S. 2217. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND (for himself, Ms. MIKULSKI, Mr. GRASSLEY, Mr. AKAKA, Mr. WARNER, Mr. SARBANES, and Mr. ROBB):

S. 2218. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 2219. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for community learning and successful schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD:

S. 2220. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, 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.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. WELLSTONE, Mr. SCHUMER, and Mr. SANTORUM):

S. 2221. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TORRICELLI:

S. 2222. A bill to provide for the liquidation or reliquidation of certain color television receiver entries to correct an error that was made in connection with the original liquidation; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2223. A bill to establish a fund for the restoration of ocean and coastal resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, and Mr. LEAHY):

S. 2224. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Energy and Natural Resources.

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:

S. Con. Res. 92. A concurrent resolution applauding the individuals who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions during the period beginning before World War II and continuing through the end of the Cold War, supporting efforts by the Office of Naval Research to honor those individuals, and expressing appreciation for the ongoing efforts of the Office of Naval Research; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. BENNETT, Mr. BOND, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. CAMPBELL, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SHELBY, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. ABRAHAM, Mr. HAGEL):

S. 2214. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION TO ESTABLISH AND IMPLEMENT A COMPETITIVE OIL AND GAS LEASING PROGRAM

Mr. MURKOWSKI. Mr. President, let me advise you, yesterday at the close of business, the posted price of oil was $34.13 a barrel. The Dow was down 374 points. The share price of one company, Procter & Gamble, plunged 30 percent as a consequence of their third quarter profits falling off because of the high cost of oil.

We have a crisis in this country. Today, I rise to introduce legislation on behalf of myself and 33 other Members that I believe, and they believe with me, offers the United States its best chance to reduce our dependence on foreign oil; that is, by producing more oil domestically.

We have seen the oil price rise in the last year from roughly $10 to over $30 a barrel. That is a pretty dramatic increase. There is an inflation factor associated with this. While we have not really addressed it, it is fair to say that for every $10 increase in the price of a barrel of oil, there is an inflation factor of about a half of 1 percent. Alan Greenspan has been quoted as saying, ''I have never seen a price spike on oil that I have ever ignored.''

So we are now in a situation where we have seen heating oil prices in the Northeast reach historic highs this winter, nearly $2 a gallon. We are seeing a surcharge on our airline tickets of $20. You do not see it at the counter where you buy your ticket; of course not. You do not know what the price of a ticket generally is because they have so many prices between point A and point B. But it is there. It is $20. The American public ought to be questioning that. They at least ought to be aware of it, if they do not question it.

Regarding diesel prices, we saw the truckers come to Washington, DC. Diesel prices are the highest since the Department of Energy began tracking.

We are in a crisis. We have to do something about it. There are many factors that contribute to the price structure of each particular fuel, but underlying all of these, without a doubt, is our reliance on imported crude oil. We are 56-percent dependent on foreign crude oil. The current reserves indicate we are consuming twice as much crude in the U.S., as we are able to produce domestically.

I had the professional staff of the Energy and Natural Resources Committee trying to do a forecast, with the Department of Energy—we have a net decline because we are using more crude reserves than we are bringing in—about what time the bear goes through the buckwheat; that is, when perhaps we are looking at $2 a gallon, $2.50 a gallon for gasoline. Relief is not in sight as yet.

The worst part of it is this did not come without some warning. Those of us from oil-producing States, my State of Alaska, the overthrust belt—Louisiana Senators, Texas, Mississippi, other areas, Colorado, Oklahoma, Utah, Wyoming—have been predicting the dangers of increased dependence on imported oil. The administration, Department of Energy, has forecast by the years 2015 to 2020 we will be approaching 65-percent dependence on imported oil. The problem with that is it looks now as if that is a goal rather than a forecast. They are not taking any steps to relieve us of that dependency.

The facts, I think, are staggering. If you look at what is happening in this country, domestic production has decreased 17 percent since 1990. That is a fact. Consumption, however, has increased 14 percent. I have a chart to show this. It shows, I think very clearly, what is happening in this country.

We are seeing the demand, and that is the black line here, going, in 1990, from 16 million to 19 million barrels per day. So what is happening is we see a constant demand going up. Then what happens on the offset? Where is the crude production? The crude production is declining, from 7.4 to a domestic production of 5.9.

This reflects the reality of what has been happening. This should not come as a great surprise to the Department of Energy, the Clinton administration, or the Congress of the United States. This has been coming for some time.

In one year, total petroleum net imports rose 7.6 percent. So, as we look for relief, we look towards imports. Now we are 56-percent dependent. What does it mean? It means we do not learn from history. We do not learn much. In 1973, when we had the Arab oil embargo—some people remember the gasoline lines around the block—at that time, we were 37-percent dependent on imported oil. We said it would never happen again. We said we would create a Strategic Petroleum Reserve to ensure we were not held hostage.

What did other countries do? Different things. The French, for example, said they would never be held hostage by the Mideast again, and they departed on a nuclear program so that today the French are over 90-percent dependent on nuclear energy. We do not have that situation in the United States. I simply point that out to direct attention to what some countries have done with their energy policy vis-a-vis others. What we have done is very little.

We fought a war over in the Mideast, didn't we? We fought that war, Desert Storm, to keep Saddam Hussein from invading Kuwait and taking over those oil fields. During Desert Storm, we were 46-percent dependent. Today we are held hostage to aggressive OPEC pricing policies. What has our response been?

Secretary of Energy Richardson went to the Mideast. Some suggest it was the greatest hostage recovery effort since the Carter administration sent the military to Tehran. He went there and said: We have an emergency in the United States. We have a crisis. We need you to produce more oil.

Do you know what they told him? They looked him in the eye and they said: We are going to have a meeting March 27 and we will address our policies then.

That is hardly responding to an emergency, particularly at a time when he reminded them of how quickly

we responded to the emergency when Saddam Hussein was about to invade Kuwait. Nevertheless, that is reality, that is business, that is the attitude of OPEC. This time the hostage is our country, our energy security—and the rescue mission is flawed.

We can look to the non-OPEC countries for relief. We can look to Venezuela. We can look to Mexico.

I happened to have a little feedback from Mexico. We went down to Mexico. The Secretary met with them and said we need you to produce more oil. There was a message, and that message that came back from Mexico is: Where was the United States when the Mexican economy was in the tank? When oil was selling at $11 a barrel, were you, the United States, doing anything to help out Mexico and its economy? Clearly, we were not. We were very happy to get $11, $12 oil.

So somebody said: If the shoe fits, wear it.

We have been stiffed. We have been poked in the eye because OPEC is saying: Ho, ho, the United States—do you know what the United States could do, if they wanted to do a favor for the consumer? They can waive all their taxes, waive all the highway taxes, waive all the State taxes. That will bring the price down.

It is an interesting suggestion. Obviously, it is unacceptable to us and an indignity, but I think it is sobering to recognize that is their proposed answer.

The irony that Iraq has emerged as the fastest growing source of U.S. oil imports is something beyond comprehension. We need to question where we are placing the Nation's energy security. Are we placing it with Saddam Hussein? That is where our imported oil is coming.

Our own Government agencies question this policy. Isn't that interesting? They question the policy they make.

Here is the statement on a chart. This is at a time when the administration is suppressing domestic production. This is from the Minerals Management Service:

> Much of the imported oil that the United States depends on comes from areas of the world that may be hostile to the interest of the United States and where political instability is a concern.

That speaks for itself. The Mideast is unstable. We see our friends in Libya, Iran, Iraq, and now the relationship between Iran and Iraq seems to be closer than it ever was. We are caught in the middle.

In the meantime, What has happened to our domestic industry? It is interesting. We have seen in the oil industry a 28-percent decline in jobs, a 77-percent decline in oil rigs that are used in exploration, and we have seen a 7-percent decline in reserves. That is the largest decline in 53 years.

This is what we are doing, particularly under this administration, relative to encouraging domestic exploration and drilling: Rigs drilling for oil are down from 657 in 1990 to roughly 153 in 2000.

What has our energy policy been under the Clinton-Gore administration? Coal: Highly dependent on coal. But EPA filed a lawsuit against eight electric utilities with coal-fired powerplants. The lawsuit says these plants have been allowed to extend beyond their lifespan, and the management says they are trying to maintain these plants according to the permitting process and not necessarily extending their life.

One gets a different point of view, but clearly there is going to be employment for a lot of attorneys.

Hydro: Secretary Babbitt wants to be the first Secretary to tear down dams. It is estimated by my colleagues from the Pacific Northwest that if the dams go down, we are going to see roughly 2,000 trucks per day on the highways to replace the barge service, particularly in Oregon, and the environmental air quality and congestion issues will be significant.

Nuclear power: The administration opposes this. They do not want to address what they are going to do with nuclear waste on their watch.

Natural gas: It is the fuel of the future, but they have closed so much of the public lands; 60 percent of the overthrust belt is off limits in the Rocky Mountain area, which is Colorado, Wyoming, Montana, Utah, New Mexico, North Dakota, and South Dakota. They estimate there is 137 trillion cubic feet of gas out there. And as a consequence, but they have put 60 percent of the area off limits.

Let's look at one more thing. If we look at our reliance on natural gas and oil, we recognize that we are not going to change over the next 20 or 25 years, as much as we would like to have greater dependence on alternative energy sources. The realization is the technology is not there. We have to continue to encourage them. The real answer is long-term and short-term relief. There is some short-term potential relief in repealing the Clinton-Gore gas tax hike. With prices at the pump steadily rising, one thing we can do is suspend the 4.3 cent-per-gallon Clinton-Gore gas tax. That came in 1993. The Democratic Congress, without a single Republican vote, adopted the Clinton-Gore gas tax as part of one of the largest tax increases in history.

That tax has cost the American motorist $43 billion over the last 6 years. We can suspend this tax until the end of the year when prices may be stabilized, and we can make sure the highway trust fund is reimbursed for any lost revenue so we can ensure all highway construction authorized will be constructed.

It is interesting to note that when Clinton-Gore passed this tax, it was not used for highway construction; it was used for Government spending, until Republicans took over Congress and authorized the tax to be restored for highway construction.

Long-term fixes: We need to stimulate the domestic oil and gas industry. We need to get in the overthrust belt. We need the Department of Interior to open up these areas, and we need a long-term fix. It involves legislation that I am introducing to authorize the opening of the Coastal Plain.

I will show my colleagues what I am talking about. This is an area that lies in the northeast corner of Alaska, north of the Arctic Circle, 1,300 miles south of the North Pole. The pipeline of Prudhoe Bay over the last 30 years has produced 25 percent of the total crude oil produced in this country.

I will show another chart because we have to put this area in perspective, otherwise you lose it.

The Arctic National Wildlife Refuge consists of 19 million acres in its entirety. We have set aside in wilderness permanently 8 million acres. We set another 9.5 million acres in refuge, permanently—no drilling, nothing in those two areas. But Congress set aside what they call the 1002 area, the Coastal Plain, for a determination of whether or not to open it for competitive oil and gas bids. The Eskimo people of Kaktovik, a little village there, support exploration in this area. The geologists say it is the most likely area for a significant find.

We propose a competitive lease sale. We propose only exploration in the wintertime, that way we will make no footprint on the ground. There is roughly 1.5 million acres on the Coastal Plain. The industry says if they are allowed to develop it with the technology they have, they will use less than 2,000 acres in the entirety of the 1.5 million acres. That is the kind of footprint the technology gives us.

As we look at national energy security, we have to look at some long-term solutions because Prudhoe Bay, as can be seen on this chart, shows a good degree of compatibility with abundant wildlife. This shows Prudhoe Bay field and the caribou wandering around. This is the pipeline that goes 800 miles to Valdez. If the oil is where we think it is, we simply extend the pipeline over to Prudhoe Bay and produce it.

This chart shows what frequently happens on the pipeline. Here are some bears going for a little walk on the pipeline enjoying the afternoon. They get away from bugs and flies, and it is easier walking on the pipeline than it is in the heavy snow. They know what they are doing.

I conclude by recognizing in October our Vice President made a statement that he is going to do everything in his power to make sure there is no new drilling off our coastal areas relative to OCS lease sales. I think that statement is going to come back and haunt the administration and certainly haunt the Vice President because if we do not go for OCS activities, we are not going to go anywhere.

I ask unanimous consent that a letter from the Sierra Club soliciting visitations to Washington to lobby Members of Congress be printed in the RECORD. The Sierra Club pays for all the meals, all the transportation, and all the lodging for these recruits it is simply reflective of the other point of view and that they are attempting to influence us on this issue. It is a good issue for revenue, for their membership.

I also ask unanimous consent to have printed in the RECORD a copy of the proposed lease sale by the Gwich'in people of Venetie for their lands on the North Slope that they hold, which is about 1.8 million acres. It is necessary that you understand the opposition. This will give you a point of view that, indeed, the opposition was prepared to lease their land. The only unfortunate problem was, there was no oil on it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From SC—Action Vol. II, January 6, 2000]

THE ARCTIC REFUGE NEEDS YOUR HELP:

This February 5–9, the Sierra Club, together with the Alaska Wilderness League, the Wilderness Society and the National Audubon Society, is hosting another National Arctic Wilderness Week in Washington, DC. Support from the grassroots is the key to protecting the Arctic National Wildlife Refuge and its fragile coastal plain—and this gathering will help arm you with the skills and knowledge you need be build support in your own community.

HANDS-ON TRAINING

Arctic Wilderness Week is your introduction to the campaign to protect the Arctic Refuge and its vast array of wildlife—polar bears, grizzlies, caribou, and thousands of migratory birds—from the ravages of oil and gas development. If you can make it on Friday night, the training begins with a potluck dinner and a chance to meet other like-minded wilderness and environmental activists. Saturday and Sunday offer two full days of intensive skills training, including message development, media communications and legislative advocacy. All of it will be tied together with hands-on role playing and campaign planning exercises.

If you can stay longer, on Monday and Wednesday we'll brush up your lobbying skills. You'll be pounding the marble halls of Congress, meeting with your own Congressional Representatives and Senators or their staffs. It's your chance to make your voice heard!

WE'VE GOT YOU COVERED

We know your time is valuabel—so we don't ask you to cover all of your expenses for the trip. You pay a $40 registration fee (some scholarships available), and we'll pay for your travel to D.C., your hotel (two per room), a continental breakfast each morning, and several dinners. Unfortunately, space is limited. And we are making it a priority to bring in activists from a number of targeted states and media markets—where our public education efforts are most critical. To find out if you're eligible, contact Dana Wolfe of the Sierra Club at (202) 675–6690. We'll send you a packet of information about the battle to save the Arctic Refuge and a tentation agenda for the wilderness training.

Please join us in Washington and be a hero for America's great Arctic wilderness!

NATIVE VILLAGE OF VENETIE,
March 21, 1984.

To Whom It May Concern:

This letter is authorization for Donald R. Wright, as our consultant, to negotiate with any interested persons or company for the purpose of oil or gas exploration and production on the Venetie Indian Reservation, Alaska; subject to final approval by the Native village of Venetie Tribal Government Council.

NATIVE VILLAGE OF VENETIE

REQUEST FOR PROPOSALS FOR OIL & GAS LEASES

The Native Village of Venetie Tribal Government hereby gives formal notice of intention to offer lands for competitive oil and gas lease. This request for proposals involves any or all of the lands and waters of the Venetie Indian Reservation, U.S. Survey No. 5220, Alaska, which aggregates 1,799,927.65 acres, more or less, and is located in the Barrow and Fairbanks Recording Districts, State of Alaska. These lands are bordered by the Yukon River to the South, the Christian River to the East, the Chandalar River to the West and are approximately 100 miles west of the Canadian border on the southern slope of the Brooks Range and about 140 miles East of the Trans-Alaska Pipeline. Communities in the vicinity of the proposed sale include Arctic Village, Christian and Venetie. Bidders awarded leases at this sale will acquire the right to explore for, develop and produce the oil and gas that may be discovered within the leased area upon specific terms and provisions established by negotiation, which terms and provisions will conform to the current Federal oil and gas lease where applicable.

Bidding method

The bidding method will be cash bonus bidding for a minimum parcel size of one-quarter of a township, or nine (9) sections, which is 5,760 acres, more or less, and a minimum annual rent of $2.00 per acre. There shall be a minimum fixed royalty of twenty percentum (20%).

Length of lease

All leases will have an initial primary term of five (5) years.

Other terms of sale

Any bidder who obtains a lease from the Native Village of Venetie Tribal Government as a result of this sale will be responsible for the construction of access roads and capital improvements as may be required. All operations on leased lands will be subject to prior approval by the Native Village of Venetie Tribal Government as required by the lease. Surface entry will be restricted only as necessary to protect the holders of surface interests or as necessary to protect identified surface-resource values.

Prior to the commencement of lease operations, an oil and gas lease bond for a minimum amount of $10,000.00 per operation is required. This bonding provision does not affect the Tribal Government's authority to require such additional unusual risk bonds as may be necessary.

Bidding procedure

Proposals must be received by 12:00 p.m. sixty (60) days from the date of this Request for Proposals, at the office of the Native Village of Venetie Tribal Government, Attention, Mr. Don Wright, S. R. Box 10402, 1314 Heldiver Way, Fairbanks, Alaska 99701, telephone (907) 479–4271.

Additional information

A more detailed map of reservation lands and additional information on the proposed leases are available to the bidders and the public by contacting Mr. Don Wright at the office identified above.

DATED this 2nd day of April, 1984.

Native Village of Venetie Tribal Government, Allen Tritt, Second Chief.

DONALD R. WRIGHT,
Authorized Consultant.

Mr. MURKOWSKI. I encourage my colleagues to look at this legislation and recognize that we have to decrease our dependence on imported oil. The best way to do that is to stimulate domestic production here at home. The Coastal Plain of ANWR is one way to do it.

I thank the Chair and wish everybody a good day.

By Mr. HUTCHINSON:

S. 2215. A bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

NONCOMMERCIAL BROADCASTING ELIGIBILITY ACT OF 2000

Mr. HUTCHINSON. Mr. President, in late-December 1999, the Federal Communications Commission took the unusual and aggressive step to restrict the programming of noncommercial television stations by not allowing certain types of religious programming.

Within the context of a license transfer involving a noncommercial television station in Pittsburgh, PA, the FCC attempted to establish guidelines for what they felt were ''acceptable'' educational religious programming.

The commission states in the Additional Guidance section of their decision document that, ''. . . programming primarily devoted to religious exhortation, proselytizing, or statements of personally-held religious views or beliefs generally would not qualify as 'general educational' programming.''

As a former religious broadcaster, this type of misguided agenda coming from a nonelected agency of the federal government is very disturbing. My office was flooded with letters and phone calls from Arkansans who were worried that the Federal Government had finally made an overt attempt to restrict what religious programming we watch on television or listen to on the radio.

Surprisingly, the national media remained strangely quiet despite the serious free speech implications and first amendment violation by the commission's ruling.

Soon after the FCC's controversial decision, I sent a letter to Chairman Kennard, along with Senators NICKLES, HELMS, ENZI, and INHOFE, criticizing the commission's actions. Congressman OXLEY introduced legislation in the House to address this issue.

Although I am a cosponsor of Senator BROWNBACK's companion bill to Congressman OXLEY's bill, I do not believe this legislation to prevent future attempts by the FCC to restrict religious programming goes far enough.

That is why I am introducing S. 2215, the ''Noncommercial Broadcasting Eligibility Act of 2000.''

Simply put, my bill would effectively deny the FCC the ability to create new rules defining what is appropriate and eligible programming for noncommercial television and radio stations, while creating a ''clear and simple test'' and guidance as to what programming noncommercial television and radio broadcasters may broadcast.

This ''clear and simple test'' is based on the well-established guidelines from section 501(c)(3) and 513 (a) and (c) of the Internal Revenue Code of 1986.

By requiring the FCC to look to the well-established guidance used by the Internal Revenue Service and the courts in defining what is ''substantially related'' programming, my legislation gives noncommercial broadcasters the ability to broadcast programming that is ''substantially related'' to their tax-exempt purpose, whether it be educational, religious, or charitable.

It is clear that the FCC intended to restrict religious programming and may be inclined to do so in the future. The commission should not be allowed to circumvent the United States Constitution and pursue its own political agenda.

Again, the Noncommercial Broadcasting Eligibility Act of 2000 will help prevent future misguided attempts by the FCC to limit our rights which are protected by the first amendment to the United States Constitution.

I ask that my colleagues join me by cosponsoring this bill and making it clear that the Senate will not stand idly by as the FCC attempts to unilaterally decide what religious programming is in the public's best interest.

I think it is outrageous for a nonelected agency to decide that a church service is not educational or that certain choral presentations do not fit their accepted definition of religious education. It is time that we draw the line. This legislation will do that. I ask my colleagues to join me in it.

By Mr. CAMPBELL:

S. 2216. A bill to direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that products used in the project be produced in the United States; to the Committee on Environment and Public Works.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY BUY AMERICAN COMPLIANCE ACT

Mr. CAMPBELL. Mr. President, today I am introducing the Federal Emergency Management Agency Buy American Compliance Act, legislation which would apply the requirements of the Buy American Act to non-emergency Federal Emergency Management Agency (FEMA) assistance payments.

The Buy American Act was designed to provide a preference to American businesses in the federal procurement process. Currently, when FEMA awards grants for non-emergency projects, the agency itself adheres to the requirements of the Buy American Act. However, when FEMA awards taxpayer money to state or local entities in the form grants, those entities are not similarly required to comply with the Buy American Act's standards. This disparity needs to be changed.

Mr. President, the Buy American Act's requirements should be applied to all FEMA non-emergency grants. It should not make a difference whether FEMA is directly spending federal tax dollars or passing those same federal tax dollars on to states or local governments for them to spend. The Buy American Act's standards should apply to all federal dollars distributed by FEMA for non-emergency situations, no matter who is spending it. It is only right that we ensure that the American people's federal tax dollars are spent according to the Buy American Act.

The Buy American Act is necessary to protect American firms from unfair competition from foreign corporations. Many of the nations we trade with have significantly lower labor costs than the United States. Without the safeguard provided by the Buy American Act foreign companies are able to underbid American companies on U.S. government contracts.

It is important to understand the Buy American Act's criteria for determining whether a product is foreign or domestic. The nation where the corporation is headquartered is irrelevant—the Buy American Act is focused upon the origin of the materials used in the construction project. In order to be considered an American product, the product in question has to fulfill the following two criteria; first; the product must be manufactured in the United States, and second; the cost of the components manufactured in the United States must constitute over 50 percent of the cost of all the components used in the item.

My proposed legislation would stipulate that federal funds distributed by FEMA as financial assistance could only be used for projects in which the manufactured products are American made, according to the criteria established by the Buy American Act. The House version of this legislation has been recently introduced by Congressman MICHAEL COLLINS of Georgia.

Mr. President, it does not make sense that the American people's hard earned tax dollars should be allowed to slip through a loophole that makes it possible for some entities to avoid the Buy American Act. The Buy American Act should apply to all who spend FEMA non-emergency funds. When these federal funds are passed down from FEMA to another government agency, those other government agencies should also be required to abide by the Buy America Act.

Mr. President, I introduce this legislation in order to ensure there is consistency in the law, with regard to FEMA and the provisions of the Buy American Act. I hope my colleagues will join me in supporting passage of this pro-American measure.

I ask unanimous consent that the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2216

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 Emergency Management Agency Buy American Compliance Act''.

SEC. 2. APPLICABILITY OF BUY AMERICAN REQUIREMENTS TO FEMA ASSISTANCE.

(a) DEFINITIONS.—In this Act:

(1) AGENCY.—The term ''Agency'' means the Federal Emergency Management Agency.

(2) AGREEMENT.—The term ''Agreement'' has the meaning given the term in section 308 of the Trade Agreements Act of 1979 (19 U.S.C. 2518).

(3) DIRECTOR.—The term ''Director'' means the Director of the Federal Emergency Management Agency.

(4) DOMESTIC PRODUCT.—The term ''domestic product'' means a product that is mined, produced, or manufactured in the United States.

(5) PRODUCT.—The term ''product'' means—

(A) steel;

(B) iron; and

(C) any other article, material, or supply.

(b) REQUIREMENT TO USE DOMESTIC PRODUCTS.—Except as provided in subsection (c), the Director shall require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that the construction project use only domestic products.

(c) WAIVERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirements of subsection (b) shall not apply in any case in which the Director determines that—

(A) the use of a domestic product would be inconsistent with the public interest;

(B) a domestic product—

(i) is not produced in a sufficient and reasonably available quantity; or

(ii) is not of a satisfactory quality; or

(C) the use of a domestic product would increase the overall cost of the construction project by more than 25 percent.

(2) LIMITATION ON APPLICABILITY OF WAIVERS WITH RESPECT TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—A product of a foreign country shall not be used in a construction project under a waiver granted under paragraph (1) if the Director, in consultation with the United States Trade Representative, determines that—

(A) the foreign country is a signatory country to the Agreement under which the head of an agency of the United States waived the requirements of this section; and

(B) the signatory country violated the Agreement under section 305(f)(3)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(f)(3)(A)) by discriminating against a domestic product that is covered by the Agreement.

(d) CALCULATION OF COSTS.—For the purposes of subsection (c)(1)(C), any labor cost involved in the final assembly of a domestic product shall not be included in the calculation of the cost of the domestic product.

(e) STATE REQUIREMENTS.—The Director shall not impose any limitation or condition on assistance provided by the Agency that restricts—

(1) any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies

mined, produced, or manufactured in foreign countries in construction projects carried out with Agency assistance; or

(2) any recipient of Agency assistance from complying with a State requirement described in paragraph (1).

(f) REPORT ON WAIVERS.—The Director shall annually submit to Congress a report on the purchases from countries other than the United States that are waived under subsection (c)(1) (including the dollar values of items for which waivers are granted under subsection (c)(1)).

(g) INTENTIONAL VIOLATIONS.—

(1) IN GENERAL.—A person described in paragraph (2) shall be ineligible to enter into any contract or subcontract carried out with financial assistance made available by the Agency in accordance with the debarment, suspension, and ineligibility procedures of subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations (or any successor regulation).

(2) PERSONS INELIGIBLE TO RECEIVE CONTRACT OR SUBCONTRACT.—A person referred to in paragraph (1) is any person that a court of the United States or a Federal agency determines—

(A) has affixed a label bearing a ''Made in America'' inscription (or any inscription with the same meaning) to any product that is not a domestic product that—

(i) was used in a construction project to which this section applies; or

(ii) was sold in or shipped to the United States; or

(B) has represented that a product that is not a domestic product, that was sold in or shipped to the United States, and that was used in a construction project to which this section applies, was produced in the United States.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. LOTT):

S. 2217. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

Mr. CAMPBELL. 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. 2217

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 Museum of the American Indian Commemorative Coin Act of 2000'', or the ''American Buffalo Coin Commemorative Coin Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Smithsonian Institution was established in 1846, with funds bequeathed to the United States by James Smithson for the ''increase and diffusion of knowledge'';

(2) once established, the Smithsonian Institution became an important part of the process of developing the United States' national identity, an ongoing role which continues today;

(3) the Smithsonian Institution, which is now the world's largest museum complex, including 16 museums, 4 research centers, and the National Zoo, is visited by millions of Americans and people from all over the world each year;

(4) the National Museum of the American Indian of the Smithsonian Institution (referred to in this section as the ''NMAI'') was established by an Act of Congress in 1989, in Public Law 101–185;

(5) the purpose of the NMAI, as established by Congress, is to—

(A) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(B) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest; and

(C) provide for Native American research and study programs;

(6) the NMAI works in cooperation with Native Americans and oversees a collection that spans more than 10,000 years of American history;

(7) it is fitting that the NMAI will be located in a place of honor near the United States Capitol, and on the National Mall;

(8) thousands of Americans, including many American Indians, came from all over the Nation to witness the groundbreaking ceremony for the NMAI on September 28, 1999;

(9) the NMAI is scheduled to open in the summer of 2002;

(10) the original 5-cent buffalo nickel, as designed by James Earle Fraser and minted from 1913 through 1938, which portrays a profile representation of a Native American on the obverse side and a representation of an American buffalo on the reverse side, is a distinctive and appropriate model for a coin to commemorate the NMAI; and

(11) the surcharge proceeds from the sale of a commemorative coin, which would have no net cost to the taxpayers, would raise valuable funding for the opening of the NMAI and help to supplement the endowment and educational outreach funds of the NMAI.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of the opening of the Museum of the American Indian of the Smithsonian Institution, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the $1 coins minted under this Act shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 through 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side, a representation of an American buffalo (also known as a bison).

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2001''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the United States Mint facility in Denver, Colorado should strike the coins authorized by this Act, unless the Secretary determines that such action would be technically or cost-prohibitive.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning on January 1, 2001.

(d) TERMINATION OF MINTING.—No coins may be minted under this Act after December 31, 2001.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge required by subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the National Museum of the American Indian of the Smithsonian Institution for the purposes of—

(1) commemorating the opening of the National Museum of the American Indian; and

(2) supplementing the endowment and educational outreach funds of the Museum of the American Indian.

(b) AUDITS.—The National Museum of the American Indian shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the museum under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured

by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

By Mr. CLELAND (for himself, Ms. MIKULSKI, Mr. GRASSLEY, Mr. AKAKA, Mr. WARNER, Mr. SARBANES, and Mr. ROBB):

S. 2218. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES AND UNIFORMED SERVICES GROUP LONG-TERM CARE INSURANCE ACT OF 2000

Mr. CLELAND. Mr. President, and Members of the Senate, I am very pleased to join with my distinguished colleagues, Senators BARBARA MIKULSKI and CHARLES GRASSLEY, to introduce our proposal for the largest employer-based long-term care insurance program in American history. Today, we are introducing the Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000.

At age 25, I returned from Vietnam facing the potential need for long-term care. I did not have the opportunity to plan for those needs and I was fortunate to avoid that outcome through the support of my family and the wonderful military health care system and VA system I encountered. Our legislation will provide federal employees, members of the Uniformed Services, including Reservists and the National Guard, retirees, spouses, parents and parents-in-law with the opportunity to plan for assistive care needs that become a necessity for all of us at some time in our lives.

Currently there are several measures pending in the Senate which offer different approaches to providing long-term care insurance to federal and military employees and their families. Our bill represents a carefully considered compromise between these competing approaches.

The Cleland-Mikulski-Grassley bill combines the features of our original proposals, S. 894, S. 57 and S. 36, as well as additional provisions to produce the most comprehensive proposal for an employer-based long-term care insurance program. Our legislation will:

One, allow federal employees, members of the Uniformed Services and Foreign Service, Reservists and retirees, spouses, parents, and parent-in-laws to purchase long-term care insurance at group rates.

Second, have premiums based on age (premiums are expected to be 10%–20% less than on the open market).

Third, provide individuals with options, including cash reimbursements for family caregivers, tax exemptions under the Health Insurance Portability and Accountability Act (HIPAA), and portability of benefits.

The current forecast for the cost of meeting long-term care needs of our aging population is staggering in terms of personal and national resources. Average nursing home costs are projected to increase from $40,000 per person per year today to $97,000 by 2030. Medicare and regular health insurance programs do not cover most long-term care needs. Medicaid can offer some long-term care support, but generally requires ''spend-down'' of income and assets to qualify. Additionally, very few employers offer a long-term care insurance benefit to their employees. We hope that our legislation will be a model that other employers will use in providing long-term care insurance for their employees and will lessen the financial burden on the Medicare and Medicaid programs.

Working families are too often being forced to choose between sending a child to college and paying for a nursing home for a parent. Families desperately need the tools to help themselves and to meet their family responsibilities.

Consider these astounding statistics:

Almost 6 million Americans aged 65 or older currently need long-term care.

As many as six out of 10 Americans have experienced a long-term care need either for themselves or a family member.

41% of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law.

80% of all long-term care services are provided by family and friends.

The need for this legislation is clear. By working together in a bipartisan cooperative spirit my fellow sponsors and I have bridged some significant differences in approach to craft a proposal which should have widespread support in the Senate. I hope and expect that we will take up and pass this bill this year. Those who have served, and are now serving, our nation deserve nothing less.

I ask unanimous consent that the Section-by-Section Analysis of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EMPLOYEES AND UNIFORMED SERVICES GROUP LONG-TERM CARE INSURANCE ACT—SECTION-BY-SECTION ANALYSIS

(To amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes)

Section 1 of the bill titles the bill as the ''Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000.''

Section 2 of the bill amends title 5, United States Code, to provide for the establishment and operation of the Program by adding a new chapter 90.

New section 9001 provides the definitions used in the administration of the Program. Included are the following:

''Activities of daily living'' includes eating, toileting, transferring, bathing, dressing, and continence.

''Annuitant'' has the meaning such term would have under section 8901(3), if for purposes of such paragraph, the term ''employee'' were considered to have the meaning of ''employee'' in (5) of this section.

''Appropriate Secretary'' means, except as otherwise provided, the Secretary of Defense; with respect to the United States Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation; with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

''Eligible individual'' means (A) an annuitant, employee, member of the uniformed services, or retired member of the uniformed services, or (B) a qualified relative of an individual described in (A).

''Employee'' means an employee as defined under section 8901(1)(A) through (D) and (F) through (I), but does not include an employee excluded by regulation of the Office under section 9010, and an individual described under section 2105(e).

''Member of the uniformed services'' means a person who (A) is a member of the uniformed services on active duty for a period of more than 30 days; or is a member of the Selected Reserve as defined under section 10143 of title 10, including members on (1) full-time National Guard duty as defined under section 101(d)(5) of title 10; or (2) active Guard and Reserve duty as defined under section 101(d)(6) of title 10; and (B) satisfies such eligibility requirements as the Office prescribes under section 9010.

''Office'' means the Office of Personnel Management.

''Qualified carrier'' means a company or consortium licensed and approved to issue group long-term care insurance in all States and to do business in each of the States.

''Qualified relative'' as used with respect to an eligible individual in this section means the spouse of such individual; a parent or parent-in-law of such individual; and any other person bearing a relationship to such individual specified by the Office in regulations.

''Retired member of the uniformed services'' means a member of the uniformed services entitled to retired or retainer pay (other than chapter 1223 of title 10) who satisfies such eligibility requirements as the Office prescribes under section 9010.

''State'' means a State of the United States, and includes the District of Columbia.

New section 9002 provides that any eligible individual may obtain coverage under this chapter; that a qualified relative must provide documentation to demonstrate the relationship as prescribed by the Office, and; an individual is not eligible for coverage if the individual would be immediately eligible to receive benefits upon obtaining coverage.

New section 9003 provides the contracting authority for the Office to use in establishing and operating the Program.

Paragraph 1 of subsection (a) of this section provides that the Office is authorized to contract with carriers for a policy or policies of group long-term care insurance for benefits specified in this chapter, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other statute requiring competitive bidding.

Paragraph (2) of this subsection states that the Office shall contract with a primary carrier for the assumption of risk; no less than 2 qualified carriers to act as reinsurers; and; as many qualified carriers as necessary to administer this chapter, which shall also act as reinsurers. The Office will ensure that each contract is awarded on the basis of contractor qualifications, price, and reasonable competition to the extent practicable. This

provision ensures that at least 3 companies or consortia will participate in the Program.

Subsection (b) gives the Office the authority to design a benefits package or packages and negotiate final offerings with qualified carriers.

Subsection (c) provides that each contract shall contain a detailed statement of the benefits offered, including any limitations or exclusions, the rates charged, and other terms and conditions as may be agreed upon by the Office and the carrier involved can be consistent with the provisions of this chapter.

Subsection (d) provides that premium rates shall reasonably reflect the cost of the benefits provided under a contract, as determined by the Office.

Subsection (e) provides that the coverage and benefits under this section shall be guaranteed renewable and may not be canceled except for nonpayment of premium.

Subsection (f) gives the Office the authority to withdraw an offering based on open season participation rates, the composition of the risk pool, or both.

Subsection (g) requires each contract to provide insurance, payment, or benefits to an individual if the Office, or a designated party, determines the individual is entitled to such under the contract. The subsection also requires reinsurers under (a)(2)(A)(ii) to participate in administrative procedures to effect an expeditious resolution of disputes arising under such contract, and where appropriate, one or more means of dispute resolution.

Subsection (h) provides in paragraph (1) that each contract shall be for a term of five years, unless terminated earlier by the Office. The rights and responsibilities of the enrolled individual, the insurer, and the Office (or a duly designated third party) under any contract shall continue until the termination of coverage of the individual.

Paragraph (2) of subsection (h) specifies that the termination of coverage shall occur upon the occurrence of death, the exhaustion of benefits, or nonpayment of premium as specified in subsection (e).

Paragraph (3) of subsection (h) provides that each contract under this section shall be consistent with regulations of the Office under section 9010 to (1) preserve all parties' rights and responsibilities under such contracts, notwithstanding the termination of such contract and (2) ensure that once an individual is enrolled, the coverage will not terminate due to any change in status, such as separation from Government service or the uniformed services, or ceasing to be a qualified relative.

Subsection (i) specifies that nothing in this chapter shall be construed to grant authority to the Office or a third party to change the rules under which the contract operates for disputed claims purposes.

New Section 9004 specifies the long-term care benefits to be provided under this chapter.

Subsection (a) states that benefits under this chapter will be long-term care insurance under qualified long-term care insurance contracts within the meaning of section 7702B of the Internal Revenue Code. Additionally, as determined appropriate by the Office, the benefits under such contracts will be consistent with the more stringent of the most recent standards of the National Association of Insurance Commissioners or such standards as recommended in 1993.

Subsection (b) of this requires each contract under this chapter to provide for: (1) adequate consumer protections; (2) adequate protections in the event of carrier bankruptcy; (3) the availability of benefits upon certification as to the individual's inability to perform at least 2 activities of daily living for a period of at least 90 days or substantial supervision of the individual to protect such individual from threats to health and safety due to severe cognitive impairment; (4) choice of service benefits; (5) availability of inflation protection; (6) portability of benefits; (7) length-of-benefit options; (8) options relating to flexible long-term care benefit options regarding care modalities, such as nursing home care, assisted living care, home care, and care by family members; (9) options relating to elimination periods; and (10) options relating to nonforfeiture benefits.

New section 9005 addresses the financing of the Program and makes clear that each individual enrolled for coverage must pay 100 percent of the charges for such coverage. Subsections (b) through (d) of this section provide for the withholding of premium from the pay of an employee or member of the uniformed services or the annuity of an annuitant or retired member of the uniformed services. Withholdings for a qualified relative, may at the discretion of the individual related to the relative, be withheld from pay as if the enrollment were for the qualified relative. An enrollee whose pay, annuity, or retired or retainer pay is insufficient to cover the withholding is required to remit the full amount of premiums directly to the carrier.

Subsection (e) of this section requires each carrier to account for all funds under this chapter separate and apart from funds unrelated to this chapter.

Subsection (f) of this section specifies that a contract under this chapter must include provisions under which the carrier must reimburse the Office or other administering agency for administrative costs incurred by the Office or other agency, including implementation costs. These costs are considered allocable to the carrier. Reimbursements under this section, except for the initial costs of implementation, must be deposited in the Employees Health Benefits Fund and held in a separate Long-Term Care Insurance Account. This account is available without limitation to the Office for purposes of this chapter.

New section 9006 provides that this chapter shall supersede and preempt any State or local law, or law of a territory or possession, which is inconsistent with the provisions of this chapter or, after consultation with the National Association of Insurance Commissioners, the efficient provision of a nationwide long-term care insurance Program for Federal employees. An exception applies to any financial requirement by a State or District of Columbia that is more stringent than the requirements of 9004(b)(1).

New section 9007 provides that each qualified carrier entering into a contract with this Office shall provide such reasonable reports as the Office determines necessary to carry out its functions and permit the Office and the General Accounting Office to examine the records of the carrier. It also requires Federal agencies to keep records and certifications, and furnish the Office, the carrier, or both with information the Office may require.

New section 9008 addresses claims for benefits under this chapter.

Subsection (a) of this section requires that claims be filed within 4 years after the date on which the reimbursable cost was incurred or the service was provided.

Subsection (b)(1) provides that benefits payable under this chapter are secondary to any other benefit payable for such cost or service, e.g., workers' compensation, no-fault insurance. It also provides that no benefit is payable where no legal obligation exists to pay.

Paragraph (2) of subsection (b) specifies the exceptions to the policy in paragraph (1) such that benefits payable under the medical assistance program of title XIX of the Social Security Act and any other Federal or State program that the Office may specify in regulations that provide health coverage designated to be secondary to other insurance coverage are secondary to benefits paid under this chapter.

New section 9009 specifies that a claimant may file suit against a carrier of the long-term insurance policy covering such claimant in the district courts of the United States, after exhausting all available administrative remedies.

New section 9010 requires the Office, in subsection (a), to prescribe regulations to carry out the requirements of this chapter.

Subsection (b) of this section that the Office shall prescribe the time at which and manner and conditions under which an individual can obtain or continue long-term care insurance, including the length of time for the first opportunity to enroll, the minimum period of coverage required for portability, and provisions for periodic coordinated enrollment.

Subsection (c) provides that the Office cannot exclude an employee or group of employees solely on the basis of the hazardous nature of employment or part-time employment.

Subsection (d) specifies that any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual or qualified relative shall be prescribed by the Office in consultation with the appropriate Secretary.

The Technical and Conforming Amendment amends the table of chapters for part III of title 5, United States Code, by inserting, after the item relating to chapter 89, the new reference to chapter 90, Long-Term Care Insurance.

Section 3 of the bill authorizes the appropriations of such sums as may be necessary to pay for costs incurred by the Office in the implementation of chapter 90, title 5, United States Code, from enactment of this Act to the date on which long-term care insurance coverage first becomes effective. Any reimbursements of such costs by carriers under 9005(f) of title 5, United States Code, are to be deposited in the General Fund.

Section 4 provides that the amendments made by this Act will be effective on the date of enactment. However, this section also provides that coverage will be effective under this Act not later than the first day of the first fiscal year beginning more than 2 years after the date of enactment. This time frame is necessary to negotiate contracts, preparation of materials, and the large task of educating the millions of potential enrollees about this Program.

• Ms. MIKULSKI. Mr. President, I rise today as a proud cosponsor of the ''Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000.'' This important piece of legislation represents a carefully considered compromise between several bills currently pending in the Senate.

I would like to thank Senator CLELAND and Senator GRASSLEY for all of their hard work in coming to a consensus on how best to provide federal and military employees, retirees, and their families with the opportunity to purchase long-term care insurance.

Since my first days in Congress, I have been fighting to help people afford the burdens of long-term care. Ten years ago, I introduced legislation to change the cruel rules that forced elderly couples to go bankrupt before

they could get any help in paying for nursing home care. Because of my legislation, AARP tells me that we've kept over six hundred thousand people out of poverty and stopped liens on family farms.

I also fought for higher quality standards for nursing homes. Through the Older Americans Act, seniors have easier access to information and referrals they need to make good choices about long-term care. I am also working hard to create a National Family Caregivers Program, so that families can access comprehensive information when faced with the dizzying array of choices in addressing the long-term care needs of a family member.

These are important steps. But unfortunately, we haven't made much progress in the last few years. We've been stymied by partisan bickering, shutdowns, and inaction. The long-term care crisis needs a long-term care solution. I am pleased to say that this new bipartisan legislation puts an important down payment on this solution.

Despite past disagreements on approaches to financing long-term care, everyone agrees that the crisis is growing. Nursing home costs are projected to increase from $40,000 today to $97,000 by 2030. This will only get worse since the number of senior citizens will double over the next thirty years. Families are being forced to choose between sending a child to college or paying for a nursing home for a parent, or a parent-in-law. I think that is wrong.

Consider these sobering statistics:

At least 5.8 million Americans aged 65 or older currently need long-term care

As many as six out of 10 Americans have experienced a long-term care need

41 percent of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law

80 percent of all long-term care services are provided by family and friends

Families desperately need the tools to help themselves and meet their family responsibilities. This bill is the first step in helping all Americans do just that. Let me tell you what our new legislation will do:

It will enable federal and military workers, retirees and their families to purchase long-term care insurance

It will provide help to those who practice self-help by offering employees the option to better prepare for their retirement and the potential need for long-term care

It will enable federal employees to buy long-term care insurance at group rates—they are projected to be 10%–20% below open market rates.

Participants will pay the entire premium but because of the lower premium this is a good deal for federal workers—and for taxpayers

I'm starting with federal employees for two reasons. First, as our nation's largest employer, the federal government can be a model for employers around the country. By offering long-term care insurance to its employees, the federal government can set the example for other employers whose workforce will be facing the same long-term care needs. Starting with the nation's largest employer also raises awareness and education about long-term care options.

I have a second reason for starting with our federal employees. I am a strong supporter of our federal employees. I am proud that so many of them live, work, and retire in Maryland. They work hard in the service of our country. And I work hard for them. Whether it's fighting for fair COLAs, lower health care premiums, or to prevent unwise schemes to privatize important services our federal workforce provide, they can count on me.

One of my principles is ''promises made should be promises kept.'' Federal retirees made a commitment to devote their careers to public service. In return, our government made certain promises to them. One important promise made was the promise of health insurance. The lack of long-term care for federal workers has been a big gap in this important promise to our federal workers. This legislation will close that gap and provide our federal workers and retirees with comprehensive health insurance.

Mr. President, I reiterate my commitment to finding long-term solutions to the long-term care problem. I am proud that this bipartisan bill takes an important step forward in helping all Americans to prepare for the challenges facing our aging population.•

Mr. AKAKA. Mr. President, it is with great pleasure that I cosponsor the Federal Employees and Uniformed Services Long-Term Care Group Insurance Act of 2000, introduced by the Senator from Georgia [Mr. CLELAND], the ranking minority member of the HELP Aging Subcommittee [Ms. MIKULSKI], and the chairman of the Special Committee on Aging [Mr. GRASSLEY]. This bipartisan legislation is testament to what can be accomplished when members from both sides of the aisle have a common goal. I salute the months-long effort undertaken by my colleagues and their staffs to bring this compromise bill to fruition.

As the ranking minority member of the Subcommittee on International Security, Proliferation, and Federal Services, with direct jurisdiction over this measure, I am mindful that there are several long-term care bills pending before the Subcommittee. However, I would like to point out that the three pending bills, S. 894, S. 57, and S. 36, are original proposals introduced by the Senators from Georgia, Maryland, and Iowa, who have combined features from each of their bills to craft a measure that will address the long-term care insurance needs of federal and military personnel and their families.

Many Americans mistakenly believe that Medicare and their regular health insurance programs will pay for long-term care. They do not. Although Medicaid provides some long-term care support, an individual generally must ''spend-down,'' his or her income and assets to qualify for coverage.

More and more Americans are requiring long-term care. About 5.8 million Americans aged 65 or older require long-term, care due to illness or disability. An approximately equal number of children and adults under the age of 65 also require long-term care because of health conditions from birth or a chronic illness developed later in life.

The need for long-term care is great. By the year 2030, the number of Americans age 65 years or older will double, from 34.3 to 69.4 million. The cost of nursing home care now exceeds $40,000 per year in many parts of the country, and home care visits for nursing or physical therapy runs about $100 per visit. In 1996, over $107 billion was spent on nursing homes and home health care. However, this figure does not take into account that fully 80 percent of all long-term care services are provided by family and friends.

In my own state of Hawaii, 13.2 percent of the population is persons 65 and older. Although Hawaii enjoys one of the highest life expectancies—79 years, compared to a national average of 75 years—the state's rapidly aging population will greatly impact available resources for long-term care, both institutional and from non-institutional sources. Hawaii's long-term care facilities are operating at full capacity. According to the Hawaii State Department of Health, the average occupancy rate peaked at 97.8 percent in 1994. But occupancy remains high. By 1997, the average occupancy dropped to 90 percent.

These statistics point to the overriding need to help American families provide dignified and appropriate care to their parents and relatives. We know that the demand for long-term care will increase with each passing year, and that federal, state, and local resources cannot cover the expected costs. Nursing home costs are expected to reach $97,000 by the year 2030.

What Congress can do, however, is make long-term care insurance available to a broad segment of the population and offer a model for the private sector. The bill introduced today will provide quality group long-term care insurance to the nation's federal employees, including postal workers, members of the Foreign Service, and Uniformed Services. Retirees of these agencies and their spouses, parents, and parents-in-law will be eligible to participate, and employees in a ''deferred annuitant status'' can enroll when retirement benefits are activated. The bill has broad-based support, including endorsement by the National Treasury Employees Union and the National Association of Retired Federal Employees, two federal employee unions, as well as the Military Consortium, an organization of the major military groups.

The proposal parallels portions of the President's four-part initiative designed to address long-term health, including having the federal government

serve as a model employer by offering quality private long-term care insurance to federal employees. The bill introduced today allows the Office of Personnel Management to use its market leverage to offer enrollee-paid quality private long-term care insurance to federal employees, military personnel, retirees, and their families at group rates. Participants would pay the full premium, whose costs are expected to be 10–20 percent lower than open market rates. There would be options, including cash reimbursement for family care givers, tax exemptions under the Health Insurance Portability and Accountability Act (HIPAA), and portability benefits—features that will provide enrollees the ability to tailor policies to individual needs.

Mr. President, I am pleased to be an original cosponsor of this bill, which will offer federal employees, uniformed service personnel, retirees, and their families an opportunity to plan for future long-term care needs in a responsible manner. I foresee this proposal as serving as a model for the private sector and state and local governments, and I again thank my colleagues for their diligence in crafting this compromise measure.

By Mr. ALLARD:

S. 2220. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

THE AMERICAN SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT ACT

Mr. ALLARD. Mr. President, I rise today to join my colleagues in this important discussion about the federal budget, the budget surplus, and the American government's economic future. When I first came to Congress in 1992 the discussion was radically different. The concept of a budget surplus, let alone long term projections for a surplus, was foreign. The notion that a national debt measured in trillions could ever be paid off was practically science fiction. While 1992 was only eight years ago, we stand on the floor of the Senate today a million miles away from the bleak fiscal outlook of those times. But we must be careful. While our present fiscal condition may be rose colored, fiscal irresponsibility and a refusal to wisely use the budget surplus can not only lead us back to our deficit spending ways of the past, but it will threaten the fiscal health of our nation for yet another generation of Americans. I am here today to urge my colleagues to address the responsibility that comes with a five-point-seven trillion dollar debt.

During the 105th Congress I introduced the American Debt Repayment Act. This legislation provided an amortization schedule for the repayment of the national debt. The largest purchase an average American family will ever make is the purchase of a home. This expenditure is made possible through the use of a mortgage, a set schedule of payment. When I was crafting the American Debt Repayment Act I studied this traditional form of payment and applied it to the enormous federal debt. Two short years later the outlook has somewhat changed as the federal government has run, and is estimated to continue to run, an on-budget surplus. During the previous two budget cycles we have witnessed an eagerness to spend more and more money. On-budget surplus dollars have become lumped in to the appropriations process to allow for increased spending. We have seen the results yielded by our time of prosperity as surplus money has been used to raise the discretionary spending level, allowing Congress to shy away from making some hard choices. The willingness to spend surplus dollars is so strong, in fact, that when Congress adjourned last fall there was no real certainty as to whether we spent all of the on-budget surplus and then dipped into Social Security Trust Fund dollars. This, quite simply, is no way to run any enterprise. Flowing surplus money back into discretionary spending to the extent that Social Security money would be jeopardized is bad policy.

Today I rise to offer legislation that offers not only an opportunity to control the impulse to spend surplus dollars, but would eliminate the entire three-point-six trillion dollar debt owed to the public, save over three trillion dollars in interest, and protect the Social Security program from annual discretionary appropriations raids. It is simple legislation in the model of the American Debt Repayment act, providing dedicated debt repayment over a twenty year period.

Beginning with the fiscal year 2001 and for every year thereafter my legislation requires that the federal government maintain a balanced budget. As most families and business owners know, you must live within your means. It is fair and equitable that the federal government live under the same parameters. I believe that this is the first and most essential step in federal budget accountability and debt repayment.

My legislation further provides that Congress must budget for a surplus that will be dedicated to the repayment of the publicly held portion of the debt. Specifically, in fiscal year 2001 Congress must use fifteen billion dollars of on-budget surplus receipts to pay down the debt. Every succeeding year the amount of debt payment must increase by fifteen billion dollars, so the amount Congress must budget for and pay toward the debt in fiscal year 2002 will be thirty billion dollars, forty-five billion in fiscal year 2004, and so on. If Congress can remain within the framework of a spending freeze at fiscal year 2000 levels the entire amount of annual payment will fit within the projected amount of federal on-budget surplus.

If this system is adopted, by the year 2021 the entire debt owed to the public will be zero.

We must have a plan to repay the debt. When we have a plan and a repayment schedule, just like you have on your home mortgage, we will have the ability to cut taxes. A plan provides certainty and structure. I believe that anyone concerned with the national debt or tax cuts will understand the need for a responsible repayment schedule.

In addition to the on-budget surplus payment required by this legislation, I have added language to require that until such time as serious Social Security reform is implemented Social Security surplus dollars must also be dedicated to the repayment of debt owed to the public. Every Member of this body is aware of the enormous obligation this country has made to present and future Social Security recipients. Policy makers must address the future solvency of Social Security. I am not here today, and my legislation is not drafted, to address this vital issue. What my legislation will do, however, is dedicate surplus Social Security dollars to debt repayment until the Congress can generate an appropriate, long term fix to the obstacles that stand in the way of this program.

In recent weeks the distinguished Speaker of the House and the President have talked a great deal publicly about seizing the unprecedented opportunity that lies before us—to pay down this nation's debt. Testifying before the Senate Banking Committee in January, Federal Reserve Chairman Alan Greenspan strongly urged Congress to use surplus dollars to pay down the debt. Chairman Greenspan stated that his, quote, first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public, unquote. This dialogue has been tremendously helpful in further drawing the attention of the public and elected officials to the importance of debt repayment. As many of my colleagues can attest, and as I have experienced in my numerous town meetings around my home state of Colorado, this is an issue the public understands. It is an issue basis common sense, equity and responsibility.

This legislation is a call to action and accountability. It demands that this country and this Congress recognize the debt it has created. It structures a disciplined, fiscally responsible schedule for the repayment of our debt. In the process it is my hope that this legislation will serve to generate greater fiscal responsibility with every appropriations cycle, prevent future deficit spending, and save the taxpayer more than three trillion dollars in interest payments. That is three trillion dollars that would be far better spent on necessary expenditures, the strengthening of Social Security, and tax cuts.

Mr. President, I ask unanimous consent that the text of the bill, the American Social Security Protection and

Debt Repayment Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2220

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 ''American Social Security Protection and Debt Repayment Act''.

SEC. 2. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. 3. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $15,000,000,000 in fiscal year 2001 and shall increase by an additional $15,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term ''social security reform legislation'' means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. 4. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this Act.

(b) WAIVER.—Congress may waive the provisions of this Act for any fiscal year in which a declaration of war is in effect.

SEC. 5. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. 6. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) OUTLAYS.—The term ''outlays'' shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term ''revenues'' shall include all revenues of the United States excluding borrowing.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. WELLSTONE, Mr. SCHUMER, and Mr. SANTORUM):

S. 2221. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

FINANCIAL RELIEF FOR DAIRY FARMERS

Mr. KOHL. Mr. President, I rise to introduce legislation to help relieve the financial crisis in the dairy industry.

Last fall, milk prices took their steepest dive in history and fell to their lowest level in more than two decades.

This is particularly devastating for farmers in Wisconsin who milk on average only about 55 cows. These farmers have particularly tight margins and are less able to withstand low milk prices that USDA forecasts will continue through the year.

Dairy farmers continue to call my office in despair. Some farmers can't meet their feed bills, even though feed prices remain relatively low. Meanwhile, other input costs, like fuel and interest rates, are rising. Auctions in the countryside return little to farmers who have made the difficult decision to quit dairying; their neighbors can't afford even the insanely discounted prices for equipment.

Are the trials facing farmers markedly different than the difficult conditions that other producers have faced over the last several years? No. But what is different is the level of assistance that dairy farmers have received from the federal government relative to other commodities.

The dairy price support program costs only about $150 million per year. That stands in contrast to the more than $14 billion spent in AMTA payments and Loan Deficiency Payments provided to other producers last year.

Anticipating a price decline in dairy, Congress provided $325 million for dairy market loss payments. Compare that to the $15 billion provided to crop producers over the last two years. While milk producers are happy for the extra help, most have told me that it simply is not enough given. Milk prices fell far lower than anticipated. And now we must do more.

On top of this injustice, Midwest dairy farmers, where much of the nation's milk supply is produced, also suffer from lower income resulting from the discriminatory pricing under the Federal Milk Marketing Order system. Last year, Secretary Glickman attempted to restore some fairness to that system by making some modest reforms. But this Congress unjustly overturned those reforms while simultaneously extending the Northeast Interstate Dairy Compact—a milk price cartel which protects producers in the Northeast at the expense of consumers and producers outside the cartel.

I am going to work to repeal the Northeast Dairy Compact and to restore some common sense to federal milk pricing. I also will work with my colleagues to develop a meaningful and lasting safety net for dairy producers.

But, Mr. President, that will take time. And right now, dairy farmers in Wisconsin don't have time. They need relief.

So, today I am introducing a bill to provide $500 million in direct income relief payments to dairy farmers throughout the nation. The money is targeted to small scale farms—those least able to withstand these wild price fluctuations. I am pleased to be joined by Senators FEINGOLD, SPECTER, GRAMS, SANTORUM, and SCHUMER on this legislation. Mr. President, I hope to include this funding in the upcoming supplemental appropriations bill.

This will put money in the pockets of dairy farmers now, when they most need it. Not a year from now when many of them will have already sold their cows.

Let me emphasize that this is a national solution to a national problem. It is not a regional fix. It does not exclude any dairy farmer from participation. And it does not help some at the expense of others. It helps all dairy farmers.

But it is, like last year's funding, merely a bandage to stop the bleeding. Dairy farmers everywhere need a meaningful safety net, not regional milk cartels. I urge my colleagues who have sought regional solutions to depressed dairy farm income to join me in my efforts to fight for a new, national dairy policy that will provide both an adequate safety net and hope to dairy farmers across the nation.

By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2223. A bill to establish a fund for the restoration of ocean and coastal resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COASTAL STEWARDSHIP ACT

• Mr. KERRY. Mr. President, I rise to introduce an amended version of the Coastal Stewardship Act, which I offer along with Senators HOLLINGS and INOUYE. The purpose of introducing this amended version is to provide a blueprint for how we believe the Senate should address coastal and marine issues in larger proposals that allocate revenues from oil and gas exploration in the Outer Continental Shelf (OCS) to the States for conservation. This amended version creates the Ocean and Coast Conservation Fund with $375,000,000 to address urgent needs in our coastal and marine environment, including wetlands, non-point pollution, fisheries research and management, coral reefs and enforcement.

The bill allocates $100,000,000 to Cooperative Fisheries Research and Management. We have a great need to improve our understanding of fisheries and the fishing industry. The National Marine Fisheries Service, regional fisheries councils, states, the commercial and recreational fishing industries and conservationists rely on fishery data to make difficult management and investment decisions. Given the importance of having sound information, Congress requested the National Oceanic and Atmospheric Administration to assess the

quality of our fisheries data. NOAA concluded that, ''Despite some regional successes, it is clear that the current overall approach to collecting and managing fisheries information needs to be re-thought, revised, and reworked. The quality and completeness of fishery data are often inadequate. Data are often on inaccessible in an appropriate form or timely manner. Methods for data collection and management are frequently burdensome and inefficient. These drawbacks result in the inability to answer some of the most basic question regarding the state of the Nation's fisheries . . .'' NOAA added, ''Simply put, to manage fisheries at local, state, regional, or national levels requires a much better fisheries information system than the one in place.'' I have heard a similar refrain from almost every person and group involved in our fisheries, whether their interest is fisheries management, commercial or recreational harvest or fisheries conservation. With this legislation, the Governor of any State represented by an Interstate Maine Fishery Commission may make an application to the Secretary of Commerce for funding to support projects that address this critical need. We will establish comprehensive programs to improve the quality and quantity of information available to evaluate stocks, design control measures, develop more environmentally-sound gear and include the fishing community in the process.

The Cooperative Enforcement provision allocates $25,000,000 for the Secretary of Commerce to enter joint agreements with coastal states to enhance our coastal and marine enforcement. As with all our laws, our natural resources laws are only effective if they are enforced. These joint ventures allow states and local governments to tailor enforcement procedures to fit local needs and available resources, and allow for collaboration between state and local enforcement agencies and federal agencies, including the Coast Guard. The proposal authorizes the Secretary of Commerce to delegate its living marine resource enforcement authorities to a state marine law enforcement entity and to pay state enforcement costs pursuant to the individual agreements crafted with each participating state. State enforcement under these agreements would extend to requirements of federal or regional fisheries management plans, including those of interjurisdictional fishery management commissions. When first introduced, this proposal was endorsed by the National Association of Conservation Law Enforcement Chiefs, the Gulf States Marine Fisheries Commission, the Northeast Conservation Law Enforcement Chiefs Association and others.

A total of $250,000,000 is dedicated to Coastal Stewardship. This flexible program allocates funds to states based on coastline, population and need for projects that restore and preserve coastal and marine habitat. Projects must be consistent with the Coastal Zone Management Act, National Estuary Program, National Marine Sanctuary Act, the National Estuarine Research Reserve program and other laws governing conservation and restoration of coastal or marine habitat. In this program, states set priorities and decide how and when projects proceed within broad national goals. The benefits will be enormous. We will preserve and restore wetlands, reduce non-point source pollution, remove abandoned vessels causing environmental damage, address watershed protection, and undertake a range of other projects, all aimed at coastal conservation.

Finally, $25,000,000 is set targeted at Coral Reef Restoration and Conservation. We must recognize the importance of maintaining the health and stability of coral reefs which possess enormous environmental and economic value. With this legislation we will fund cooperative projects with States to preserve and restore our coral reefs.

A portion of these authorizations is set aside for the Department of Commerce to enhance its National Marine Sanctuaries, coral programs and other critically important conservation efforts.

I want to thank Senator HOLLINGS and INOUYE for joining as cosponsors. I look forward to working with Senator BINGAMAN, the Commerce Committee, and Senator LANDRIEU and others who are working to pass comprehensive legislation to dedicate revenues from Outer Continental Shelf exploration to the conservation of our coastal and marine environment.•

By Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, and Mr. LEAHY):

S. 2224. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Energy and Natural Resources.

THE SUMMER FILL AND FUEL BUDGETING ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Summer Fill and Fuel Budgeting Act of 2000.

This winter's fuel crisis will be etched on the memories of New Englanders for many years to come. Price spikes and low inventories have hit Vermonters hard. Schools closed down, oil dealers were driven out of business, and many low income families were forced to choose between heating their homes and purchasing necessary food and prescription medications. The region's Senators have focused with a single-mindedness on the seriousness of the situation and the dire need to ensure that it is never repeated.

There have been many letters written, emergency funds released, meetings held, and legislative initiatives discussed. Today after weeks of diligent research and careful analysis, I am introducing the Summer Fill and Fuel Budgeting Act of 2000. Senators JOE LIEBERMAN, JOHN KERRY, TED KENNEDY, and PATRICK LEAHY are joining me as original co-sponsors.

The legislation is a critical long term education initiative. Its purpose is to educate our constituents about the benefits of filling their propane, kerosene and heating oil tanks in the summer and entering into annual fuel budget contracts. The legislation authorizes $25 million for Fiscal Year 2001, and such sums in each fiscal year thereafter, for the states to use to develop education and outreach programs to encourage consumers to fill their fuel storage facilities during the summer months. It also promotes the use of budget plans, price cap arrangements, fixed-price contracts and other advantageous financial arrangements to help avoid severe seasonal price increases for and supply shortages of propane, kerosene, and heating oil.

I believe that we must work with retailers and consumers to implement these types of proactive measures to ensure that our fuel supply, as well as the health and safety of millions of Americans, is not subject to the whims of foreign oil producing countries. I invite other Senators, concerned about the influence that major oil producing countries have on our economy and national security, to join me in cosponsoring this legislation.

ADDITIONAL COSPONSORS

S. 390

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 390, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 832

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor

of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1660

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1660, a bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1752

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1752, a bill to reauthorize and amend the Coastal Barrier Resources Act.

S. 1755

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1934

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1934, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training.

S. 1952

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 1962

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 1962, a bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

S. 2004

At the request of Mr. GORTON, his name was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2013

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2018

At the request of Mr. HUTCHINSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

At the request of Mrs. HUTCHISON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2018, supra.

S. 2041

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2041, a bill to amend the Federal Water Pollution Control Act to exempt discharges from certain silvicultural activities from permit requirements of the national pollutant discharge elimination system.

S. 2049

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2049, a bill to extend the authorization for the Violent Crime Reduction Trust Fund.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2068

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2079

At the request of Mr. BURNS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2079, a bill to facilitate the timely resolution of back-logged civil rights discrimination cases of the department of Agriculture, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mr. BOND), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2158

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2158, a bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities.

S. 2161

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2161, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

S. 2184

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2184, a bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial circuit of the United States into two circuits, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S. CON. RES. 88

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve.

S.J. RES. 39

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 258

At the request of Mr. CRAIG, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 258, a resolution designating the week beginning March 12, 2000 as ''National Safe Place Week.''

SENATE CONCURRENT RESOLUTION 92—APPLAUDING THE INDIVIDUALS WHO WERE INSTRUMENTAL TO THE PROGRAM OF PARTNERSHIPS FOR OCEANOGRAPHIC AND SCIENTIFIC RESEARCH BETWEEN THE FEDERAL GOVERNMENT AND ACADEMIC INSTITUTIONS DURING THE PERIOD BEGINNING BEFORE WORLD WAR II AND CONTINUING THROUGH THE END OF THE COLD WAR, SUPPORTING EFFORTS BY THE OFFICE OF NAVAL RESEARCH TO HONOR THOSE INDIVIDUALS, AND EXPRESSING APPRECIATION FOR THE ONGOING EFFORTS OF THE OFFICE OF NAVAL RESEARCH

Mr. WARNER submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 92

Whereas the Navy and Marine Corps have always been vital to the defense and security of the Nation;

Whereas academic institutions and oceanographers made vital contributions in support of the Navy and Marine Corps during World War II;

Whereas the great benefits of scientific research to the efforts of the United States during World War II resulted in an understanding that science and technology were of critical importance to the future security of the Nation;

Whereas Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps;

Whereas the Office of Naval Research, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation; and

Whereas these partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships, and in particular on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Director of the Office of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION ACT OF 1999

REID (AND OTHERS) AMENDMENT NO. 2883

Mr. REID (for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, and Mrs. BOXER) proposed an amendment to the bill (S. 1712) to provide authority to control exports, and for other purposes; as follows:

On page 27, beginning on line 6, strike all through line 9 and insert the following:

(2) CONFORMING AMENDMENTS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(A) in the second sentence, by striking ''180'' and inserting ''30''; and

(B) by adding at the end, the following new sentence: ''The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000.''.

NOTICE OF HEARING

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 a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, March 30, 2000 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 882, 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; and S. 1776, To amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Science Fellow, at (202) 224–4971.

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 a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, April 11, 2000 at 10 a.m. and Thursday, April 13, 2000 at 9:30 a.m. in room SH–216 of the Hart Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 282 Transition to Competition in the Electric Industry Act; S. 516 Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047 Comprehensive Electricity Competition Act; S. 1284 Electric Consumer Choice Act; S. 1273 Federal Power Act Amendments of 1999; S. 1369 Clean Energy Act of 1999; S. 2071 Electric Reliability 2000 Act; and S. 2098 Electric Power Market Competition and Reliability Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger at (202) 224–7875.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Swindling Small Businesses: Toner-Phoner Schemes and Other Office Supply Scams.'' The hearing will be held on Tuesday, March 28, 2000, beginning at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact David Bohley at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, to conduct a markup on S. 2097, the Local TV Act; S. 1452, the Manufactured Housing Improvement Act; and pending nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday March 8, at 9:30 a.m., to conduct an oversight hearing. The committee will examine energy supply and demand issues relating to crude oil, heating oil, and transportation fuels in light of the rise in price of these fuels.

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

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, to hear testimony regarding Penalty and Interest Provisions in the Internal Revenue Code.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 10:30 a.m. and 2:30 p.m. to hold two hearings.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March, 8, 2000, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for the consideration of S. 2, the Educational Opportunities Act, during the session of the Senate on March 8, 2000.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 9:30 a.m. to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act of 1976. The hearing will be held in the Committee room, 485 Russell Senate Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m., to conduct a hearing, followed by an executive session, on the nominations of:

Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission for a term expiring April 30, 2005 (reappointment); and

Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission for a term expiring April 30, 2005, vice Lee Ann Elliott, resigned.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 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. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, March 8, 2000, at 9:30 a.m., in SH216.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 8, 2000, at 9:30 a.m. in open session, to receive testimony on Army transformation.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m. on Internet security.

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

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 8, 2000. The purpose of this meeting will be to discuss the National Rural Development Council.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. BROWNBACK. Mr. President I ask unanimous consent that the Subcommittee on National Parks, Historic

Preservation and Recreation of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 8 at 2:30 p.m. to conduct a hearing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 p.m., in open session, to receive testimony on national security space programs, policies and operations, in review of the fiscal year 2001 defense authorization request and the Future Years Defense Program.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privilege of the floor be granted to Michelle Greenstein during the pendency of the Export Administration Act.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges for the period of consideration of S. 1712, the Export Administration Act of 1999.

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

Mr. CLELAND. Mr. President, I ask unanimous consent that a research assistant on my staff, Miss Tamara Jones, be allowed floor privileges.

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

ORDERS FOR THURSDAY, MARCH 9, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 9. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin the postcloture debate on the Ninth Circuit judicial nominations of Ms. Berzon and Judge Paez under the previous order.

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

Mr. LOTT. Mr. President, I ask unanimous consent that following the use or yielding back of postcloture time, the Senate begin a period of morning business until 2 p.m. and resume morning business following the scheduled votes during morning business. I ask unanimous consent that Senators may speak for up to 5 minutes each, with the following exceptions:

Senator HUTCHINSON for 10 minutes;
Senator MURKOWSKI for 10 minutes;
Senator DOMENICI for 10 minutes;
Senator BROWNBACK for 30 minutes;
Senator BAUCUS for 10 minutes;
Senator MIKULSKI for 15 minutes;
Senator WYDEN for 10 minutes;
And Senator LIEBERMAN for 40 minutes.

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

PROGRAM

Mr. LOTT. Mr. President, the Senate will convene at 9:30 a.m. We will have 4½ hours postcloture debate on the Berzon and Paez nominations. Under the previous order, the votes will occur at 2 p.m. The Senate will return to morning business for the purpose of bill introductions and statements. The Senate may also have consideration tomorrow of any Executive or Legislative Calendar items that are available for action.

Does Senator LEAHY wish to propound a request at this time?

Mr. LEAHY. Mr. President, I ask the distinguished leader—once he has completed, and I realize there are others waiting—if I might be recognized for not more than 5 minutes to refer to the unanimous consent agreement on the judges. I did not want to delay earlier.

Mr. LOTT. Thank you very much.

ORDER FOR ADJOURNMENT

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 following statements by Senator LEAHY and Senator LANDRIEU.

Does the Senator wish to specify a time?

Ms. LANDRIEU. Fifteen minutes.

Mr. LOTT. Mr. President, I amend my request to say 5 minutes for Senator LEAHY and 15 minutes for Senator LANDRIEU.

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

Mr. LOTT. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first of all I wish to thank the distinguished leader for his usual courtesy. He and I have served together for a long time. I do appreciate that.

NOMINATIONS

Mr. LEAHY. Mr. President, I want to underscore what I have said, what the distinguished Senator from California has said, and what others have said in support of the Paez and Berzon nominations.

Judge Paez has waited more than 4 years to have his nomination heard on this floor—4 years—notwithstanding the fact that he has the highest rating the American Bar Association can give a nominee. He has one of the most distinguished records of any nominee, Republican or Democrat, to come before this body since I have been here.

Similarly, Ms. Berzon has waited for more than 2 years, an unconscionable period of time—again, a woman with an extraordinary background and the highest of ratings from the American Bar Association.

They have for some reason been held to a higher standard than most judicial nominees. I do not recall a situation where a nominee has had to go through these kinds of hoops to get here and have an up or down vote.

Again, I compliment the majority leader and the Democratic leader for helping us put together a successful cloture petition on each of these nominations. We have now 85 or 86 votes to move forward.

I hope the Senate will not shame itself by taking the unprecedented step tomorrow of moving to postpone indefinitely either of these extraordinary nominees. It is a fact that one can make a motion to suspend or indefinitely—that is true—or to indefinitely postpone. One can make such a motion. But it would be unprecedented for a judicial nominee. We have asked informally and I have asked the presiding officer and through him the parliamentarian and no precedent for such a motion against a judicial nomination following cloture has been provided.

I defy anybody to point out, certainly in my lifetime—as I said earlier, I am 59 years old—to point out in my lifetime where a judicial nominee has gone through the extraordinary hoops of multiple nominations hearings, being reported favorably twice, having a nomination have to be resubmitted by the President Congress after Congress, being forced to wait more than 4 years to be debated, getting past a filibuster, invoking cloture with 85 or 86 votes—an overwhelming majority of the Senate—and then having a motion to indefinitely postpone, in effect, to kill the nomination.

It would shame the Senate, No. 1, to even bring up such a motion, but certainly to allow such a motion to be successful with a nominee who has been waiting for 4 years, notwithstanding the fact that this is a person who is one of the most extraordinary Hispanic American jurists we have ever seen, who has the highest rating, who is backed by everybody from law enforcement to litigators. Judge Paez has been forced to go through these extraordinary hoops and his nomination is poised, finally, for debate and a fair up or down vote. To have somebody take this unprecedented and shameful step of asking us to indefinitely postpone Senate approval of this nomination is, in effect, a procedural device to deny that up or down vote and kill this nomination.

The same with Marsha Berzon: This extraordinary woman, reaching the

pinnacle of her legal career, having earned success every step along the way, having earned the highest possible rating from the American Bar Association, comes here, has to undergo an extraordinary ordeal and this long wait, has to go through the unusual step of a cloture motion and our prevailing with 85 votes. Then for the Senate to say to her: But now we are going to do something that has never been done before to a judicial nominee who has gotten past cloture: We are going to move to indefinitely postpone. That is not right.

Mrs. BOXER. Mr. President, will the Senator yield for a quick question? I will be very brief.

Mr. LEAHY. Sure.

Mrs. BOXER. First, I thank Senator LEAHY for his extraordinary leadership. I was so taken aback by this. I made some comments to our Presiding Officer. It seems to me there is a letter of the law and a spirit of the law, there is a letter of cloture and there is a spirit of cloture.

We go through a situation where we say it is unprecedented to even have these cloture motions. We don't do it often. It is not unprecedented—I think seven or eight times in decades. Now we have a new way to go where we essentially would deny that individual an up-or-down vote.

I want to say to my friend how articulate he is on this point. I hope Senators are listening in their offices. I hope they will view this as a violation of the spirit of cloture and certainly will not go down this road.

That is all I can say. My colleague is right on this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. LEAHY. Mr. President, the reason I get concerned about this is, now, having in excess of 80 votes to go forward with this, we ought to have the courage and the honesty to stand up and vote. Senators are paid to vote ''aye'' or ''nay.'' They are not paid to vote ''maybe.'' It would be a cowardly and disgraceful step to vote ''maybe'' because we want to avoid saying what the Senate is being asked to do—to close the door to two such extraordinary people. I always respect Senators who vote ''yes'' or vote ''no.'' I will not respect Senators who vote ''maybe.'' That is beneath the dignity of the Senate.

There are only 100 of us who are elected to represent a quarter of a billion Americans. Let us have the courage to stand up and vote either for or against these two extraordinary nominees. Let us not play silly parliamentary games and tell the American people we do not have the guts to vote, that we are going to vote ''maybe.'' I did not get elected to serve in the Senate to vote ''maybe.'' I did not serve for 25 years in a body that I revere to vote ''maybe.''

I am certainly not going to stand here and allow with no comment these two people to be held hostage one more time. Vote for them, or vote against them. I certainly urge my colleagues to vote for them.

In all my years on the Judiciary Committee extending back over several decades, I do not know of two finer nominees who have come before the Senate, Republican or Democrat. And I voted for most nominees, Republican and Democrat, during that time.

Vote for these two people. At least in that way, apologize for holding them hostage all of these years. But, for God's sake, don't shame us all by voting for some kind of parliamentary gimcrackery saying we will postpone it indefinitely. Vote ''yes'' or vote ''no.'' Don't vote ''maybe.''

I yield the floor.

OIL CRISIS

Ms. LANDRIEU. Mr. President, I take this opportunity to speak for just a few minutes, as we are closing up today, on a very important policy question before the Senate, one that while actually not being debated on the Senate or House floors at this time, it is being hotly debated in private meetings and corridors and in some public meetings of the various committees; that is, the problem, the crisis, the challenge that this country is now facing with extraordinarily high oil prices.

The price of crude oil today, according to the Wall Street Journal, is above $34 a barrel. For some, this causes—as in an oil-producing State—a bonanza; for others, it causes a real problem.

I will speak for a few minutes about some of the steps we could perhaps take. Wild swings in and the volatility of the price of oil are not good. Senators heard troublesome testimony today from senior citizens and a young family struggling in the Northeast, which is the most dependent part of our Nation. Neither are these price swings good for the oil-producing States, of which I represent Louisiana.

What a difference a year can make. Last year at this time, our committee was actually meeting about the world price of oil pushing $5 a barrel. Our Energy Committee met time and time again, trying to figure out what we could do to help stabilize a very important industry to our Nation, to help provide some relief, particularly for the small and independent producers who obviously were driven out of business. The oil and gas industry lost literally tens of thousands of workers over the course of the year because they simply could not turn any kind of profit at that low price.

Just today, we had a hearing in the same committee, now talking about oil at $34 a barrel and the havoc it is wreaking in other places.

In the Northeast, people are having great difficulty, understandably so, having not been able to predict this would happen. Adding $300 and $400 a month to home heating oil, it is tough for many families to make that payment.

As in Louisiana last year, in Texas, Oklahoma, Alaska, and other places around the Nation, some families were not able to pay any bills because they lost an entire paycheck which rested on the strength of a domestic industry that had the rug pulled out from underneath it.

We now face a looming energy crisis of a completely different nature—not extraordinarily low prices but extraordinarily high prices. It is said only in times of war do we really appreciate our military. At least this time, perhaps at times of high oil prices, we now can fully appreciate the importance of our domestic energy industry in the producing States—not just oil producers, who are important, but gas producers and producers of energy who will help our country be more self-reliant. Since we are the greatest consumer of energy in every sector, we must have a policy that encourages the strength and robustness of the energy-producing sector. I suggest we have a long way to go, given what is happening today.

In 1959—quite a while ago, but not so long ago that many people in this Nation cannot still remember quite well—our Nation imported only 16 percent of its oil and gas. Today we import over 50 percent. We have moved from self-reliance to reliance on others, and in many instances it is not even allies on whom we are relying. It is one thing to have to rely on our allies and our friends such as Saudi Arabia and Venezuela, encouraging them to help in this difficult time, as we most certainly have stepped up to their aid and continue to do so.

However, we also have to go hat in hand to countries that are not our allies—in fact, enemy nations—and have interests contrary in terms of freedom and democracy—Iran and Libya, to name two.

It is a particularly difficult situation and one which I think is avoidable if this administration and others had a better policy regarding energy self-reliance for a strong and vibrant economy.

I will make a few suggestions. First, let me comment on some of the things I hear other people suggesting as a remedy. I say to my colleagues, we should all be engaged in coming up with solutions. We should be putting remedies on the table. We might not adopt every one, but we most certainly should be engaged in finding solutions to this problem, not just turning our head and hoping it goes away, hoping OPEC will provide the relief we need. We need to get our fate back in our own hands.

One suggestion being tossed around and has actually been filed as a bill by several Members of the Senate is using the Strategic Petroleum Oil Reserve to provide some temporary relief. That may or may not be a good idea.

Let me quote from Chairman Greenspan who, when presented with this idea, made this statement in front of the House Banking Committee recently:

> It is foolishness to believe we can have any significant impact short of a very major liquidation short-term of that reserve. There is more to this than economics. It is a diplomatic security question.

That reserve was created to protect the U.S. from a cutoff and keep the U.S. from being held hostage.

While some think dipping into that reserve might move us out of this crisis, I suggest that before we make that decision we do the math. There are only 55 days of supply. We might be able to drive down the price if we liquidated a significant portion of that oil and gas for a certain amount of time, maybe at a 7 or 10-percent drop. But thinking we can liquidate our strategic oil reserve and drive down this price and sustain a low price, I am not sure that case has yet been made.

For the purposes of this discussion, that should be kept on the table. We must be very careful not to give the American people the idea that we have a secret key, that we have a magic wand, that we can simply liquidate this reserve and prices will fall and all things will be made whole again. Not only am I not sure that would work, but it could leave our country in a very difficult position from a national security standpoint to have liquidated that reserve. Then it would be at a great expense to the taxpayer in that a lot of this oil that was purchased when the price was quite low, which was smart to do, would then, at great expense to the taxpayer, have to be replenished at three and four times the cost. So let us say I would agree to keep it on the table but not present the American public with the idea that liquidating the SPR is the answer.

Another sort of false solution, I think, rests with some who are suggesting we simply need to call in our chips, that America can simply rely on the good will of our neighbors. Yes, we do many wonderful things for countries. We have stepped up to the plate to help Mexico and Venezuela most recently in a crisis. We have helped, obviously, Kuwait. We went to war on their behalf. But I think just relying on calling in our chips, calling in good will, at times such as this is, again, one small thing that can be done but we most certainly do not want to rely on that to keep prices stable and to sustain this great economic boom. I think, again, it is a false remedy.

I believe, rather, that some of the things we can do internally would help us to better prepare for situations such as this. One would be to have more aggressive drilling and exploration in the United States. Instead of having oil and gas drilling moratoria as the rule and then making exceptions for drilling, we should have an aggressive drilling policy that is environmentally sensitive.

Let me be quick to say the industry, contrary to popular opinion, has made significant efforts in this regard because there are now local, State, and Federal regulations, tough regulations, regulations many of us support from oil- and gas-producing States, to make sure this extraction is done with the minimum negative environmental impacts. So I am not suggesting going back to the days, 30 or 40, even 20, years ago when none of these regulations was in place. I am suggesting we can have an environmentally sensitive drilling policy, particularly that would give preference, perhaps, or give priority or help to encourage the extraction of natural gas, which is in itself a clean burning fuel.

Let me read from ''Fueling the Future''—I will submit this for the RECORD—about the potential benefits of natural gas. It says:

> Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries.

It would seem to me, since we have all of these natural gas reserves, some in the Gulf of Mexico, in shallow and deep water, some around Alaska, and some in other places in this Nation, that it would do us a world of good to be much more open to the idea of using natural gas in its many different forms to help us fill our energy grid and make it greener, to meet our own expectations and to meet new international standards for clean air. That is one thing that we most certainly can do.

Another, we have taken the step in an aggressive policy to acknowledge what a good thing we did when we gave royalty relief for deep water drilling in the gulf. There were many Members of this body who not only did not vote for that, they vigorously opposed it. My predecessor was the lead sponsor of that legislation. I can only say thank goodness that that has given us a window of hope. Because new technologies have been developed, we are able to find reserves in deeper water in the Gulf of Mexico to give us the balance we need in domestic production. Whether it is necessary to extend that relief now, with prices going up, would be a question for another day. But thank goodness we did it at the time we did it so we now have increased reserves and because technology has been developed, that helps us to minimize those dry holes, and maximizes—and it makes much more efficient—this extraction. We can continue to do those things.

Another thing, we should put our money where our mouth is when we talk about alternative fuels development. I mentioned natural gas, but we have solar; we have the potential for fuel cells; we have other potential sources of energy. We cannot take nuclear off the table, which we have discussed in this body for the last 20 years. I hope now people can appreciate the part that nuclear power can play when properly regulated and properly run to help make our grid greener.

France takes 80 percent of their energy needs from nuclear. We should at least be open to the possibility of sustaining our current nuclear capacity and perhaps even increasing it to help us get our grid greener and again minimize our reliance on outside sources. So vigorous programs for alternatives, promoting the use of natural gas, and also, of course, continuing to promote conservation—whether it is in transportation or weatherization of our homes—are also important.

My point is, in times of war we appreciate our military all the more and the great sacrifices our men in uniform make and how proud we are of them and how happy we actually are to support them with our tax dollars because we recognize their great value.

I hope the country will take note that when prices are this high, we feel vulnerable. We feel scared and nervous and frustrated and angry. There is a lot of pain. When prices are high, truckers cannot move their product. Farmers have now been hit not only with tough weather and rock-bottom prices but high diesel fuel costs. It is a triple whammy for our farmers.

I hope this country will recognize and express appreciation for our domestic oil and gas and other energy producers, and say we cannot take it for granted. We must nurture this industry, help it to be as environmentally sensitive as possible, but not allow this Nation, the greatest nation on Earth, to be so dependent on sources outside of our sphere of influence and outside of our boundaries. It would be the same as depending on other nations for our food. We would not do that. We would not import 100 percent of our food. I do not think people in this Nation realize how much we are importing from other nations.

Let us take this opportunity to put all our suggestions on the table. Let us urge those running to be the President of our Nation to come up with a real, comprehensive, workable policy that will help to maintain stable prices where our producers can make money and turn a profit. Obviously, people would not be in business if they could not make money. That is why people are in business. We are in government for different reasons, but business people usually go into business only if they can turn a profit in that enterprise or activity. So we have to maintain a stable price at a level where our domestic industry can make a profit, where people can stay in and work. Tax policies can have a lot to do with that.

We appreciated the help, although it was small and somewhat noncomprehensive, last year when our energy producers were feeling the pinch. We hope we can give some short-term relief to those who are clearly suffering from these high prices. Ultimately, the answer lies in long-term, comprehensive fixes, based on real-world economics and helping the American people

understand with every choice to take some area away from drilling or with every choice to turn away from some source of energy, with every decision made, there are consequences to those choices. Then we can create a policy that Americans feel good about and a policy which expands our economy.

I ask unanimous consent the article ''Fueling the Future'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Gas, March 2000]

FUELING THE FUTURE

(By Karen Ryan)

Could U.S. consumption of natural gas rise by as much as 13 quadrillion Btu (quads) over the next 20 years? A new American Gas Foundation study says it's certainly a possibility if appropriate policies are implemented.

''Fueling the Future: Natural Gas & New Technologies for a Cleaner 21st Century'' confirms what natural gas industry professionals have long suspected: Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries. Consequently, the study forecasts that the environmental, economic and efficiency advantages of natural gas—combined with advances in gas-related technologies and the introduction of new end-use technologies—could help push U.S. gas consumption into the 35-quad range over the next two decades. Currently, U.S. gas demand is close to 22 quads a year.

The study tracks two scenarios: a ''current projection,'' which shows gas demand reaching nearly 30 quads by 2020, and an ''accelerated projection,'' which foresees demand topping 35 quads by then based on the adoption of national policies encouraging greater use of natural gas. Gas supply will keep pace with rising demand, with at least 84 percent of demand in 2020 fulfilled by gas produced domestically, compared with 85 percent today, says the study. The rest will be imported primarily from Canada, just as it is now. The nation's gas resource base is enormous, continues the study, and tapping into it to produce enough gas to sustain 35 quads of demand will require technological innovations similar to those that opened up major new domestic sources of gas over the past 15 years.

Assuming continued resource base expansion, coupled with continued technological progress in the ways the nation finds, produces, delivers and uses gas, the cost of gas service will increase only modestly over the next 20 years, says the study. The price of gas purchased at the wellhead is expected to remain in the mid-$2 per MMBtu range.

THE COMMON DENOMINATOR

''We believe that the study challenges conventional estimates of the natural gas market's potential,'' says AGA Chairman Gary Neale, who is president, chairman and CEO of NiSource Inc. Changing energy, technological and environmental forces are creating extraordinary market opportunities for the natural gas industry, from advanced residential furnaces and water heaters to gas cooling, fuel cells and advanced industrial applications. Neale points to distributed generation, as does the study, as a major reason gas consumption will swell in coming years. In the accelerated projection, distributed generation—in the form of reciprocating engines, microturbines and fuel cells—accounts for about 20 percent of the electricity generated in the nation by 2020.

''AGA can play an immensely important role in expanding this new market,'' says Neale. In an early step, the association joined the Distributed Generation Forum, managed by GRI to provide its members with technical, regulatory and market information to use in strategic planning and in market-development and education programs. The membership of the Distributed Generation Forum comprises gas and electric utilities, manufacturers and other parties developing and promoting distributed generation. AGA also is working with Congress to make sure nothing in the upcoming electric industry deregulation legislation will hamper the distributed generation market.

AT HOME WITH GAS

Today, 56 million out of the 102 million households in the United States—55 percent—have natural gas service. In 1998, these customers used 4.5 quads of gas. Residential gas consumption is forecast to reach 5.7 quads in 2020 under the study's current projection. The accelerated projection pegs demand at 7.4 quads, based on continued growth in traditional markets coupled with an assumption that greater demand for gas fireplaces, air conditioners, microturbines and fuel cells will radically alter the residential gas market.

The forecast goes on to say that home builders will continue to favor gas over electricity by a wide margin. In 1998, 70 percent of newly built houses were heated with natural gas. It also assumes that owners of existing homes will continue to convert their heating systems from other fuels to natural gas at the same pace as in the past decade when about 200,000 homeowners a year switched fuels. The study sees significant potential for conversion of other household tasks to natural gas in homes already hooked to the gas system.

In addition, gas fireplaces have been a huge draw for energy-conscious consumers in recent years. The typical gas fireplace is far cleaner than its wood counterparts, eliminating or making major reductions in a variety of pollutants, including carbon dioxide, nitrogen oxides, carbon monoxide and soot. In fact, wood fireplaces are banned or restricted in a number of areas, including Denver, Portland, Phoenix and Los Angeles because of environmental concerns. Currently, gas fireplaces account for 125 trillion Btu annually.

GETTING DOWN TO BUSINESS

The businesses and institutions making up the commercial market currently use about 3 quads of gas annually. Consumption in 2020 is forecast to total 4.4 quads under the current projection and 5.5 quads under the accelerated scenario. New technologies, says the study—especially gas-fueled cooling and dehumidification systems and aggressive growth in space and water heating and various food service applications—will drive the demand increase.

To help spread the news about gas-based technologies, AGA recently began a national accounts program aimed at the food-service and supermarkets sectors. The goal this year, says Walter Woods, who heads the program for AGA, is to call on executives at the headquarters of 16 restaurant and 16 supermarket chains to discuss the advantages of using gas.

''We hope to persuade these companies to test and specify gas equipment by giving them information they may not have,'' says Woods, who is accompanied on the visits by representatives of the local gas utilities. One thing Woods has discovered is that some national companies are surprised when a representative of the gas industry pays a visit. ''The electric side does this sort of thing all of the time,'' he says, ''but apparently the gas side has not.''

Another program, the Gas Foodservice Equipment Network, was launched last fall to serve as a resource for information, education and marketing support. The network is an alliance of utilities, foodservice equipment manufacturers, trade associations (including AGA) and other industry participants. The April issue of American Gas will cover the network's program.

FUELING INSTURY AND POWER PLANTS

The environmental and energy-efficiency attributes of natural gas technologies will continue to prove attractive to the operators of the nation's factories and power plants. According to the foundation's forecast, industrial consumption of gas in 2020 will reach 11 quads under the current projection and 13 quads under the accelerated projection, up from 10.1 quads in 1998. The industrial sector has led the resurgence in gas demand since the mid-1980's with factory operators selecting a number of innovative new technologies from direct-contact water heaters to gas-fired infrared burners. Continued equipment advances in the new millennium will offer additional choices.

Even though coal is forecast to remain the dominant power plant fuel, natural gas is projected to double its share of this market by 202 with demand moving up to 6.7 quads under the accelerated projection. This market includes electric utilities as well as independent (non-utility) power producers. Most of the rise in power plant gas demand is linked to wider use of combined-cycle technology, which captures the waste heat produced by the generator's large gas turbines and uses it to produce more electricity.

Demand is actually a little lower under the accelerated projection than in the current projection. The accelerated projection forecasts that slightly less new generating capacity will be required because: The operating lives of some coal-fired and nuclear-powered generating plants will be extended, some new coal-fired plants will be built, distributed generation will account for 20 percent of added generation capacity and renewable sources of energy will generate more electricity in 2020 than today.

THE NGV MARKET

''Fueling the Future'' sees gas consumption in the transportation sector increasing to 2.8 quads by 2020. More than 1.5 quads of this growth is attributed to natural gas vehicles (NGVs) although the study points out that widespread use of NGVs will hinge on the success of on-going efforts to increase their driving range and make the vehicles more economically competitive, including bringing down the purchase price.

Natural Gas Vehicle Coalition President Richard Kolodziej reports that roughly 80,000 NGVs travel U.S. roads today, mainly as fleet vehicles. The industry's strategy, he says, is ''to pursue the high fuel-use fleet market, which includes transit and school buses, trash trucks, urban delivery vehicles, airport shuttles and taxis.''

Kolodzeij also notes that the national transportation-related environmental focus until recently has been on reducing the automotive emissions that contribute to smog. ''There is now a growing focus on diesel fuel because of concerns about the health effects of particulates and other air toxins,'' says Kolodzeij. ''Studies are showing that diesel vehicles have a disproportionate impact on air quality with respect to carcinogenic toxins.'' The shift in emphasis is improving the prospects for natural gas in the truck and bus markets. In the past two years alone, between 17 and 20 percent of all new transit buses that have been ordered have been fueled by natural gas, he says.

OTHER OPTIMISTIC OUTLOOKS

Reality check: Is the American Gas Foundation's accelerated scenario too optimistic? Not especially when compared with some other recent projections. While the other forecasts may use different parameters to arrive at their conclusions and look only as far as 2015, they all reach basically the same conclusion: Gas use will rise substantially in the early years of the new century.

In contrast with GRI's and the National Petroleum Council's recent studies, the American Gas Foundation's study is a bit more optimistic, predicting a slightly higher potential for demand. It also projects market growth differently—attributing potential higher demand coming more from end-use applications in the residential and commercial sectors rather than from electricity generation. The foundation is also more optimistic that technology in the natural gas industry—from exploration and production through transmission, distribution and end use—will continue to advance at a pace similar to that in the 1990s.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:09 p.m., adjourned until Thursday, March 9, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNITION OF MR. DANIEL J. EDELMAN

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. HASTERT. Mr. Speaker, it is my privilege to pay tribute to one of the true pioneers in the field of public relations, Chicagoan Daniel J. Edelman.

For nearly a half-century, Dan Edelman has made major contributions to advance the visibility of and respect for the public relations profession. Mr. Edelman has been a pioneer in the public relations community, across this country and around the globe. The firm he created, Edelman Worldwide, today employs more than 1800 people globally and is the only remaining global independent public relations concern still owned by its original founders.

Known as the Father of the ''media tour,'' Mr. Edelman has driven constant innovation and creativity within his company and the public relations world; his firm became the first in the business to establish an Internet presence, and conducted the first cyber-newscast.

In recognition of this leadership, Dan Edelman was recently awarded the Public Relations Society of America's highest individual honor, the Gold Anvil. And in honor of his significant professional, community and philanthropic contributions the Chicago City Council formally proclaimed February 16, 2000 as Daniel J. Edelman Day in the City of Chicago. In an unveiling ceremony on Friday, March 3, a section of St. Clair Street was named Honorable Daniel J. Edelman Way.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, as is reflected in the CONGRESSIONAL RECORD, I was granted a leave of absence for Wednesday, March 8, 2000.

I insert for the CONGRESSIONAL RECORD the way in which I would have voted had I been present. The votes are as follows:

Roll Call Vote 29—H.R. 1827—On rollcall vote 29, Pascrell would have voted ''aye.''

Roll Call Vote 30—H.R. 2952—On rollcall vote 30, Pascrell would have voted ''aye.''

Roll Call Vote 31—H.R. 3018—On rollcall vote 31, Pascrell would have voted ''aye.''

Roll Call Vote 32—S. Con. Res. 91—On rollcall vote 32, Pascrell would have voted ''aye.''

Roll Call Vote 33—H.J. Res. 86—On rollcall vote 33, Pascrell would have voted ''aye.''

CELEBRATING THE BICENTENNIAL ANNIVERSARY OF THE BEAVER COUNTY CHARTER

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. KLINK. Mr. Speaker, I rise today in recognition of Beaver County, Pennsylvania, which is celebrating the Bicentennial of its Charter Day on Sunday, March 12th, 2000.

From an early Native American settlement at Logstown to the opening of the world's first commercial nuclear power plant at Shippingport, Beaver County people and places have had important roles in the growth and development of the Commonwealth of Pennsylvania and the United States. Independence and westward expansion were helped by Legion Ville and Fort McIntosh; its rivers and rich agricultural lands made the area an attractive place for early settlers; modern commerce and industrialization were nurtured at Old Economy Village; and the glass, steel, and chemical industries brought thousands of immigrants from across the country and around the world to work in the mills and build vital, prosperous communities.

These new Beaver Countians brought with them amazingly diverse ethnic, religious, and cultural traditions that they maintained and shared with their new friends and neighbors. They built houses of worship and fraternal clubs, started festivals and musical groups, married, grew neighborhoods, and reared families that began to live the American dream. Its list of famous statesmen, jurists, educators, musicians, athletes, servicemen, and scientists is true testament to hard work, commitment, and perseverance that is the heart and soul of Beaver County.

I congratulate Beaver County and its residents on this wonderful day. They are justly proud of their history and achievements. I salute the Bicentennial Committee for organizing and hosting these festivities and hope that every citizen enjoys this day and reflects upon the many who came before them and accomplished so much.

NUMMI REDESIGNS TOYOTA TRUCK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. STARK. Mr. Speaker, I would like to call attention to the unique creativity of the employees at the New United Motor Manufacturing Incorporated (NUMMI) plant in Fremont, California, and congratulate them for the assembly-line inspired innovation that brought the Toyota Tacoma Stepside pickup truck into production.

In the world's auto industry, new design ideas traditionally come from the corporate headquarters and its design team, to the engineering team and sales team, and then to the actual manufacturing plant and the people who really build the cars. But the Toyota Tacoma Stepside pickup truck is different. In this rare instance the innovation for the new product came from the manufacturing plant, the company then worked in collaboration to enforce its accomplishment. United Motors broke away from a long-standing tradition and demonstrated that input and innovation from various levels of the plant, working as a team, can be influential and successful in generating new ideas.

NUMMI has long been a model of innovation and creativity. It has a marriage of the GM and Toyota companies that has brought the highest quality, innovative autos to the American market. New United Motors Manufacturing Incorporated was started at a closed GM plant in 1984, and the joint bi-national effort was a major step in helping resolve the U.S.-Japan trade tensions of the 1980's. The plant has been in operation for 15 years, adding billions to the California and national economy.

In addition to its economic success, United Motors has been an asset to the Fremont community since its establishment in 1984, providing jobs for well over 4700 employees and giving continual support to social programs around the community. United Motors has been particularly recognized for their community service efforts in offering grant support to non-profit organizations. United Motors also supported the school district partnership program that has helped the Fremont School District with its program of educational renewal. Other achievements also include awards for environmental achievement (1990), Company of the year (1994 and 1995) by the California Water Pollution Control Association and the J.D. Power and Associates Silver Plant Quality Award (1999).

Congratulations to the team members and UAW local 2244 at NUMMI for their latest innovation, for keeping jobs in Fremont, and for once again showing real hands-on innovation and teamwork.

TRIBUTE TO VALENTINE BURROUGHS, JR., SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIRECTOR OF MINORITY AFFAIRS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Valentine Burroughs of Camden, South Carolina, an outstanding public servant and friend who passed away suddenly last weekend. Valentine Burroughs was that rarest of individuals who always placed the interests of others before his own. He felt strong duty to help maintain his community,

focusing his talent and energy on helping people.

Val served tirelessly in the Executive Office of South Carolina's Department of Transportation and other divisions of improve overall opportunities to ethnic minorities, women and individuals with disabilities.

Val exhibited strong leadership and he ably represented the interests of fellow coworkers and local residents. He worked with the Human Resources Office to develop a recruitment strategy to identify and attract minorities and women in underutilized professions, with an emphasis on the engineering career field. He proved his dedication and excellence to the community by providing outstanding support to research efforts of the Legislative Black Caucus, Historically Black Colleges and Universities (HBCU), and rural communities. Val has undertook special projects including research special transportation initiatives for Native Americans.

He administered the implementation of the HBCU Partnership Program with South Carolina State University and Benedict College, the Summer Transportation Initiative Program, the Cooperative Education/Intern Program, the Eisenhower Transportation Fellowship Program and the Garrett A. Morgan Technology and Transportation Futures Program.

He was named the agency's Americans With Disabilities (ADA) Coordinator, and the Urban Youth Corps Program Statewide Coordinator for which he leaves an indelible legacy. The Youth Corps Program which began in 1994 now employs over 690 youth throughout the state of South Carolina.

When Val was named as the transportation department's Director of Minority Affairs in 1990, he stated, ''I view this is one of the most challenging positions in the agency because of the uniqueness of the highway construction industry and because of the economic importance of minority firms participating''. But he had faced tough challenges before. Fresh out of school and armed with a degree in Sociology from St. Augustine College in Raleigh, N.C. he moved to Washington, D.C.'s troubled inner-city. He began working as a counselor for the Neighborhood Youth Corps, helping the disadvantaged find jobs and offering them alternatives to crime. His community service included Directors of the Triangle Ministry Community Program, the Mission/Congress Heights Youth Service Center and the Mission of Community Concern, Inc.

In 1976, Val moved back to South Carolina to work in the office of Governor James B. Edwards under I. DeQuincey Newman, who was director of the Division of Rural Development, and later became the first Black South Carolina senators since post-reconstruction. There he assisted rural communities through workshops, training programs and resource development. Val remained in Rural Development through the first term of Governor Richard Riley before assuming the position of project information coordinator for the South Carolina State Family Development Authority, an agency that sets up tax-deferred bond programs to assist farmers in building agricultural facilities.

In 1987, Val came to the Office of Planning and Program Development in the Division of Motor Vehicles, previously the South Carolina Department of Highways and Public Transportation where he served continuously until his untimely death last Saturday.

To Valentine Burroughs, community and public service wasn't an option. It was a responsibility and an honor. Whenever neighbors or coworkers called upon him, Burroughs was always there. There aren't enough Valentine Burroughs in our communities and his absence will be greatly missed.

I extend my deepest condolences to Val's wife, Audrey and their two children. To them Val was a loving husband and father, to me he was a friend.

Mr. Speaker, I ask my colleagues to join me in a tribute to Valentine Burroughs for his selfless dedication to his community and country.

TRIBUTE TO COMMISSIONER PETER C. SCARPELLI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable man, Peter C. Scarpelli of Nutley, New Jersey. Peter is being honored because of his years of community service. It is only fitting that we gathered here in his honor, for he epitomizes caring and generosity of spirit.

Commissioner Scarpelli is a member of the Nutley High School Class of 1955. He also attended Davis and Elkins College in Elkins, West Virginia where he studied Business Management. In addition Peter studied Management Skills Training at Rutgers University's Newark campus. Scarpelli also majored in Construction Design at Fairleigh Dickinson University in Rutherford, New Jersey.

Peter has always been an active and involved leader. He has been the President of Meadowlands Landscaping Inc. since 1969, a company which specializes in property maintenance. A hard working and dedicated individual, Scarpelli is President of two other firms. He heads both P. Scarpelli and Son, Inc., a building construction and property management company and Jo-Lee Garden Center of Belleville, New Jersey, a full service garden center of which he is also Treasurer. Peter is also the Vice President of Interior Plant Design, where he is responsible for the installation and maintenance of interior decorative plants.

The early years of his life instilled in Peter the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him the role model that he is today.

Known for a questioning mind and an ability to get things done, Peter Scarpelli joined the Nutley Board of Commissioners in 1983. Since that time he has served as the Director of the Department of Public Works, and has been elected to five consecutive terms. From 1983 to 1988 he undertook the supervision of the Code Enforcement Department. His responsibilities included the supervision of the inspectors of buildings, electric and plumbing. Peter also provided appointments to the Construction Board of Appeals.

On the Nutley Board of Commissioners, Peter Scarpelli is a member of the Nutley Alcoholic Beverage Control Board. He has also served as the Superintendent of the Nutley Weights and Measures Department.

Peter continually touches the lives of the people around him. He is a member of numerous civic and community service organizations. These include the Nutley Elks 1290, American Legion, Knights of Columbus 6190, Amfrens, Nutley Italian American Club, Nutley UNICO, Nutley Republican Club, Third Half Club Republican County Committee and the Kiwanis Club of Nutley. He is also the President of the Columbian Club and is the Nutley Family Service Bureau Charity Ball Chair.

Mr. Speaker, I ask that you join me, our colleagues, Peter's family, friends, the township of Nutley and the State of New Jersey in recognizing the outstanding and invaluable service to the community of Peter C. Scarpelli.

GENERAL ACCOUNTING OFFICE REPORT ON THE NORTHERN MARIANA ISLANDS: GARMENT AND TOURIST INDUSTRIES PLAY A DOMINANT ROLE IN THE COMMONWEALTH'S ECONOMY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I want my colleagues to be aware of a revealing report issued last month by the General Accounting Office on the economy of the Northern Mariana Islands. The report's findings confirm the development of a healthy and diversified economy in our newest American territory in the Western Pacific that is not a drain on the U.S. taxpayer. However, these findings are contrary to past information by the Administration on which Congress has relied in considering changes in federal law [GAO's February 2000 report to Congressional Committees: ''Northern Mariana Islands: Garment and Tourist Industries Play a Dominant Role in the Commonwealth's Economy'' (GAO/RCED/GGD–00–79)].

This GAO report sheds new light on the economy of the Northern Marianas and the flaws of prior reports by the Administration. The findings reinforce the need for the federal government to affirmatively support, and not hinder or undermine, efforts of the public and private sectors of the Northern Marianas to improve and maintain economic self-sufficiency, and at the same time, enforce federal labor, safety, and equal employment opportunity laws.

Since I became Chairman of the Committee on Resources in January 1995, we have conducted extensive oversight investigations and hearings on worker conditions, the violation and enforcement of federal laws, and the Administration's agenda for the islands. I will continue to press for maximum public awareness of the real conditions in the Marianas public and private sectors and efforts of the federal and local governments.

The Commonwealth of the Northern Mariana Islands has been constituted under federal law as a local constitutional government for the primary benefit of the people of the Marianas as well as the United States as an example of democratic self-governance. There is, therefore, a careful balance that must be maintained between the respect of the wishes of the local government and enforcement of the civil and human rights that Americans hold as sacrosanct. Those decisions should be based on sound information, not subjective

political agendas of the government or some private entity. For that reason, one of the most difficult aspects of Congressional oversight over these very important and often sensitive civil and human rights-related matters, has been the lack of credible information by the very executive branch agencies tasked with the responsibility for enforcement of federal laws. Throughout those oversight efforts, the Administration has given the Committee voluminous testimony and information about the Marianas. Fortunately, the GAO has now completed this independent report as mandated by the 1999 Omnibus Appropriations bill.

The two main industries in the Northern Marianas are the tourist and garment industries. The Department of Interior has questioned the benefits of the Islands' garment industry. Interior has issued several studies concluding that the local garment industry—and foreign labor—has an adverse fiscal impact on the Northern Marianas, findings hotly contested by the Northern Marianas' government and business sectors. Both sides have testified before my Committee to present their points of view, but for the first time an independent and unbiased government agency has looked into the Northern Marianas economy. The GAO looked specifically at the economic impact of the two dominant industries—garment and tourist; tax contributions by the local garment industry; and local government revenues as compared to other territories.

GAO found ''the garment and tourist industries are the driving forces of the CNMI economy.'' The two sectors account for a about 85 percent of the Commonwealth's total economic activity and represent—directly and indirectly—four out of every five jobs in the Northern Marianas. Critically important to the debate is the GAO's finding that ''the local resident population * * * has benefited, economically, in the form of higher incomes and better employment opportunities, from the growth in the garment and tourist industries, and from the presence of foreign workers.'' GAO concluded that without the garment and tourist industries ''the CNMI economy could not have grown to its current size and complexity.''

Significant number of foreign workers are brought into the Northern Marianas to supplement the existing workforce. The Department of Interior and several Members have criticized the use of these foreign workers, stating that the foreign workers have taken employment opportunities from local residents. Yet GAO concluded that there was no support for Interior's claim. GAO determined that the ''garment and tourist industries are dependent on foreign workers for much of their workforce because the labor pool of local residents, even including those currently unemployed, is insufficient to support an economy the size and scope that exists in the CNMI.'' Changes in the Northern Marianas ability to use foreign labor to supplement its current labor pool or legislation that would adversely impact either of these industries could have severe impacts on the Northern Marianas' economy, ''causing job losses among local residents and revenue losses to the CNMI government,'' the report stated. Several legislative proposals exist that would do just that, and I am opposed to them.

The GAO also criticizes a 1999 Interior Department study that found that the garment industry had a net negative impact. ''[T]he Interior study is methodologically flawed because it understates the contributions made by the garment and tourist industries to the CNMI economy and overstates the impact of these industries and their workers on the need for government services and infrastructure.'' The GAO determined, however, that the Northern Marianas is more self-sufficient fiscally than other territories. It also found that the Northern Marianas generates more of its government revenues locally—about 87 percent—than all other U.S. territories and all levels of government in the U.S., a remarkable fact.

Finally, the study showed that the garment industry contributes significantly to the local economy, directly contributing about $52 million, or 22 percent, of the government's $234 million budget in 1998. It determined that the Northern Marianas garment industry proportionally pays more in taxes and fees that the U.S. garment industry. That is, the garment industry in the Northern Marianas taxes and fees represented about 5 percent of their gross receipts between 1993 and 1998, whereas the U.S. garment industry overall paid only 3.3 percent of their gross receipts in taxes and fees.

During a hearing last September, my Committee heard reasoned warnings from business and government leaders about the potential impact of certain legislative initiatives to eliminate local control of immigration, to remove duty-free access, or to increase the minimum wage on the ''vulnerable'' economy of he Northern Marianas. GAO's study underscores those warnings and this body should consider carefully the potential adverse impact of any legislation on the frail economy of the Northern Marianas—or the economies of any of our territories.

I will continue to insist on full compliance with federal laws, advocate heightened federal-territorial mutual cooperation in multiple areas, and support local and private sector initiatives to manage the economy and advance self-sufficiency. I strongly encourage my colleagues to review the GAO report, ''Northern Mariana Islands: Garment and Tourist Industries Play a Dominant Role in the Commonwealth's Economy'' (GAO/RCED/GGD–00–79) which is available to the public through the Government Printing Office and also the world wide web: http://www.gao.gov/new.items/r200079.pdf.

IN MEMORY OF LILLIAN BAKER WOODWARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor a woman who for almost five decades captivated readers with her poignant and charismatic writing as a columnist in three local newspapers. Lillian Baker Woodward passed away on November 16, 1999 at the age of 95.

Born on January 17, 1904 in Seattle, Washington, Lillian majored in journalism at the University of Oregon where she met, fellow journalism student and future husband, Donald Woodward. Married in 1926, Donald and Lillian Woodward led a traditional life with Lillian as a homemaker and Donald in the real estate business. In 1948, the couple moved to Moss Landing where they established a fuel dock, marine supply store and boat brokerage business. As ''one of the real true pioneers of Moss Landing'' (Phil DiGirolamo, Phil's Fish Market), Lillian captured the lives of the local people as well as chronicled the ending of the Monterey Bay's sardine era through industry changes and impacts on the community. After Donald's death in 1962, Mrs. Woodward continued to write and publish prolifically throughout the remainder of her life.

Lillian Woodward was much more than a local journalist, described as ''force that held the [Moss Landing] community together'' (Monterey County Herald, 11/17/99), Mrs. Woodward touched everyone near and far who read her chronicle. She will be sorely missed by the many people who were privileged to know her both personally and through her writing. Lillian is survived by two sons, Donald and Richard; a daughter, Virginia W. Stone; and many loved grandchildren and great-grandchildren.

TRIBUTE TO MR. GREGORY KOMESHOK

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a well-respected member of New Jersey's Polish-American community, Gregory Komeshok of Passaic, New Jersey. Greg has been elected the 1999 Grand Marshal for the 63rd Annual Pulaski Day Parade because of his years of community service. It is only fitting that the Central of Polish Organizations has chosen him, for he epitomizes the spirit of caring and generosity of spirit and embodies pride in his heritage.

Mr. Komeshok, a member of the Passaic High School class of 1965, went on to receive a Bachelors Degree in Industrial Technology and a Masters Degree in Administration and Supervision from Montclair State University.

Greg has always been a community leader. At 26, he was the youngest ever to hold the position of Democratic Party Chairman for the City of Passaic, New Jersey. He was a delegate to the Democratic National Convention in 1976. Furthering his belief in civic participation, Greg was elected to the Passaic County Board of Chosen Freeholders, the county's legislative body. The time spent working as a Passaic County Freeholder, and eventually Freeholder Director, instilled in Greg the attributes necessary for him to become a stellar force in the community.

This native of Passaic has many experiences as an elected and appointed official. In 1978, then New Jersey Governor Brendan Byrne appointed him Commissioner of the North Jersey District Water Supply.

Known for his keen mind, Greg Komeshok is a respected and industrious leader in education. Greg assumed the role of an elementary school principal for nine years, and was also an adjunct professor at Kean University. Greg currently serves as the Supervisor of Career and Alternate Education for the Passaic Board of Education.

Greg continually touches the lives of the people around him. In 1978, he established English classes for immigrants at Holy Rosary

Church, and later in 1986, at St. John Kanty Church. As General Chairman of St. John Kanty Church, he helped to raise over $1 million for the construction of a new Parish Center. He is the standard bearer for the Passaic Boys' and Girls' Club, and was the recipient of the organization's ''Passaic For the Kids'' service award. Also, the Pulaski Association of Police and Firemen honored Greg as Citizen of the Year.

An active and involved leader, Greg Komeshok is a past President and Life-Member of the Holy Rosary Young Men's Club of Passaic. He is a Charter Member of St. John Kanty Sports and Athletic Association. Mr. Komeshok is also a perennial Chairman of the Holy Rosary Palm Sunday Communion Breakfast. In addition, he is a baseball Coach for the Clifton Hawks, Babe Ruth, League, Clifton General League, and is the President and General Manager of the Wayne Spartans American Legion Baseball Team.

The son of Emily Rzepecki and John Komeshok, Greg spent his formative years at Holy Rosary R.C. School in Passaic. Greg's family includes his wife Susan and his two sons Kevin and Christopher.

Mr. Speaker, I ask that you join me, our colleagues, Gregory's family, friends, the Central of Polish Organizations, the Polish-American Community and the community-at-large in recognizing the outstanding and invaluable service to society of Gregory Komeshok.

TRIBUTE TO MARTIN ''TRADER JOHN'' WEISSMAN

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. SCARBOROUGH. Mr. Speaker, for nearly half a century, a landmark known throughout the world has stood in Pensacola, Florida. This landmark is not a bronze statue, a marble sculpture, or a breathtaking vista, but rather an unofficial monument to the service of the men and women in the United States Navy. The monument is none other than the world famous ''Trader John's Tavern and Blue Angels Museum'' founded and operated by Pensacola's own Martin ''Trader John'' Weissman.

Since 1953, ''Trader John's'' has been a favorite among aviators, military personnel, and celebrities. It was a place for young Naval flight students to relax and a place for veterans to share old war stories. For many men and women in the service that were stationed far from home, it provided a sanctuary where they could make new friends. What brought these thousands of patrons to this humble establishment wasn't the extensive collection of Naval aviation memorabilia, but rather the persona of the man known as ''Trader John.''

Mr. Martin Weissman and his wife Jackie moved to Pensacola in 1952. In 1953, the Weissman's took over a dilapidated bar and eatery on South Palafox Street and renamed it ''Trader John's.'' The name stuck, and Mr. Weissman became known as ''Trader John.''

Over the next 50 years, this gentleman distinguished himself not only through his community service and his successful business, but also through the reputation he earned as an untiring booster of the Navy's Flight Demonstration Team, the Blue Angels. In 1997, he was named the Blue Angels honorary flight leader.

''Trader John's'' fatherly way and irresistible charm provided the much-needed support for many homesick aviators. Retired Vice Admiral Jack Fetterman described Trader John as having ''unqualified love.'' Adding ''he was a caring guy who never said a bad thing about anybody.''

Mr. Speaker, on Friday, February 18, 2000, Martin ''Trader John'' Weissman was taken from us. But his legacy and memory will live on in the hearts of the thousands of Naval Aviators who trained in Pensacola and when the Blue Angels fly their homecoming show there this year, I'm sure ''Trader John'' will be watching from above.

TESTIMONY OF DIANA W.H. CAPP

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. NETHERCUTT. Mr. Speaker, on February 15, 2000, I was pleased to introduce my constituent, Diana W.H. Capp, at a Resources Committee hearing concerning the funding of environmental initiatives and their impacts on local communities. Her testimony follows:

Madame Chairman, Committee Members, thank you for this hearing, I'm Diana White Horse Capp, from Ferry County, Washington—4.6 million acres—in the Kettle Mountains, 7200 people. I'm Chairman of the Upper Columbia Resource Council. Madame Chairman, history shows the elite gain power by pitting the masses against each other. Our Constitution, based on the Iroquois Great Law of Peace, is intended to prevent this.

Elite foundations now funnel their wealth to environmental groups who pit the masses against each other. Rural Americans are condemned as savages just as Natives once were. Rural Natives and Whites work in the same occupations. Our welfare is connected. The South half of my county is Colville Reservation. On the North Half, Colvilles and other Native descendants live in peace with Whites. The community is intermarried. We cannot afford the division these foundations instigate.

The environmental elite use Native people. They preach about Tribal Rights and promise to restore justice. Yet they do little for Native people but use them as poster children to buy the clout of Treaty Rights in their lawsuits. Local activists courted favor on the Reservation and Colville Indian Environmental Protection Alliance emerged. This is a foundation grant handled by Native recruiter Winona LaDuke of Minnesota to fight people like me in Ferry County. (See page 2) LaDuke's webpage says the Colville group she funds is opposed to gold mining on the Reservation. (pg 3) But this article says that group lobbied the Tribal Council to oppose Crown Jewel Mine. (pg 4) Madame Chairman, the Crown Jewel Mine isn't on the Reservation—it's 30 miles away, minimum. This kind of deception smears the Tribe's name. Political upheaval rocks the Reservation and some Tribal members want the FBI to step in.

These foundations use environmental groups to destroy rural cultures. Our county is crippled by their attacks on timber, mining, and ranching. Jobs are scarce. Our children feel hopeless—the elite have raped their future. These grants target Ferry County with $105,000 just to silence the so-called ''incivility'' of people like me concerned with human rights. (pg 5) These are grants to Environmental Media Services! They're headed by Arlie Schardt—Al Gore's former Press Secretary!

Slick media activists hound urbanites, screaming that rural cultures destroy the planet, when in fact we feed and shelter them. The 1998 National Wilderness Conference announced its plan for Wilderness designation of the Kettle Mountain Range—Ferry County is the Kettle Range. Their millions wage a high-dollar war for Wilderness in Ferry County along with local Kettle Range Conservation Group. (pg 6) Our county is beautiful. They covet this beauty enough to rape our culture: We don't want them to squeeze us out. This cultural genocide must be acknowledged. That's why the Kootenai Tribe joins Idaho's fight against more Wilderness. (pg 7) This petition by Bret Roberts of Ferry County Action League is signed by many area residents opposed to more wilderness.

Federal insiders reshape policy to destroy rural cultures. This map shows some of the plans to push us out. Colville National Forest's Public Affairs Officer took vacation time to picket for more Wilderness. Pacific Biodiversity Institute boasts that government agencies request their wilderness maps. (pg 8) This Wilderness Society map is part of a local Forest Service Plan. (pg 9) This environmental group's grant says their lynx study will be used by the Forest Service. (pg 10) This job notice (pg 11) even says Nature Conservancy biologists write policy on Indiantown Gap Military Reservation—adding salt to the wound.

You see, government troops forced my Mother's people out of Indiantown Gap in 1932. I don't want that happening to my children, too! Madame Chairman, this juggernaut must be stopped.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

SPEECH OF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. YOUNG of Florida. Mr. Speaker, I rise today in strong support of H.R. 5, the Senior Citizens' Freedom to Work Act.

As the Representative of Florida's 10th Congressional District, which is home to one of our nation's largest population of seniors, I have consistently supported legislation to eliminate the unfair earnings limit placed on seniors. In fact, one of the first bills I introduced as a member of this body was an act to repeal the Social Security earnings limit.

This outdated law discourages older Americans from working during their golden years, and penalizes the most experienced workers in our nation at a time when many small businesses are searching for qualified employees. The earnings limit unfairly taxes older Americans and at the same time hampers an economy already limited by a lack of workers. I firmly believe our nation will only benefit from the skills and experience of older employees, and this House should welcome their contributions to society and the economy.

Mr. Speaker, the earnings limit is an insult to the dignity of all seniors who wish to continue to work and receive their Social Security

benefit. So many retirees want the freedom to work and support themselves. Many want to supplement their incomes in order to increase their standard of living. Others need to work in order to offset the high cost of prescription drugs. Regardless of the reason, seniors who wish to continue to work should be able to do so without being penalized, and I am proud that today the House is taking action to eliminate this unfair roadblock that stands between older Americans and their desire to continue working.

Mr. Speaker, it is time to repeal this antiquated law and restore freedom to older Americans everywhere.

SUPPORT AFRICAN AMERICAN WORLD WAR II VETERANS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Ms. BROWN of Florida. Mr. Speaker, most people do not realize that African Americans were central contributors to the allied victory in World War II and served in numeric proportion to their presence in the population. Over 1.2 million African American men and women served in the Armed Forces during the war. Unfortunately, over the decades, the popular culture of major films and books fail to acknowledge. A few efforts have been made to tell the story of a small number of the participants such as the HBO film on the Tuskeegee Airman. However, in the mainstream of Americana African American World War II veterans are ignored and bypassed.

To make sure these brave men and women don't pass before their sacrifices are recognized, I am asking for your support of the ''Day of Honor 2000'' project. The ''Day of Honor 2000'' project is an organized effort to provide a national city by city special event honoring African American World War II veterans. It is undertaken to provide some measure of clear public acknowledgment and appreciation of the sacrifices of a generation who served America under some of the most trying conditions experienced by any group of Americans in World War II. Day of Honor activities includes an appreciation reception with local African American World War II veterans who will make remarks on behalf of their comrades present and fallen. These veterans will be presented with Oral History Collection Kits which will be used to record their individual stories for future generations. These oral histories will be transcribed and forwarded to major museums focusing on World War II history. The reception also includes a premier screening of the critically acclaimed documentary film ''The Invisible Soldier: Unheard Voices.'' The ''Day of Honor 2000'' project will culminate with a major event in Washington, DC on May 25th.

If you have any questions or would like to sign on to the bill, please contact Nick Martinelli in my office at 225–0123.

TRIBUTE TO CONGRESSMAN CHARLES S. JOELSON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a distinguished gentleman and the former Representative from my district, Charles S. Joelson of Paterson, New Jersey. It is only fitting that we recognize him, for he epitomizes caring and generosity of spirit.

Charles Joelson was a man of diverse talents. In his early years he demonstrated scholarship. He graduated Phi Beta Kappa with a Bachelors of Arts degree from Cornell University in 1937. Later, he graduated from Cornell Law School in 1939.

Charles had always been an active and involved leader. He was an Ensign in Naval Intelligence during World War II. Furthering his belief in civic participation, Chuck mastered the Japanese language. The time spent in the Navy instilled in Charles the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he served.

Known for a questioning mind and an ability to get things done, Chuck Joelson returned to law and politics after the war. First he served on the Paterson City Council. Then he became Deputy Attorney General of New Jersey. During the fifties he specialized in criminal law, and became a Prosecutor in Passaic County. Eventually, he became the Director of Criminal Investigation in the State Department of Law and Public Safety in Trenton. In 1960, Chuck led a successful campaign to become the United States Congressman for New Jersey's Eighth District.

His Congressional tenure lasted for nine years. During his final term, he decided to leave Washington, so he asked Governor Hughes to appoint him to the Superior Court. The Governor quickly appointed him, and Charles spent fifteen years on the bench. He held a judicial position in the Chancery Division, as an assignment Judge in Passaic County. He then served his final years as a justice on the Appellate Division in Hackensack, New Jersey, where he demonstrated his writing skills before retiring in 1984.

As the inheritor of the Joelson family legacy, Charles followed his father and Uncle into public service. His father, Judge Harry Joelson, was an advocate for the working people. His Uncle, Dr. Samuel Joelson, exemplified generosity and the love of humanity.

Chuck continually touched the lives of the people around him. He championed needs in education, civil rights and legislation in the workplace. One of the five term Congressmen's greatest achievements was a 1969 piece of legislation that saved thousands of school libraries. His legislation appropriated $1 billion for public school libraries, remedial programs and guidance counseling.

Mr. Speaker, I ask that you join me, our colleagues, Chuck's family, friends and the State of New Jersey in recognizing the outstanding and invaluable service to the community of Charles S. Joelson.

HONORING CHAVIS NEWMAN-KEANE OF ANCHORAGE, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in his community. Chavis Newman-Keane of Anchorage, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Chavis Newman-Keane is being recognized for his hard work and dedication in implementing an entertainment program called ''Musical Smiles'' to cheer up elderly residents of two-assisted living facilities. He has volunteered his time by conducting a piano recital every week and has recruited other musicians to join in his program.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Newman-Keane are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Newman-Keane should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Newman-Keane for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN RECOGNITION OF MARTHA BURNS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Martha Burns, a good friend and

community leader who is planning to step down from her duties as a Member of the Board of Trustees, Co-Chair of the Parent/School/Youth Task Force, and Director of Parent Training with the Coalition for a Drug-Free Greater Cincinnati. Martha has been invaluable to the Coalition.

In 1996, Martha attended a meeting at Sycamore High School regarding teenage drug abuse and efforts to get parents involved in a new organization being formed to address the problem—the Coalition for a Drug-Free Greater Cincinnati. Martha went home that night and made the decision with her husband, Bruce Burns, to get involved in the effort to prevent teenage drug use in our community.

Martha has been the Coalition's hardest working volunteer. She and Bruce were trained as facilitators of our Parent-to-Parent program and began recruiting others to do the same. As the Director of Parent Training for the Coalition, Martha coordinated Parent-to-Parent training classes throughout Greater Cincinnati. To date, over 4,000 parents in 30 school districts have been trained in how to talk to their kids about the dangers of substance abuse and how to recognize signs that a child may be in trouble. Most recently, Martha has worked to bring the parent training classes into the workplace.

Martha's work and contributions to the community do not, however, end with the Coalition. She also volunteers at the local library, is Secretary of the local Boy Scout troop, teaches Bible classes, and is an Officer and Board Member of the Sycamore High School Parent Teacher Organization.

Martha's efforts with the Coalition have helped literally thousands of local parents to learn more about how to keep their kids drug-free. And, it is not a stretch to say that her work has saved the lives of children in our area. Her selfless dedication to the cause of fighting drug use in our community makes her a true hero. We will miss Martha as a Board Member, Co-Chair of the Parent/School/Youth Task Force, and Director of Parent Training, but look forward to continuing to work with her as a Coalition volunteer in the future.

PERSONAL EXPLANATION

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. COOK. Mr. Speaker, on rollcall Nos. 26, 27, and 28, I asked to be excused because of intestinal surgery. Had I been present, I would have voted ''yes.''

TRIBUTE TO DAVID BRYON COLE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a distinguished musician, David Bryon Cole of Passaic, New Jersey, who is being feted today because of his remarkable talents and legacy. It is only fitting that Passaic High School rename its music suite for David, for he epitomizes a strong spirit and never forgot from where he came.

David Bryon Cole was born to Sandra Cole-Turner on June 3, 1962 in Johnson City, Tennessee. He attended elementary there for a short while before his family moved to Passaic. Once in New Jersey he continued his education, and went on to graduate from Passaic High School in 1980. During high school, David's main pursuit was music. It was at this time that he proved himself to be a remarkable pianist, soloist, accompanist and arranger.

David, always an active and involved musician, learned much of his skill in the church. One of the most influential teachers in young David's life was the Reverend Roberts of the First Baptist Church in Nutley, New Jersey. David's nascent talents began to flourish under the Pastor's tutelage. The time spent working with Reverend Roberts instilled in David the attributes necessary for him to become a stellar force in the music industry. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to scores upon scores of people worldwide.

David Cole has had a varied career, which has taken him to the top of the charts. His professional career included working with the group Two Puerto Ricans, a Black Man, and a Dominican. David was also the accompanist for the Weather Girls. In addition, David performed as a dance club keyboardist and it was in a club in New York where he met his future partner Robert Clivilles.

David and Robert combined their talents and dreams to establish C+C Music Factory. This productive union spawned many other groups including Seduction, Soul System and Trilogy. In addition to contributing to C+C Music Factory, David completed many projects for some of the largest and most influential recording companies in America. He was known to be one of the best producers, and his skills were widely sought after.

This native of Tennessee, who later moved to New Jersey, found fame and fortune around the world. C+C Music Factory worked with London's famed Ministry of Sound and produced projects in Japan.

David continually made his mark on the music world by writing and producing songs for some of the best-known recording artists of our time. These legendary artists include Aretha Franklin, Whitney Houston, Mariah Carey, Chaka Khan, Luther Vandross, Donna Summer along with many others.

In 1993, David and his partner Robert received a Grammy for Album of the Year. They received the award for their contributions as producers of one of best-selling soundtrack albums of all time, ''The Bodyguard.'' In total, C+C Music Factory won twenty-eight awards including five American Music Awards, five Billboard Awards and two MTV Video Music Awards. The world lost a truly remarkable man when David passed away on January 24, 1995.

Mr. Speaker, I ask that you join our colleagues, the City of Passaic, David's family, his friends and me, in recognizing the outstanding achievements in the areas of music and production of David Bryon Cole.

HONORING TANYA EWING OF JUNEAU, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in her community. Tanya Ewing of Juneau, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Tanya Ewing is being recognized for her hard work and dedication in implementing Teens Against Tobacco Use (TATU) program. She has volunteered over four years of her time in educating young people on the dangers of smoking and helping to reduce the rate of teen smoking in Alaska.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Ewing are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Ms. Ewing should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Ewing for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

CELEBRATING THE WOMEN OF LEWISTON/AUBURN

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. BALDACCI. Mr. Speaker, I rise today to call my colleague's attention to a dinner being

held next week in the Lewiston/Auburn communities of Maine. The event, ''Celebrating the Women of L/A,'' will honor women who have touched the lives of others in their communities.

For decades, the women of Lewiston and Auburn—like those throughout Maine, the nation and the world—have raised children, served as caregivers, worked inside and outside the home, and volunteered their time and talents. They have maintained a strong and quiet foundation for our families that has nourished us all. The celebration will recognize all that women bring to families and our community.

Those submitting nominations were asked to briefly describe what it was about the nominee that made her such a special and important part of the community. Here are a few examples:

''Life has not been a cakewalk for you, nor was life meant to be. However, each challenge you faced was met with the steadfast determination to overcome and survive and never to succumb. All of this has given rise to a woman who now lives life to the fullest, to a mother who loves her children insurmountably and to a co-worker who leads by example and a steadfast desire to accomplish.''

''You are extremely special to me because you have every quality that I would like to have when I myself become a mother. You are caring, loving, kind, strong (emotionally), strict (when necessary), good cook, helpful, and most of all being independent and such a hard-worker. I admire you for all these things.''

''She is an ordinary woman, who did an extraordinary job raising five children, after the accidental death of her husband. . . . She has never, ever complained, always with a smile. She has 'Looked to the sun and the shadows have fallen behind.'''

''I would like to honor this woman today because if I could be half the woman she is, my life would be full.''

''She gently pushes me forward with my personal growth. . . . I want her to know that she touches my life in a very special way. . . . She has helped me to learn to love myself. In return, I am learning to love others.''

''Plain and simple, she represents what a good leader should be.''

These are but a few examples of the testimonials received on behalf of the honorees. They speak to the importance and influence that these women have had on their families, colleagues, and communities.

I am proud to have the opportunity to pay tribute to the following Women of L/A here in the House of Representatives. The Honorees are Marcia Akers, Carol Arone, Lucinda Athertone, Susan Breau, Joan Collins, Rebecca Cutler, Clare Darcy, Jackie D'Auteuil, Julie D'Auteuil, Rachel D'Auteuil, Katherleen White Fallon, Julia Hixon, Dawn Humason, Debra Leigh Humason, Elizabeth Kennedy, Geneva Kirk, Mary Martin, Susan Nichols, Sister Jeanne Nicknair, Lillian O'Brien, Mary O'Leary, Claire Ouellette, Cindy Palmer, Helene S. Perry, Barbara Robertson, Maca Roddy, Linda Rolfe, Donna Steckino, Kaileigh Tara and Dottie Perham Whittier.

These 30 women are all extremely deserving of this recognition, and I congratulate them as they are recognized for their effort in the home, in the workplace and in the community. I know that they are also representative of many other women throughout the communities and as we honor them, we also look around at the many other women who have made positive differences in L/A. I offer my thanks and best wishes to all the women of L/A for making Lewiston and Auburn such a strong and vibrant community.

CELEBRATING THE 50TH ANNIVERSARY OF THE BLESSED HOPE MISSIONARY BAPTIST CHURCH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise to celebrate the 50th Anniversary of the Blessed Hope Missionary Baptist Church, located in Houston, Texas.

Almost 50 years ago, Rev. Jesse E. Green first sought to hold a revival in Wallisville Garden Addition. With the counsel of Brother James Anderson and assistance from the Noble Smith family, a meeting place was found at 3741 Colvin Street.

On May 1, 1950, the first services were held at this location. With 19 congregants in attendance, Rev. Green preached, appropriately enough, from John 1:15 with the theme ''Jesus Turns on the Lights.'' With the support of ministers from across the Greater Houston area, the week-long revival services were a success.

On May 10, Rev. T.T. Anderson of Beaumont, Texas, called a special meeting of those who had attended the revival and organized a church with the temporary name of ''The Wallisville Garden Station.'' Bros. Anderson and N. Smith were elected deacons, with Bro. Anderson also elected Sunday Church School Superintendent. Sister M. Anderson became Mission President, and Rev. Green was officially elected Pastor of the congregation.

One week later, a permanent name for the church was selected and the Blessed Hope Missionary Baptist Church was officially born. Over the first 20 years, the church prospered, growing to include not only the original building, but many additions as well. In 1970, the membership decided that a new building was necessary, and so on March 7, 1971, Blessed Hope moved into its second official home.

Again, the church was blessed with growth, both spiritually and numerically. On August 7, 1993, Rev. Green proudly led the congregants into the third home for the church, where services are still held today.

As they celebrate both the new millennium and 50 years of praising God, the members of Blessed Hope reflect on the past and look ahead to the future. Rev. Jesse E. Green, founder, longtime pastor, humble servant, and good friend, has been called home by our Lord. The new pastor, LaKeith D. Lee, and the congregation have worked hard to pay off the church mortgage, honor Rev. Green with a new library building, and have completed a Youth Education Building. Further, Blessed Hope has managed to expand its ministry to include outreach, education, evangelism and young adults, just to name a few.

Mr. Speaker, I congratulate the members of the Blessed Hope Missionary Baptist Church on their successes over the first 50 years, and look forward to the many more years of good works and holy worship to come.

TRIBUTE TO THE MILLS CORP.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an organization which has added much to the rich history of the State of New Jersey that is being feted today because of its many years of service and leadership. It is only fitting that we gather here in honor of the Mills Corp. based in Arlington, Virginia to recognize its years of commitment and service to people from the State of New Jersey and throughout the nation.

The Mills Corp. is a special company because it trains and hires unemployed people who are able and willing to work. This company is one of 12,000 businesses nationwide participating in the Welfare to Work Partnership begun in 1997. This nonprofit partnership works to help people move from welfare to good jobs without encroaching upon any current workers. Mills Chairman and CEO Laurence Siegel stated the company's objective for this program, ''We need to institute programs to assist individuals who live under conditions that typically make employment difficult to achieve.''

In November of 1999 during his ''New Markets Initiative Tour,'' President Clinton cited one company as a leader and role model for this program, the Mills Corp. He noted that the Mills Corp., a board member of the Welfare to Work Partnership, has shown the way for other businesses to make this idea work in New Jersey. The Mills Corp. has already had success with its Jobs Initiative program in other states. Katy Mills, the first of its five Jobs Initiative prototypes, opened in Houston, Texas on October 28, 1999. This mall has already hired 200 employees.

The Meadowlands Mills Mall, planned for Carlstadt, New Jersey is the project where the Mills Corp. has incorporated the Welfare to Work program in New Jersey. The company plans to train and hire scores of low-income Newark residents to work at the facility. This program is patterned after Mills' other initiatives that have been successful throughout the nation.

Additionally, The Mills Corp. remains committed to their new employees. This dedication includes a remarkable pre-employment training and a career development center at the mall. The center will provide retention and career advancement services. In this spirit, the President stated, ''The Mills Corporation made a $1 million commitment towards pre-employment training and career development center on-site at the Meadowlands Mills Mall, which will provide job retention and career advancement services for all mall employees,'' during his visit.

Mills is a company with a long and storied history of community involvement. The company funds children's sport teams, public school computer labs, health fairs and high school safety programs. In addition, Mills has underwritten the development of environmental education curriculum in public schools with the Smithsonian Institute.

The accomplishments of the Mills Corp. and its leadership in the Welfare to Work Partnership are contributions to society of the highest order. It has made a commitment to the workers and citizens that stand to be left behind in

the strongest economy in American history. We should all be proud to congratulate the company for this critical investment in humanity.

Mr. Speaker, I ask that you join our colleagues, the friends and employees of this outstanding company and me in recognizing the outstanding and invaluable service to the community of the Mills Corp.

HONORING JASON REDMOND OF SOLDOTNA, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in his community. Jason Redmond of Soldotna, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Redmond is being recognized for his hard work and dedication in organizing a free public bicycle system for residents of his town who do not drive or own their own bicycles. He has volunteered his time by getting out into his community and making a difference in people's lives.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Redmond are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Redmond should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Redmond for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN MEMORY OF LARRY MICHELS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor a local entrepreneur and community personality whose leadership and innovation profoundly affected all who knew and worked with him. Mr. Larry Michels passed away on November 8, 1999 at the age of 68.

Born in Chicago, Illinois on January 17, 1931, Larry was the founder and genius behind Santa Cruz County's largest high-tech enterprises, Santa Cruz Operation. Launched with his son and current Chief Executive Officer, Doug Michels, out of a small Victorian house in Santa Cruz's downtown periphery, the father and son team's visionary approach and determination created Santa Cruz Operation into a business of 1,200 fiercely loyal employees. The company found a niche in the high-tech industry by placing the Unix operating system on Intel-based computers which propelled Santa Cruz Operations to the forefront of the Unix software movement.

Described as a passionate and dynamic leader who inspired the ''loyalty and admiration of many employees,'' (Doug Michels, SCO CEO) Larry resigned his position in 1992 and retired to Evergreen, Colorado where he soon returned to his entrepreneurial roots taking an active role in launching and developing startups as well as re-engineering existing companies. It is a combination of Larry's natural talent and creative genius, his vivacious and dauntless personality as well as his hard-working and determined spirit that makes him such a memorable and respected member of the community.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the valuable contributions of Larry Michels whose leadership in our community has profoundly impacted and influenced the many who were privileged to know and work with him through the years. The products of Mr. Michels' genius continue with us today through his homegrown company, Santa Cruz Operations. Mr. Larry Michels will be missed and his years of achievement and innovation will not be forgotten. Larry is survived by his companion, Geri Snyder; sons, Doug, Jordan and David Michels; daughter, Dia Michels; sister, Barbara Michels; former wife, Loni Michels; and seven grandchildren.

RECOGNIZING THE BUTLER COUNTY BICENTENNIAL CELEBRATION

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. KLINK. Mr. Speaker, I rise today to recognize the citizens of Butler County who celebrate their community's 200th birthday this year. At noon on Sunday, March 12, two minutes of church bell ringing will commence in churches throughout the county. The celebration will continue throughout the day with speeches and events along a ''whistle stop'' tour in several other communities in the county.

Butler County is a thriving part of Western Pennsylvania with some of the fastest growing areas in the region and in the state. Agriculture and industry coexist in this community providing jobs and opportunities to the hard-working families who call Butler their home. With its beautiful state parks and gamelands, Butler County attracts visitors from all over the state seeking to enjoy the forests and lakes that make this area of Pennsylvania so unique.

On my many trips to Butler County I have received nothing but good wishes from the people of this community. Their support has been invaluable to me during my years in Congress, and I will never forget their kindness.

Once again, I urge my colleagues to rise and recognize the citizens of Butler County on this truly momentous occasion. Their commitment to family and community spirit represent the finest qualities of the Fourth Congressional District.

TRIBUTE TO CHIEF JAMES K. PASQUARIELLO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an outstanding Fire Chief and a valued member of my community, James Kenneth Pasquariello of Paterson, New Jersey. Jim is being honored tonight by the Northern New Jersey Council of the Boy Scouts of America. It is only fitting that we are gathered here in his honor, as he is named Boy Scout's ''Man of the Year,'' for Jim defines caring and generosity of spirit.

Chief Pasquariello, a member of the Passaic Valley High School class of 1963, found his calling at Passaic County Community College in Paterson. It was there that he received an Associate Degree in Fire Science Technology. Jim also possesses a Fire Official license from the Bureau of Fire Safety of the State of New Jersey.

Jim's time spent working in the fire safety has instilled the attributes necessary for him to become the stellar positive force in the community he has now become. It was the small steps in the beginning of his career that taught him the fundamentals that would make Jim a role model to the firefighters he now leads.

Known for his ability to get things done, Jim Pasquariello was appointed to the Paterson Fire Department on August 1, 1968. He was promoted to Captain on August 1, 1980. On February 19, 1998 Jim attained the rank of Battalion Chief. Always respected and well liked, he continued to rise within the department. When Jim became Deputy Chief on June 3, 1994 he assumed command of Tour Number 3 as Shift Commander. Only three short years later, Jim reached the pinnacle of his fire service career when he was promoted to Chief of the Paterson Fire Department on October 31, 1997. During his distinguished career of 31 years of service, Jim has served in numerous fire companies in various capacities. In addition, he has been cited on three occasions for conduct above and beyond the call of duty.

As the Chief of the Paterson Fire Department, Jim Pasquariello is a member of six professional associations: the Paterson Firefighter's Association, the International Association of Firefighters, the New Jersey Deputy Fire Chiefs' Association, the New Jersey Career Fire Chiefs' Association, the Passaic County Mutual Aid Association and the New Jersey Firefighter's Relief Association. Chief Pasquariello also serves on the Eighth Congressional District Public Safety Advisory Board, the New Jersey Department of Personnel Advisory Board and is a member of the Passaic Valley B.P.O. Elks Lodge #2111.

A native of Paterson, Jim was born on October 13, 1945 at Paterson General Hospital to James, Sr. and Cecilia. On January 15, 1966, Jim married his sweetheart, the former Marsha Helene Smith at Our Lady of Pompeii R.C. Church in Paterson. Jim is the father of three lovely daughters, Janine Brownley, Virginia and Suzanne.

On a personal note, Mr. Speaker, I would be remiss if I did not say for the record that as the former Mayor of the great City of Paterson, New Jersey, I had the distinct privilege of working closely with Jim Pasquariello on a regular basis. He was and still is the epitome of devotion and professionalism. More than all this, however, I am proud to call Jim my friend.

Mr. Speaker, I ask that you join our colleagues, Jim's family and friends and me in recognizing the outstanding and invaluable service to the community of James Kenneth Pasquariello.

HONORING REBECCA DICKISON OF ANCHORAGE, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in her community. Rebecca Dickison of Anchorage, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Dickison is being recognized for her hard work and dedication in collecting new and used books and organizing a reading corner for children at the Intermission Crisis Nursery. She has volunteered her time to bring happiness and joy to those in need.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Dickison are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Ms. Dickison should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Dickison for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

THE NEED FOR A NATIONAL DIALOGUE IN KAZAKHSTAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. LANTOS. Mr. Speaker, last December President Nursultan Nazarbayev of Kazakhstan was in Washington for the annual meeting of the U.S.-Kazakhstan Joint Commission. The purpose of these meetings, which are held alternately in the United States and Kazakhstan, is to promote political and economic cooperation between our two countries. The United States side regularly presses the government of Kazakhstan to improve its human rights record and to undertake much-needed political and economic reform.

Mr. Speaker, it is my understanding that in December U.S. officials pressed the Kazakh participants because of serious American concerns about the sham parliamentary elections which were held last October, increased corruption, and an increase in abusive action taken against opponents of President Nazarbayev's increasingly repressive government.

Prior to last December's meeting and in an apparent move to blunt the expected pressure from the United States, President Nazarbayev issued a statement on November 4 saying that he was ready to cooperate with the political opposition and that he would welcome the return to Kazakhstan of former Prime Minister Akezhan Kazhegeldin, the exiled leader of the principal opposition party.

On November 19, Mr. Speaker, Mr. Kazhegeldin responded to President Nazarbayev by calling for a ''national dialogue'' to examine ways to advance democracy, economic development and national reconciliation in Kazakhstan. Similar national dialogues have met with success in Poland, South Africa, and Nicaragua. Mr. Kazhegeldin pointed out that convening a national dialogue would be an ideal way to initiate cooperation between the opposition and the government. Unfortunately, President Nazarbayev has reacted with stony silence to Mr. Kazhegeldin's proposal. Unfortunately, Mr. Speaker, this is not the first occasion when Mr. Nazarbayev has reneged on his promises or taken actions that undermine democracy and economic reform in Kazakhstan. He has reneged on a pledge he made in November to ship oil through the proposed Baku-Ceyhan pipeline. He continues to refuse to settle investment disputes with foreign companies that have lost millions of dollars because the government failed to honor its commitments. He arranged to have a kangaroo court convict an opposition leader for having the temerity to criticize Mr. Nazarbayev's government.

Even more troubling and more threatening to our national security, an investigation and trial in Kazakhstan have failed to find anyone responsible for the delivery last year of 40 MIG fighter aircraft from Kazakhstan to North Korea.

Mr. Speaker, the Administration must stop turning the other cheek every time Mr. Nazarbayev commits another outrage. The cause of freedom, democracy, and economic reform will continue to suffer in Kazakhstan unless the Administration strongly supports the national dialogue along the lines proposed by Mr. Kazhegeldin and takes action to press the government of Mr. Nazarbayev to stand by its commitments.

It seems to me, Mr. Speaker, that the Administration should also insist that the government of Kazakhstan make a minimum of one hour per week available for use by the opposition. In a country where the government still controls the media, this is a minimum for democracy to have any hope at all to develop along democratic lines. We also ought to insist that the democratic opposition be permitted be provided a printing press to replace those that have been confiscated by the government.

Mr. Speaker, the shocking lack of democracy in Kazakhstan and deliberate government actions and policies that have restricted political and economic reform are a matter of great importance to the United States. It is essential that the Administration press Mr. Nazarbayev to take remedial steps quickly.

INTRODUCTION OF A HOUSE RESOLUTION TO RESTORE THE UNITED STATES ASSAY COMMISSION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. ROTHMAN. Mr. Speaker, I rise today to announce my introduction of a House Resolution designed to re-authorize the creation of the United States Assay Commission.

The Assay Commission was established in 1792, and operated uninterrupted until 1980 when it was finally abolished. During that time, it was the oldest continually operating committee in the federal government and brought in individuals to maintain oversight over a narrow aspect of the executive branch.

Originally authorized as part of the nation's first Mint Act of April 2, 1792, the purpose of the Assay Commission was to examine the nation's coins on an annual basis and certify to the President, Congress, and the American

people that gold and silver coins had the necessary purity, the proper weight, and necessarily, value.

Among the earliest members of the Assay Commission, statutorily, were Thomas Jefferson, James Madison, James Monroe and Alexander Hamilton. Starting about 140 years ago, some members of the general public were invited to participate, and when the Coinage Act of 1873 was passed, it codified that the President had the authority to appoint members of the Assay Commission from the general public at large. That practice continued for more than a century, though after 1970 there were no longer silver coins to review when their production was discontinued.

By the time that the Assay Commission was abolished in the Carter Administration as part of the President's re-organization project, it no longer had any valid function; the nation did not produce gold or silver coinage, whether of a circulating or of a commemorative nature.

Starting in 1982, the Mint again began producing contemporary commemorative coinage from .900 fine silver. By 1984, gold commemorative coins for the Olympic games were added, and since then the U.S. Mint has produced and sold hundreds of millions of dollars worth of gold, and silver commemorative coinage. Since 1986, the Mint began producing gold, silver and platinum bullion coins which are widely traded the world over.

Mr. Speaker, in the mid-1980's, lacking the outside oversight previously provided by the Assay Commission, a problem was discovered in one of the Mint's bullion products. It appears, from the records, that some fractional gold eagle coins (those weighing less than ounce) did not have the proper fineness or weight in gold. This caused a serious marketing problem in the Far East, and confidence in this uniquely American product went by the wayside.

Today, the United States Mint is a business that, were it privately-controlled, would constitute a Fortune-500 corporation. The monetary bulk of this product—not the circulating coins—are gold, silver, and platinum.

With the re-emergence of U.S. produced gold, silver and platinum coins, I understand that an Ad Hoc group of former presidential appointees, all former Assay Commissioners, has suggested that it is time to restore Assay Commission oversight of the U.S. Mint. I share this Ad Hoc group's belief that the Mint's operations will only be enhanced by restoring the historic role played by the Assay Commission.

Mr. Speaker, an article advocating the restoration of the annual Assay Commission written by Fair Lawn, New Jersey Mayor David L. Ganz, recently appeared in Numismatic News, a weekly coin hobby periodical. I would ask that this article be reprinted, in full, in the CONGRESSIONAL RECORD.

I urge my colleagues to help me re-authorize the Assay Commission by cosponsoring the legislation that I have introduced today.

[Article appearing in Numismatic News (Weekly), October 5, 1999]

TIME TO CONSIDER REVIVING THE ASSAY COMMISSION

(By David L. Ganz)

Let me set the stage. A quarter century ago this past February, Richard Nixon was in the final throes of his star-crossed Presidency, though no one yet suspected that Watergate was about to become his ultimate downfall and lead to probable impeachment.

American coinage of 1974 was devoid of silver, and private gold ownership had been illegal since 1933, except for rare and unusual gold coin of that era or earlier, unless the Office of Domestic Gold & Silver Operations gave a rarely sought, seldom-granted license to acquire the particular specimen. As Washington hunkered down for a difficult winter storm, the White House press office was readying a press release that would surprise many for the number of Democrats and other non-supporters of President Nixon that were to be listed—not the so-called Enemy's List, but actually a designation to public service.

The weeks before had been trying for the applicants, many of whom had written letters, sent resumes, asked political contacts for a personal boost, responded to background checks that were initiated by government staff, followed up by security agencies interested in potential skeletons that could prove embarrassing to the White House if found in a presidential appointee.

First inklings of what was to transpire probably came to most individuals in the form of a telephone call on Friday, Feb. 8 from Washington, asking if the prospect could be available for official travel the following week on Tuesday. Arrangements were strictly on your own, as were virtually all of the associated expenses in traveling to Philadelphia.

What this preparation was for was the Trial of the Pyx, the annual Assay Commission, a tradition stretching back to 1792, and at that time, the oldest continually operating commission in the United States government. First of the commissions, which were mandated by the original Coinage Act of April 2, 1792 were deemed so essential to the confidence of the public in the national money that section 18 of the legislation directed that the original inspectors were to include the Chief Justice of the United States, the Secretary and Comptroller of the Currency, the Secretary of the Department of State, and the Attorney General of the United States.

This was neither a casual request nor one that was considered so unimportant an aide could attend. The statute is explicit: this who's who ''are hereby required to attend for that purpose'', meaning that in July of 1795, chief justice John Jay, Secretary of State Edmund Randolph, Treasury Secretary Alexander Hamilton, Attorney General William Bradford may have gathered. In the Jefferson Administration, consider this remarkable group: Chief Justice John Marshall; Secretary of State (and future president) James Madison; Secretary of the Treasury Albert Gallatin, Attorney General Caesar Rodney might all have been there.

By 1801, the statute had been amended to add the United States District Judge for Pennsylvania as an officer at the Annual Assay, and by the time that the Act of January 18, 1937 was approved, the cabinet officials and the Chief Justice were omitted in favor of the U.S. District Court Judge from the Eastern District of Pennsylvania (the state having been divided in half for judicial purposes), other governmental officials, and ''such other persons as the President shall, from time to time, designate for that purpose, who shall meet as commissioners, for the performance of this duty, on the second Monday in February, annually. . . .

Flash forward to 1974. The call comes from Washington. A trek begins to Philadelphia, where it has begun to snow. Dozens of people from all across the country come to serve on the Assay Commission, all traveling at their own expense. Starting in the midst of the Truman Administration, a serious numismatist or two had begun to be appointed. Some who assisted the government in some numismatic or related matter were similarly given the honor. Among the early appointees: Max Schwartz (1945), the New York attorney who later became ANA's legal counsel; Ted Hammer (1947), John Jay Pittman (1947), Adm. Oscar Dodson (1948), and Hans M.F. Schulman (1952).

Some came by air (from California); others drove. I came by train, on Amtrak's Metroliner, leaving from New York's Penn Station and arriving an hour and a half later at Philadelphia's station by the same name. Those who came in February, 1974, gathered off Tuesday evening, Feb. 12, at the Holiday Inn off Independence Mall, and unlike years when there were only one or two lobbyists, this was a banner year. (I almost did not attend; having started law school just three or four weeks before, I had to petition the Dean of the School to permit the attendance lapse and honor the presidential appointment).

My classmates, as we have referred to ourselves over the succeeding quarter century, included some then and future hobby luminaries: Don Bailey (former officer of Arizona Numismatic Association), John Barrett (Member of several local clubs), Dr. Harold Bushey, Sam Butland (Washington Numismatic Society V.P.), Charles Colver (CSNA Secretary), David Cooper (CSNS v.p.), George Crocker (S.C.N.A. president), Joe Frantz (OIN Secretary), Maurice Gould (ANA governor), Ken Hallenbeck (past President, Indiana State Numismatic Assn.). Also: Dr. Robert Harris, Jerry Hildebrand (organizer World Coin Club of Missouri), Richard Heer, Barbara Hyde (TAMS Board member, sculptor), Philip Keller (past president of the American Society for the Study of French Numismatics), Reva Kline (member of several upstate New York coin clubs), Stewart Koppel (past president, Aurora, III. Coin Club), Charles M. Leusner (Delaware Co. Coin Club).

Rounding out the Commission: Capt. Gary Lewis (past president of Colorado-Wyoming Numismatic Association), Fred Mantei (past president Flushing Coin Club), Lt. Col. Melvin Mueller (member of many local and regional clubs), James L. Miller (COINage Magazine publisher), John Muroff (Philadelphia Coin Club member), and Harris Rusitzsky (Rochester Numismatic Association member). I was also a member (law student and former assistant editor, Numismatic news).

This rather remarkable group of men and women, the White House and Mint joint announcement announced, were appointed by the President ''from across the nation. . . . The 25 Commissioners, working in such varied fields as medicine, dentistry, law, engineering, forestry research and the military, share a common interest in coins and the science of numismatics.''

Early in its history, and indeed, into the first half of the 20th century, the appointees were either political themselves, or politically connected. Ellen (Mrs. Irving) Berlin, Commissioner 1941, was one example; Mrs. Norweb (1955) was another. So was Sen. H. Willis Robertson (1962), chairman of the Senate Banking Committee and father of television evangelist and presidential hopeful Pat Robertson. William Ashbrook, a member of Congress from Ohio who sponsored the legislation chartering the ANA in Congress, served six times between 1908 and 1920. Albert Vestal, a member of Congress from Indiana, served consecutively from 1920–1925. There were many other Congressmen and Senators through the years, as well.

I recall meeting in the lounge of the Holiday Inn and suggesting my old friend Maury Gould to be the chairman of the commission. The fix was already in: the California delegation had already agreed, and lobbied other members, to elect Barbara Hyde to that honor.

The work that we did was largely honorific, but there was a brief moment when some of us thought that the actual results of an assay were under-weight—which mint officials regarded as calamitous, and of sufficient importance to re-weigh the parcel in question. (It passed the test, and as was the case in most years, pro forma resolutions prepared by mint staff were signed by all of the commissioners). But that does not say that the description of the work done by the Assay Commission remains irrelevant. To the contrary, unlike 1974 which examined the nonprecious metal coinage of 1973, today there are silver, gold and platinum bullion coins, and numerous commemorative coins, and related items that circulate the world-over.

There is accountability within the Mint, but at present, the Mint's primary accountability is to Congress, and to the coinage subcommittee in the House, and the larger Senate Banking Committee on the other side of Capitol Hill. If there is a problem, it remains largely unknown to the public at large, except in case of acute embarrassment.

In April, 1987 for example, the U.S. mint was accused of having grossly underweight fractional gold coins—a move that nearly scuttled the entire effort of the program to market into the Far East. The Assay Commission having been abolished in 1980, there was no voice of authoritative reassurance, for the mint denied that there was even a problem—when it was clear that the fractionals had not been properly assayed and were lightweight in their gold content.

Abolition of the Assay Commission came in two stages. In 1977, President Jimmy Carter declined to name any public members to the Commission, ending a practice of more than 117 years duration. The F.T. Davis, director of the General Government Division of the President's Reorganization Project, got into the act. ''We are conducting an organizational study of the Annual Assay Commission,'' he wrote me on Sept. 6, 1977. ''The study will focus on possible alternative methods of carrying out the functions of the Commission.''

I prepared a memorandum for Davis at his request, answering several specific questions, careful to take no position on its continued validity. Earlier in the year, in a major law review article proposing a ''Revision of the Minting & Coinage Laws of the United States'' which was published in the Cleveland Law Review, I had essentially concluded that it was a political choice to decide whether or not to continue the two-century old commission. Davis asked if the mission of the Assay Commission was essential. I replied ''More aptly, the question is whether or not assaying of coins is essential. The answer is an unqualified yes to that.'' Indeed, the Mint regularly conducts assays of its coin product as a means of assuring quality. (The 1987 foul-up was an administrative problem; the gold coins were assayed and came up short, but a decision was made to circulate them, anyway). Davis also asked what the function of the Commission should be in the succeeding two years if it was continued. I suggested that the law be ''rewritten to provide for compositional analysis of all subsidiary coinage plus the dollar coin''.

The die was already cast, however, and the Carter Administration (having already declined to name public members) simply let the Assay Commission wither away until, in 1980, it expired with the passage of Public Law 96–209 (March 14, 1980). The irony is that only a short time later, the Mint was once again producing precious metal coinage.

As the new millennium is on the verge of commencement, a movement initiated by former commissioners (most of whom are members of the Old Time Assay Commissioner's Society, OTACS for short), has talked about proposing revitalization of this old commission. There are reasons why it could succeed, and some why it should.

There are a number of reasons why the Assay Commission ought to be reconstituted, and any proposal to do so will require a legislative initiative in Congress. Toward that goal, I was asked by an ad hoc advocacy group to try my hand at it.

If you've got an interest in the Assay Commission, perhaps you'd care to send a note to your Congressman or Senator (U.S. Capitol, Washington, D.C. zip for the House 20515, Senate 20510) with a copy of this article, and the draft legislation. You can encourage them to do the rest.

TAX CREDITS FOR THE UNINSURED DON'T WORK UNLESS YOU HAVE INSURANCE MARKET REFORMS: CREDITS HELP THE YOUNG, DO LITTLE FOR OLDER WORKERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. STARK. Mr. Speaker, a lot of Members are talking about refundable and non-refundable tax credits to help the uninsured.

Their bills don't work, unless they accompany the proposals with insurance reforms and make the tax credit adequate to help the uninsured who are, overwhelmingly, the nation's poor and near-poor.

On January 27th, a number of Members announced their intention to introduce a bill to provide a refundable tax credit of $1,000 per individual and $2,000 per couple for use in the purchase of health insurance. It does not appear their bills will include insurance reform.

As the attached tables show, that would be nice for a 25 year old individual or couple without children, and might help some 35 year olds, but after that, these tax credits mean less and less for people who are uninsured and middle aged.

The credits would also have a tremendously different impact depending on where one lived. In the Los Angeles market, they would cover most of the cost of a younger person, but a much smaller percentage in Northern Virginia.

The reason most people are uninsured is that they are low-income, working poor, who have to choose between keeping the car running so they can get to work, versus health insurance which they might need, but God willing, won't absolutely need. Unless the subsidy for the insurance is very high, individuals facing the need for food, fuel, and clothes for themselves and their kids will not buy health insurance. That's why these tax credit schemes will not work unless we cover almost all of the cost of a decent policy in an area.

Second, the use of health insurance rises as one ages. That's why insurance for older workers is, of course, more costly. If the credit doesn't keep pace with that fact, or unless we move to community rated insurance reforms, the credits will not help people when they are most likely to need help.

The Jeffords-Breaux proposal fails to do that, except for the very youngest in the very safest types of jobs.

WHAT DOES PRIVATE HEALTH INSURANCE COST?

I asked my staff to conduct a brief study using health insurance quotes from the Internet. The results prove why tax credits without insurance reform are a waste of time. I urge Members interested in the tax credit approach to consider the types of reforms included in H.R. 2185.

INTERNET SAMPLING OF HEALTH INSURANCE POLICY

On average the American family is estimated to pay $5,700 for health insurance premiums, a large share of the income that is needed to maintain the family household. In general, a tax credit of only $2,000 will not be able to cover the costs that a poor family will need to provide affordable health care insurance. The survey conducted shows that both of the tax credits, one for individuals and one for families, falls short of eliminating the need for guaranteed health coverage for the poor.

In more than 90% of the survey, we found that the tax credits would still leave each near poor individual or family with a large balance left to pay. In Fairfax County a 25 year old couple with 2 children after a $2,000 credit is still left with a $1,400 bill to pay, while in Alachua County (Gainesville) Florida the bill is almost $2,000. Even in rural Colfax, Nebraska within the same age bracket, there is still a balance that needs to be met. Couples without children face the same problem in that the range of balances run from full coverage for a 25 year old Nebraska couple to an almost $500 balance for the same 25 year old couple in Alachua County, Florida. For a single, 25 year old male living in either Rural Nebraska or Fairfax, Virginia, the $1,000 credit will cover his health coverage in full. However, for men over the age of 35 and women of all ages (in all four counties examined in this survey) the individual tax credit leaves a range of balances from $32 (25 year old female in California) to $3,570 (60 year old female in Florida).

As you get older, the price of health coverage steadily increases. For example in Los Angeles, Calif. the yearly premium rates that have been quoted for a 35 year old single man have nearly doubled once the individual has reached the age of 60 ($1,284 versus $2,184 per year). In the three remaining counties, yearly rates have tripled on average from $1,300 to $3,700 from age 35 to 60, respectively.

In only six out of 120 scenarios mapped out (30 quotes for each state) did this proposed tax credit eliminate the burden of health costs. That means only 5% of the time did the tax credit insure a poor individual or family. Given this data, then these proposed tax credits will only guarantee help to 2.2 million of the 44 million uninsured Americans, not the 21.9 million that is being estimated by the drafters of this bill.

This survey was conducted using an Internet access program called Quotesmith.com. Quotesmith generated quotes for health insurance rates based upon the type of individual or family entered. This survey looked at how much standard health coverage would cost for individuals, couples, couples with children, and retired persons around the country. The criterion for the health insurance premium was a $250+nearest deductible and any policy that pays 80% or more after the deductible has been met. Note these are quotes off the Internet. They are not actual purchases of policies, and do not reflect any increases in rates caused by medical underwriting. In many cases we can expect that the final quote will be higher.

Premiums were studied for individuals who lived in Fairfax County, Virginia; Alachua County, Florida; Los Angeles County, California; and rural Colfax County, Nebraska.

The occupations were that of a pilot, architect and retired person, while the ages of the individuals ranged from 25 to 60 years of age.

As stated earlier a $1000 tax credit for an older individual is simply not enough. There is no way that such a working poor individual can come close to affording private, individual health insurance, without having to decide whether to forgo basic needs.

The $2,000 tax credit that this bill is proposing for families is even more unrealistic. In not one instance does this credit eliminate the problem of cost. The lowest rate for a family with two children is $205 per month, while the tax credit offers only $167 per month leaving a gap of about $38 per month.

What also becomes very apparent is the fact that as one gets older the premium rates are rising. Therefore, a single 25 year old male can expect to spend about $100 a month on health insurance, whereas a 60 year old man can expect to pay about $250 a month or $3000 a year for his insurance! Once again how can a tax credit of only $1000 provide any relief for the near poor?

MEDICAL INSURANCE RATES

The following medical insurance rates are based upon: $250 plus nearest deductible. After deductible, policy pays 80% or better.

The lowest rates available:

Age	Architect male single (month/yearly)	Pilot female single (month/yearly)	Architect male couple (monthly/yearly)	Pilot female couple w/2 kids (month/yearly)	Retired male non-smoker (month/yearly)	Retired male smoker (month/yearly)
FAIRFAX, VIRGINIA						
25	$79/$948	$174/$2,088	$95/$1,140	$280/$3,360	$79/$948	$102/$1,224
35	100/1,200	224/2,688	140/1,680	330/3,960	100/1,200	136/1,632
45	139/1,668	294/3,528	174/2,088	400/4,800	139/1,668	195/2,340
55	222/2,664	422/5,064	219/2,628	528/6,336	175/2,100	310/3,720
60	270/3,240	489/5,868	242/2,904	595/7,140	270/3,240	378/4,536
LOS ANGELES, CALIFORNIA						
25	82/1,032	174/2,088	86/1,104	269/3,228	86/1,104	86/1,104
35	107/1,284	204/2,448	107/1,284	335/4,020	107/1,284	107/1,284
45	131/1,572	255/3,060	131/1,572	384/4,608	131/1,572	131/1,572
55	161/1,932	299/3,588	161/1,932	416/4,992	161/1,932	161/1,932
60	182/2,184	338/4,056	182/2,184	437/5,244	182/2,184	182/2,184
COLFAX, NEBRASKA						
25	68/816	137/1,644	91/1,092	205/2,460	68/816	78/936
35	95/1,140	177/2,124	118/1,416	251/3,012	95/1,140	104/1,248
45	140/1,680	243/2,916	150/1,800	317/3,804	142/1,704	156/1,872
55	211/2,532	346/4,152	196/2,352	427/5,124	223/2,676	249/2,988
60	273/3,276	452/5,424	251/3,012	569/6,828	273/3,276	313/3,756
ALACHUA, FLORIDA						
25	97/1,164	207/2,484	130/1,560	331/3,972	97/1,164	105/1,260
35	130/1,560	276/3,312	162/1,944	408/4,896	130/1,560	131/1,572
45	192/2,304	390/4,680	214/2,568	521/6,252	192/2,304	192/2,304
55	307/3,684	597/7,164	299/3,588	701/8,412	307/3,684	307/3,684
60	381/4,572	697/8,364	346/4,152	829/9,948	381/4,572	388/4,656

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 9, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

9 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture.
SD–366

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Service's infrastrutre accounts and Real Property Maintenance Programs and the National Defense Construction Request.
SR–232A

MARCH 15

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 21

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on regulating Internet pharmacies.
SD–430

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with Alzheimers Disease.
SH–216

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.
S–146, Capitol

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on General Services Association's fiscal year 2001 Capital Investment and Leasing Program, including the courthouse construction program.
SD–406

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.
SD–116

10:30 a.m.
Indian Affairs
To hold hearings on S. 2102, to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland.
SR–485

2 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings on HUD's Public Housing Assesment System (PHAS).
SD–628

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.
SD–124

Commerce, Science, and Transportation
To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.
SR–253

Indian Affairs
To hold hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.
SR–485

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

Governmental Affairs
To hold hearings on Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Piketon, Ohio.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine recent program and management issues at NASA.
SR–253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on H.R. 862, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; H.R. 992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2091, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; H.R. 3077, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; S. 1659, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, to extend the deadline for commencement of construction of a hyroelectric project in the State of Alabama.
SD–366

MARCH 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.
SD–138

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on safety net providers.
SD–430

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S–146, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.
SH–216

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.
SR–253

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on child safety on the Internet.
SD–430

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with mind body and alternative medicines.
SD–192

Small Business
To hold hearings to examine the extent of office supply scams, including toner-phoner schemes.
SD–562

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD–192

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR–485

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.
SD–124

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD–192

Governmental Affairs
To hold hearings on meeting the challenges of the millennium, focusing on proposals to increase the efficiency and effectiveness of the Federal Government.
SD–342

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD–138

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.
SD–124

Energy and Natural Resources
To hold hearings on S. 882, 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; and S. 1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD–430

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.
SD–192

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.
SD–138

APRIL 8

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 11

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.
SD–138

10 a.m.
Energy and Natural Resources
To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.
SH–216

APRIL 12

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.
SR–485

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.
SD–138

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.
SD–192

APRIL 13

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.
SD–138

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.
SR–485

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

Daily Digest

HIGHLIGHTS

Senate agreed to the FAA Authorization Conference Report.

The House passed H.J. Res 86, recognizing the 50th anniversary of the Korean War and the sacrifices of the members of the Armed Forces who served and fought in Korea to defeat the spread of communism.

The House passed H.R. 1827, Government Waste Corrections Act.

Senate

Chamber Action

Routine Proceedings, pages S1247–S1334

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 2214–2224, and S. Con. Res. 92. **Pages S1315–16**

Export Administration Act: Senate began consideration of S. 1712, to provide authority to control exports, taking action on the following amendment proposed thereto: **Pages S1271–72**

Pending:

Reid Amendment No. 2883, to amend the National Defense Authorization Act for fiscal year 1998 with respect to export controls on high performance computers. **Page S1272**

Subsequently, the bill was returned to the Senate calendar. **Pages S1275–76**

FAA Authorization Conference Report: By 82 yeas to 17 nays (Vote No. 35), Senate agreed to the conference report on H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration.

Pages S1247–67, S1300–01

During today's proceedings, the Senate also took the following actions:

By 86 yeas to 13 nays (Vote No. 36), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the nomination of Marsha L. Berzon, of California, to be a United States Circuit Judge for the Ninth Circuit. **Page S1301**

By 85 yeas to 14 nays (Vote No. 37), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the nomination of Richard A. Paez, of California, to be a United States Circuit Judge for the Ninth Circuit. **Pages S1301–02**

Nominations Agreement: A unanimous-consent-time agreement was reached providing for further consideration of the nominations of Marsha L. Berzon and Richard A. Paez, both of California, each to be a United States Circuit Judge for the Ninth Circuit, on Thursday, March 9, 2000, with votes to occur on or in relation to their confirmation to occur at 2 p.m. **Page S1302**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to the Trade Act of 1974, the report of normal trade relations with the People's Republic of China; to the Committee on Finance. (PM–90) **Pages S1313–14**

Transmitting, pursuant to law, a report entitled "The National Money Laundering Strategy for 2000"; to the Committee on Judiciary. (PM–91) **Page S1314**

Messages From the President: **Pages S1313–14**

Measures Placed on Calendar: **Page S1314**

Communications: **Pages S1314–15**

Petitions: **Page S1315**

Executive Reports of Committees: **Page S1315**

Statements on Introduced Bills: **Pages S1316–26**

Additional Cosponsors: **Pages S1326–28**

Amendments Submitted: **Page S1328**

Notices of Hearings: **Pages S1328–29**

Authority for Committees: **Pages S1329–30**

Additional Statements: **Pages S1309–13**

Privileges of the Floor: Page S1330

Record Votes: Three record votes were taken today. (Total—37) Pages S1301–02

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:09 p.m., until 9:30 a.m., on Thursday, March 9, 2000. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1330.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL RURAL DEVELOPMENT PARTNERSHIP

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded hearings on issues relating to the National Rural Development Partnership and the State Rural Development Councils, focusing on the lack of consistency in funding and the lack of legislative foundation providing policy guidance and direction, after receiving testimony from Jill Long Thompson, Under Secretary of Agriculture for Rural Development; Eugene A. Conti, Jr., Assistant Secretary of Transportation for Transportation Policy; Claude E. Fox, Administrator, Health Resources and Services Administration, Department of Health and Human Services; Chuck Fluharty, Rural Policy Research Institute, Columbia, Missouri; Mayor Bill Graham, Scottsburg, Indiana, on behalf of the Indiana Rural Development Council and National Rural Development Partnership; Tom Hudson, Tom Hudson Company, Moscow, Idaho, on behalf of the Idaho Rural Partnership; Cornelius P. Grant, North Dakota Rural Development Council, Bismarck; David E. Black, Pennsylvania Department of Community and Economic Development, Harrisburg; and Colleen Landkamer, Blue Earth Board of Commissioners, Mankato, Minnesota, on behalf of the National Association of Counties.

APPROPRIATIONS—DOD MEDICAL PROGRAMS

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on certain medical programs, after receiving testimony from Rudy de Leon, Under Secretary for Personnel and Readiness, and William J. Lynn III, Under Secretary (Comptroller), both of the Department of Defense; Adm. Donald L. Pilling, USN, Vice Chief of Naval Operations and Chair, Defense Medical Oversight Committee; Lt. Gen. Ronald R. Blanck, USA, Army Surgeon General and Commanding General, U.S. Army Medical Command; Vice Adm. Richard A. Nelson, USN, Medical Corps, Navy Surgeon General and Chief, Bureau of Medicine and Surgery; Lt. Gen. Paul K. Carlton, Jr., USAF, Air Force Surgeon General; Col. Deborah Gustke, USA, Assistant Chief, Army Nurse Corps; Rear Adm. Karen A. Harmeyer, USN, Deputy Director, Navy Nurse Corps, Reserve Component, and Director, Naval Reserve Medical Program 32; and Brig. Gen. Barbara C. Brannon, USAF, Director of Medical Readiness and Nursing Services, Office of the Air Force Surgeon General.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland concluded hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on Army transformation, Gen. Eric K. Shinseki, USA, Chief of Staff, United States Army.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic concluded hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on national security space programs, policies, and operations, after receiving testimony from Gen. Ralph E. Eberhart, USAF, Commander-in-Chief, North American Aerospace Defense Command/United States Space Command; and Keith R. Hall, Assistant Secretary of the Air Force for Space, and Director, National Reconnaissance Office.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 2097, to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, with an amendment;

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, with an amendment; and

The nominations of Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers, and Jay Johnson, of Wisconsin, to be Director of the Mint, Department of the Treasury.

INTERNET SECURITY

Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded hearings to examine recent hacker attacks on popular

websites, and examine the coordination of federal and industry efforts to heighten Internet security, after receiving testimony from Eric Holder, Jr., Deputy Attorney General, Michael A. Vatis, Director, National Infrastructure Protection Center, Federal Bureau of Investigation, both of the Department of Justice; William Reinsch, Under Secretary of Commerce, Bureau of Export Administration; and Michael Fuhrman, Cisco Systems, Inc., San Jose, California; Paul Misener, Amazon.com, Seattle, Washington; and Raj Reddy, Carnegie Mellon University Herbert A. Simon University, Pittsburgh, Pennsylvania.

FUEL PRICES

Committee on Energy and Natural Resources: Committee concluded oversight hearings to examine energy supply and demand issues relating to crude oil, heating oil, and transportation fuels in light of recent price escalations, after receiving testimony from Senators Collins, Snowe, Schumer, and Jeffords.

NATIONAL PARKS/PRESERVATION/ RECREATION

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings on S. 1705, to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, S. 972, to amend the Wild and Scenic Rivers Act to improve the administration of the Lamprey River in the State of New Hampshire, S. 1727, to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest, S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, S. 1910, to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York, and H.R. 1615, to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, after receiving testimony from Senators Biden, and Moynihan; Denis P. Galvin, Deputy Director, National Park Service, Department of the Interior; Paul W. Edmondson, National Trust for Historic Preservation, Washington, D.C.; Thomas E. Chavez, Palace of the Governors, and Frank V. Ortiz, both of Museum of New Mexico, and Sante Fe; Sam Davidson, Access Fund, Boulder Colorado; Thomas B. Williams, Conservation Fund, Arlington, Virginia; and Edward J. O'Donnell, Newark, Delaware, on behalf of the White Clay Watershed Association.

INTERNAL REVENUE CODE

Committee on Finance: Committee held hearings to examine penalty and interest provisions in the Internal Revenue Code, and certain recommendations to simplify penalty administration and reduce taxpayer burden, receiving testimony from Jonathan Talisman, Acting Assistant Secretary of the Treasury for Tax Policy; Lindy Paull, Chief of Staff, Joint Committee on Taxation; Peter L. Faber, McDermott, Will and Emery, New York, New York; and Kenneth J. Kies, Washington National Tax Services, PricewaterhouseCoopers, Washington, D.C.

Hearings continue tomorrow.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. Res. 87, commemorating the 60th Anniversary of the International Visitors Program;

S. Res. 263, expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices, with an amendment;

S. Con. Res. 87, commending the Holy See for making significant contributions to international peace and human rights, and objecting to efforts to expel the Holy See from the United Nations by removing the Holy See's Permanent Observer status in the United Nations;

An original executive resolution directing the return of certain treaties to the President; and

The nominations of N. Cinnamon Dornsife, of the District of Columbia, to be United States Director of the Asian Development Bank, Alan Phillip Larson, of Iowa, to be United States Alternate Governor of the International Bank for Reconstruction and Development, United States Alternate Governor of the Inter-American Development Bank, United States Alternate Governor of the African Development Bank, United States Alternate Governor of the African Development Fund, United States Alternate Governor of the Asian Development Bank, and United States Alternate Governor of the European Bank for Reconstruction and Development, Department of State, Earl Anthony Wayne, of Maryland, to be Assistant Secretary of State for Economic and Business Affairs, and a Foreign Service Officer Promotion list received in the Senate on May 11, 1999.

FOREIGN ASSISTANCE BUDGET

Committee on Foreign Relations: Subcommittee on International Operations concluded hearings on the President's proposed budget request for fiscal year 2001 for foreign assistance, after receiving testimony from Patrick F. Kennedy, Assistant Secretary of State for Administration; and Benjamin Nelson, Director, International Relations and Trade Issues, National Security and International Affairs Division, General Accounting Office.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee continued markup of S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, but did not complete action thereon, and will meet again tomorrow.

NOMINATIONS

Committee on Rules and Administration: Committee ordered favorably reported the nominations of Danny Lee McDonald, of Oklahoma, and Bradley A. Smith, of Ohio, each to be a Member of the Federal Election Commission.

Prior to this action, committee concluded hearings on the aforementioned nominations, after the nominees testified and answered questions in their own behalf. Mr. McDonald was introduced by Senator Nickles and Mr. Smith was introduced by Senator Voinovich.

HEALTH CARE IMPROVEMENT

Committee on Indian Affairs: Committee concluded hearings on the proposed legislation authorizing funds for programs of the Health Care Improvement Act, to implement Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal Indian health programs and encouraging maximum participation of Indians in such programs, after receiving testimony from Michael H. Trujillo, Assistant Surgeon General and Director, Indian Health Service, Department of Health and Human Services; Richard Narcia, Gila River Indian Community, Sacaton, Arizona; Rachel A. Joseph, Lone Pine, California, on behalf of the National Steering Committee on the Reauthorization of the Indian Health Care Improvement Act; H. Sally Smith, National Indian Health Board, and Kay Culbertson, National Council of Urban Indian Health, both of Denver, Colorado; and Tex G. Hall, Three Affiliated Tribes, Fort Berthold, North Dakota, on behalf of the Aberdeen Area of the Great Plains Regional Tribal Chairman's Association.

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: 28 public bills, H.R. 3850–3867; 3 private bills, H.R. 3868–3870; and 8 resolutions, H. Con. Res. 267–271 and H. Res. 431, 434–436, were introduced. **Pages H755–57**

Reports Filed: Reports were filed as follows:

Conference report on H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration (H. Rept. 106–513);

H. Res. 432, providing for consideration of the conference report to accompany S. 376, to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications (H. Rept. 106–514);

H. Res. 433, providing for consideration of H.R. 1695, to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility (H. Rept. 106–515); and

H. Res. 434, providing for consideration of H.R. 3081, to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses and providing for consideration of H.R. 3846, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage (H. Rept. 106–516).

Pages H649–H704, H755

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. Frank Richardson of Baltimore, Maryland. **Page H649**

Recess: The House recessed at 10:49 a.m. and reconvened at 12:34 p.m. **Page H711**

Recess: The House recessed at 1:32 p.m. and reconvened at 2:02 p.m. **Page H721**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Keith D. Oglesby Postal Service Station in Greenville, South Carolina: H.R. 2952, to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station" (passed by a recorded vote of 377 ayes with none voting "no", Roll No. 30); **Pages H706–08, H722–23**

Marybelle H. Howe Post Office in Charleston, South Carolina: H.R. 3018, amended, to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the "Marybelle H. Howe Post Office" (passed by a recorded vote of 375 ayes with none voting "no", Roll No. 31.) Agreed to amend the title;

Pages H708–11, H723

10th Anniversary of the Reestablishment of Lithuanian Independence: S. Con. Res. 91, congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union (passed by a yea and nay vote of 384 yeas with none voting "nay", Roll No. 32); and

Pages H724–26, H734–35

50th Anniversary of the Korean War: H.J. Res. 86, amended, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war (passed by a yea and nay vote of 383 yeas with none voting "nay", Roll No. 33). **Pages H726–35**

Government Waste Corrections Act: The House passed H.R. 1827, to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies by a yea and nay vote of 375 yeas with none voting "nay", Roll No. 29. Agreed to amend the title.

Pages H713–22

Agreed To:

The Burton amendment that makes technical and clarifying changes; and **Page H720**

The Jackson-Lee amendment that requires a study on the improper or inadequate notice of recovery audits. **Pages H720–21**

Earlier agreed to H. Res. 426, the rule that provided for consideration of the bill by voice vote.

Pages H711–13

Presidential Messages: Read the following messages from the President:

Permanent Normal Trade Relations for China: Message wherein he transmitted his legislative proposal authorizing permanent Normal Trade Relations treatment to products from China—referred to the Committee on Ways and Means and ordered printed (H. Doc. 106–207); and **Page H753**

National Money Laundering Strategy: Message wherein he transmitted his National Money Laundering Strategy for 2000—referred to the Committees on the Judiciary and Banking and Financial Services. **Page H753**

Recess: The House recessed at 6:45 p.m. and reconvened at 10:15 p.m. **Page H753**

Amendments: Amendment ordered printed under the rule appears on page H758.

Quorum Calls—Votes: Three yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H722, H722–23, H723, H734–35, and H735. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:16 p.m.

Committee Meetings

REVIEW—FOREST SERVICE BUDGET REQUEST

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition and Forestry held a hearing to review the U.S. Forest Service budget request for Fiscal Year 2001. Testimony was heard from Mike Dombeck, Chief, Forest Service, USDA.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Research, Education and Extension. Testimony was heard from the following officials of the USDA: I. Miley Gonzalez, Under Secretary, Research, Education and Economics; and Stephen B. Dewhurst, Director, Office of Budget and Program Analysis.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on the Attorney General. Testimony was heard from Janet Reno, Attorney General, Department of Justice.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Fiscal Year 2001 Air Force Budget Overview. Testimony was heard from the following officials of the Department of the Air Force, Department of Defense: F. Whitten Peters, Secretary; and Gen. Michael E. Ryan, USAF, Chief of Staff.

The Subcommittee also met in executive session to hold a hearing on Fiscal Year 2001 Air Force Acquisition Program. Testimony was heard from Lawrence Delaney, Assistant Secretary, the Air Force, Acquisition, Department of the Air Force, Department of Defense.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Secretary of Energy. Testimony was heard from Bill Richardson, Secretary of Energy.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held an oversight hearing on Bureau of Indian Affairs Reorganization/National Academy of Public Administration Report, and a hearing on the Bureau of Indian Affairs and the Smithsonian. Testimony was heard from the following officials of the Department of the Interior: Kevin Gover, Assistant Secretary, Indian Affairs; and Thomas M. Thompson, Principal Deputy Special Trustee for American Indians, Office of the Special Trustee; Larry Small, Secretary, Smithsonian Institution; and public witnesses.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on National Institute of Arthritis and Musculoskeletal and Skin Diseases; Director, the NIH and the Office of Director Panel. Testimony was heard from the following officials of the NIH, Department of Health and Human Services: Ruth Kirschstein, M.D., Acting Director; and Stephen I. Katz, M.D., Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases.

The Subcommittee also continued appropriation hearings. Testimony was heard from public witnesses.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on Federal Transit Capital Project. Testimony was heard from the following officials of the Department of Transportation: Raymond DeCarli, Deputy Inspector General; and Nuria Fernandez, Acting Administrator, Federal Transit Administration; Phyllis F. Scheinberg, Associate Director, Transportation Issues, Resources, Community and Economic Development Division, GAO; Sergio Gonzalez, Secretary of Transportation, Commonwealth of Puerto Rico; and public witnesses.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the Secretary of Housing and Urban Development. Testimony was heard from Andrew Cuomo, Secretary of Housing and Urban Development.

ALL VOLUNTEER FORCE AND RESERVE COMPONENT ISSUES

Committee on Armed Services, Subcommittee on Military Personnel held a hearing on Sustaining the All Volunteer Force and Reserve Component Issues. Testimony was heard from Norman J. Rabkin, Director, National Security Preparedness Issues, GAO; the following officials of the Department of Defense: Rudy de Leon, Under Secretary, Personnel and Readiness; Charles L. Cragin, Principal Deputy Assistant Secretary, Reserve Affairs; Lt. Gen. David H. Ohle, USA, Deputy Chief of Staff, Personnel, U.S. Army; Vice Adm. Norbert Ryan, USN, Chief, Naval Personnel, U.S. Navy; Lt. Gen. Donald L. Peterson, USAF, Deputy Chief of Staff, U.S. Air Force; Lt. Gen. Jack W. Klimp, USMC, Deputy Chief of Staff, Manpower and Reserve Affairs, U.S. Marine Corps; Lt. Gen. Russell C. Davis, USAF, Chief, National Guard Bureau; Maj. Gen. Roger C. Schultz, USA, Director, Army National Guard; Maj. Gen. Thomas J. Plewes, USA, Chief, U.S. Army Reserve; Rear Adm. John B. Totusek, USN, Director, U.S. Naval Reserve; Maj. Gen. Paul A. Weaver, USAF, Director, Air National Guard; Maj. Gen. James F. Sherrard III, USAF, Chief, Air Force Reserve and Commander, Air Force Reserve Command; and Maj. Gen. David M. Mize, USMC, Commander, Marine Forces Reserve; and Rear Adm. D. Dennis Sirois, USCG, Director, U.S. Coast Guard Reserve, Department of Transportation.

INFORMATION SUPERIORITY AND INFORMATION ASSURANCE

Committee on Armed Services: Subcommittee on Military Readiness and the Subcommittee on Research and Development held a joint hearing on information superiority and information assurance. Testimony was heard from the following officials of the Department of Defense: Art Money, Assistant Secretary (Command, Control, Communications and Intelligence); Lt. Gen. John L. Woodward, Jr., USA, Director, Command, Control, Communications and Computers Systems, The Joint Staff; Lt. Gen. William H. Campbell, USA, Director, Information Systems, Command, Control, and Computers, Department of the Army; Rear Adm. Richard W. Mayo, USN, Director, Space, Information, Warfare, Command and Control, Department of the Navy; Lt.

Gen. William J. Donahue, USAF, Director, Headquarters Communications and Information, Department of the Air Force; and Brig. Gen. Robert Shea, USMC, Assistant Deputy Commandant, Command, Control, Communications, and Intelligence, U.S. Marine Corps; Neal Lane, Assistant to the President for Science and Technology, Office of Science and Technology Policy; and John S. Tritak, Director, Critical Infrastructure Assurance Office.

GLOBAL AIDS CRISIS

Committee on Banking and Financial Services: Held a hearing on the Global AIDS crisis and pandemic in Africa, including H.R. 3519, World Bank AIDS Prevention Trust Fund Act. Testimony was heard from Senator Kerry; Representative Houghton; Ambassador Richard C. Holbrooke, to the United Nations, Department of State; Sandra L. Thurman, Director, White House Office of National AIDS Policy; Timothy F. Geithner, Under Secretary (International Affairs), Department of the Treasury; and public witnesses.

TECHNOLOGY IN EDUCATION

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth, and Families held a hearing on Technology in Education. Testimony was heard from public witnesses.

OVERSIGHT—2000 CENSUS

Committee on Government Reform: Subcommittee on the Census held an oversight hearing of the 2000 Census: Status of Bureau Census Operations and Activities. Testimony was heard from Kenneth Prewitt, Director, Bureau of the Census, Department of Commerce.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs and International Relations held a hearing on Combating Terrorism: Management of Medical Stockpiles. Testimony was heard from the following officials of the GAO: Cynthia Bascetta, Associate Director, Veterans Affairs and Military Health Issues; and Martin J. Eble, Senior Evaluator, Accounting and Information Management Division; Frances Murphy, M.D., Acting Under Secretary, Policy and Management, Department of Veterans Affairs; the following officials of the Department of Health and Human Services: Robert F. Knouss, M.D., Office of Emergency Preparedness, Public Health Service; and Stephen M. Ostroff, Associate Director, Epidemiologic Science, National Center for Infectious Diseases, Centers for Disease Control and Prevention; and Col. Carlos Hollifield, USMC, Commander, Chemical Biological Incident Response Force, U.S. Marine Corps, Department of Defense.

COMMITTEE BUSINESS

Committee on House Administration: Met to consider pending business.

ASIA-U.S. SECURITY CONCERNS

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on U.S. Security Concerns in Asia. Testimony was heard from the following officials of the Department of Defense: Adm. Dennis Blair, USN, Commander in Chief, U.S. Pacific Command; and Franklin D. Kramer, Assistant Secretary, International Security Affairs; and Rust Deming, Acting Assistant Secretary, East Asian and Pacific Affairs, Department of State.

HUMAN RIGHTS PRACTICES—COUNTRY REPORT

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Country Report on Human Rights Practices for 1999. Testimony was heard from Harold Hongju Koh, Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State; and public witnesses.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT

Committee on the Judiciary: Continued markup of H.R. 2372, Private Property Rights Implementation Act of 1999.

Will continue tomorrow.

TRAFFICKING VICTIMS PROTECTION ACT

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action, as amended, H.R. 3244, Trafficking Victims Protection Act of 1999.

WAGE AND EMPLOYMENT GROWTH ACT OF 1999; MINIMUM WAGE INCREASE

Committee on Rules: Granted by a vote of 7 to 3, a closed rule providing for consideration of H.R. 3081, Wage and Employment Growth Act of 1999, in the House without intervention of any point of order. The rule provides that the bill be considered as read and that, in lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, the text of H.R. 3832, Small Business Tax Fairness Act of 2000, shall be considered as adopted. The rule provides two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides one motion to recommit H.R. 3081 with or without instructions. Testimony

was heard from Chairman Archer and Representatives Gutknecht, Rangel, Bonior, Phelps, and Sandlin.

The rule also provides for consideration of H.R. 3846, A Bill to Increase the Minimum Wage, in the House under a modified closed rule. The rule provides that the bill be considered as read and shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule provides for consideration of the amendments printed in the Rules Committee report accompanying the resolution, which shall be in order without intervention of any point of order, except those arising under section 425 of the Congressional Budget Act (prohibiting consideration of legislation containing certain unfunded mandates). The rule provides that the amendments printed in the Rules Committee report accompanying the resolution may only be offered by the Member designated in the report, shall be considered as read, and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. The rule provides one motion to recommit H.R. 3846 with or without instructions. Testimony was heard from Chairman Goodling and Representatives Shimkus, Clay, and Kleczka

Finally, the rule provides that in the engrossment of H.R. 3081, the clerk shall add the text of H.R. 3846, as passed by the House, as a new matter at the end of H.R. 3081, after which H.R. 3846 shall be laid on the table.

IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Committee on Rules: Granted by voice vote an open rule on H.R. 1695, Ivanpah Valley Airport Public Lands Transfer, providing one hour of general debate equally divided between the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against consideration of the bill. The rule makes in order the Committee on Resources amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Act. Testimony was heard from Representative Hansen and Gibbons.

CONFERENCE REPORT—COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT

Committee on Rules: Granted by voice vote a rule waiving all points of order against the conference report to accompany S. 376, Communications Satellite Competition and Privatization Act, and against its consideration. Testimony was heard from Chairman Bliley.

TRANSPORTATION EQUITY ACT IMPLEMENTATION

Committee on Transportation and Infrastructure: Subcommittee on Ground Transportation held a hearing on Implementation of the Transportation Equity Act for the 21st Century by the Department of Transportation. Testimony was heard from the following officials of the Department of Transportation: Kenneth R. Wykle, Administrator; and Julie A. Cirillo, Acting Deputy Administrator and Acting Chief Safety Officer, Federal Motor Carrier Safety Administration, both with the Federal Highway Administration, Joline M. Molitoris, Administrator, Federal Railroad Administration; Kelley S. Coyner, Administrator, Research and Special Programs Administration; Nuria Fernandez, Acting Administrator, Federal Transit Administration; Nuria Fernandez, Acting Administrator, Federal Transit Administration; and Rosalyn G. Millman, Acting Administrator, National Highway Traffic Safety Administration.

MISCELLANEOUS MEASURES; WATER RESOURCES DEVELOPMENT ACT PROPOSALS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment approved for full Committee action, as amended, the following bills: H.R. 910, San Gabriel Basis Water Quality Initiative; and H.R. 2328, to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program.

The Subcommittee also held a hearing on proposals for a Water Resources Development Act of 2000. Testimony was heard from Representatives Pomeroy, LaHood, McGovern and Bereuter.

KOSOVO

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Kosovo. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 9, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues dealing with Medicare, 9:30 a.m., SH–216.

Subcommittee on Transportation, to hold hearings on the Department of Transportation Program oversight, 10 a.m., SD–124.

Committee on Armed Services: To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Atomic Energy Defense Activities of the Department of Energy, 9:30 a.m., SR–222.

Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on active and reserve military and civilian personnel programs, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: To hold hearings on the final report of the International Financial Institute Advisory Commission, 10 a.m., SD–628.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold oversight hearings on the Nuclear Regulatory Commission, 9 a.m., SD–406.

Committee on Finance: To continue hearings to examine penalty and interest provisions in the Internal Revenue Code, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings on NATO and the European Defense Program, 2 p.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine managing human capital in the 21st century, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Business meeting to continue markup of S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, 10 a.m., SD–430.

Select Committee on Intelligence: To hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: Business meeting to mark up H.R. 1658, to provide a more just and uniform procedure for Federal civil forfeitures; S. 2045, to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; S. 1796, to modify the enforcement of certain anti-terrorism judgments; and S.J. Res. 39, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, 10 a.m., SD–226.

House

Committee on Appropriations, to mark up Emergency Supplemental Appropriations for Fiscal Year 2000, 1 p.m., 2359 Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Farm and Foreign Agricultural Services, 10 a.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, State, and Judiciary, on Department of State Administration of Foreign Affairs, 10 a.m., H–309 Capitol.

Subcommittee on Interior, on Forest Service, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Secretary of Education, 10 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Air Force Construction, 9:30 a.m., B–300 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Bureau of Alcohol, Tobacco and Firearms, 9:30 a.m., 2358 Rayburn.

Subcommittee on Veterans Affairs, HUD and Independent Agencies, on Neighborhood Reinvestment Corporation, and Community Development Financial Institutions, 10 a.m., H–143 Capitol.

Committee on Armed Services, Subcommittee on Military Installations and Facilities, hearing on the Fiscal Year 2001 budget request for the military construction and military family housing programs of the Department of Defense, 1 p.m., 2212 Rayburn.

Subcommittee on Military Procurement and the Subcommittee on Military Research and Development, joint hearing on Army programs and transformation, 10 a.m., 2118 Rayburn.

Subcommittee on Military Readiness and the Subcommittee on Civil Service of the Committee on Government Reform, joint hearing on Civilian Personnel Readiness, 1 p.m., 2118 Rayburn.

Committee on Banking and Financial Services, hearing on Money Laundering, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, hearing on price fluctuations in oil markets, 10 a.m., 2123 Rayburn.

Subcommittee on Health and Environment, hearing on Fetal Tissue: Is It Being Bought and Sold in Violation of Federal Law? 2 p.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on the following bills: H.R. 3011, Truth in Billing Act of 1999; and H.R. 3022, Rest of the Truth in Telephone Billing Act of 1999, 10 a.m., 2322 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearings on "A More Secure Retirement for Workers: Proposals for ERISA Reform," 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, to consider the following: a draft report entitled "The Department of Defense Anthrax Vaccine Immunization Program: Unproven

Force Protection''; H.R. 3699, designating that the facility of the United States Postal Service located at 3409 Lee Highway in Merrifield, Virginia, be known as the ''Joel T. Broyhill Postal Building''; H.R. 3701, designating the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, be known as the ''Joseph L. Fisher Post Office Building''; H.R. 3030, to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office''; and H.R. 3488, to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building'', 9:30 a.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, hearing on ''Computer Security: Are We Prepared for Cyberwar?'' 10 a.m., 2247 Rayburn.

Subcommittee on Postal Service, hearing on International Postal Policy, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on U.S. Assistance Commitments in Southeast Europe; to be followed by a markup of the following: H. Res. 429, expressing the sense of the House of Representatives concerning the participation of the extremist FPO in the government of Austria; and a measure expressing support for humanitarian assistance to the Republic of Mozambique, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, to continue markup of H.R. 2372, Private Property Rights Implementation Act of 1999, and to mark up the following bills: H.R. 1283, Fairness in Asbestos Compensation Act of 1999; H.R. 1304, Quality Health-Care Coalition Act of 1999; and H.R. 3660, Partial-Birth Abortion Ban Act of 2000, 10 a.m., 2141 Rayburn.

Subcommittee on Courts and Intellectual Property, oversight hearing on the United States Patent and Trademark Office, 3 p.m., B–352 Rayburn.

Subcommittee on Crime, hearing on H.R. 3125, Internet Gambling Prohibition Act of 1999, 2 p.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, to mark up H.R. 238, to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed, 9:30 a.m., 2148 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife, and Oceans, oversight hearing on the Magnuson-Stevens Fishery Conservation Act, 11 a.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up the following bills: H.R. 2647, Ak-Chin Water Use Amendments Act of 1999; H.R. 3236, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah., to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial and other beneficial purposes; and H.R. 3577, to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Energy and Environment, hearing on Fiscal Year 2001 Climate Change Budget Authorization Request, 10 a.m., 2318 Rayburn.

Subcommittee on Technology, hearing to review the Fiscal Year 2001 Budget Request for the Technology Administration/National Institute of Standards and Technology, including Computer Security and E-Commerce Initiatives, 1 p.m., 2318 Rayburn.

Committee on Small Business, to mark up programs of the SBA, 10 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits and the Subcommittee on Health, joint hearing on homeless veterans' issues, 10 a.m., 345 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Unemployment Compensation and the Family and Medical Leave Act, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Fiscal Year 2001–DCI Budget Overview, 1 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: To hold hearings to examine certain issues in Belarus, 10 a.m., 334, Cannon Building.

Joint Economic Committee: To hold hearings to examine the impact of supply-side economics on the United States economy over the past twenty years, 9 a.m., SD–562.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, March 9

Senate Chamber

Program for Thursday: Senate will resume consideration of the nominations of Marsha L. Berzon and Richard A. Paez, both of California, each to be a United States Circuit Judge for the Ninth Circuit; following which, Senate will begin a period of morning business (not to extend beyond 2 p.m.).

At 2 p.m., Senate will vote on or in relation to the confirmation of the nominations (listed above); following which, Senate will resume a period of morning business, during which eight Senators will be recognized for speeches.

Also, Senate may consider any other cleared legislative or executive business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, March 9

House Chamber

Program for Thursday: Consideration of H.R. 3081, Wage and Employment Growth Act (closed rule, two hours of debate);

Consideration of H.R. 3846, Minimum Wage Increase (modified closed rule, one hour of debate); and

Motion to Instruct Conferees on H.R. 1501, Juvenile Justice Reform Act.

Extensions of Remarks, as inserted in this issue

HOUSE

Baldacci, John Elias, Maine, E242
Brown, Corrine, Fla., E241
Clyburn, James E., S.C., E237
Cook, Merrill, Utah, E242
Farr, Sam, Calif., E239, E244
Green, Gene, Tex., E243
Hastert, J. Dennis, Ill., E237
Klink, Ron, Pa., E237, E244
Lantos, Tom, Calif., E245
Nethercutt, George R., Jr., Wash., E240
Pascrell, Bill, Jr., N.J., E237, E238, E239, E241, E242, E243, E244
Portman, Rob, Ohio, E241
Rothman, Steven R., N.J., E245
Scarborough, Joe, Fla., E240
Stark, Fortney Pete, Calif., E237, E247
Young, C.W. Bill, Fla., E240
Young, Don, Alaska, E238, E241, E242, E244, E245

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5:30 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $179.00 for six months, $357.00 per year, or purchased for $3.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.