

the Senate amendment will make clear to the Europeans that the United States will not tolerate unfair, discriminatory restrictions on trade that go against international principles and standards.

For those who are not familiar with the issue, I will provide a brief background. To comply with international aircraft noise standards, the U.S. aviation industry adopted so-called hushkit technology to bring its older aircraft into compliance. Some airlines also purchased new engines for their older aircraft. Even though these hushkitted and re-engined aircraft comply with the new international noise standard, the EU took legislative action to freeze the number of these aircraft within the EU Community at the 1999 level. Although the EU delayed final implementation of this rule for one year, this move has the effect of setting a more stringent noise standard in Europe.

Unfortunately, implementation of this rule is likely to have a discriminatory and costly impact on the United States aviation industry without any noise reduction benefits. The fact that this rule does not have a similar effect on industries in the EU is troubling. It is my understanding that certain aspects of the rule were tailored to protect European aviation interests. But one of the worst aspects of this rule is the terrible precedent that it sets for unilateral action by countries or groups of countries outside of the established international standards-setting process.

Earlier this year I wrote to European officials to express my deep frustration with their having chosen this particular, unilateral course of action to address the issue of aircraft emissions. Regulations such as the one at issue should be taken through the appropriate international channels, such as the International Civil Aviation Organization. Adoption of this rule by the EU has effectively breached a 50-year regime of global environmental rules in aviation.

A regional rule such as this one will undermine the ability of lesser-developed nations, the aerospace industry, airlines, and the United States to work toward international standards for more stringent aircraft engine emissions, which is the purported rationale for the EU rule. I sincerely hope that the EU will come to realize the benefits of a single, rational aviation regime for all nations.

The delay in implementation of the rule was granted as a result of a U.S. commitment to work in partnership with the EU within the established international process to develop a new, more stringent global aircraft noise standard. Since its adoption, the Federal Aviation Administration has been working bilaterally with representatives of the European Commission to develop an agreement to work in partnership on resolving this matter to everyone's satisfaction.

Despite the ongoing consultations, and regardless of the delay in imple-

mentation of the rule, U.S. industry is being negatively impacted right now. Because the hushkit rule is on the books, the market assumes that the rule will eventually come into effect. This has had a profound impact upon many businesses. So it is important that this matter be resolved soon.

The Europeans must understand how important it is that the considerations of the United States are taken into account with respect to this matter. If progress is not made in the near future, calls for taking strong action against the EU will grow. As a committed proponent of free trade, I am adamantly opposed to the EU rule. For the same reason, I do not support inappropriate retaliation on the part of the United States in this matter. Despite my opposition, however, the U.S. may in fact retaliate, which could do harm to businesses and consumers on both sides of the Atlantic.

Whether retaliatory in nature or not, the U.S. has many tools at its disposal to address the matter if the EU proves to be intractable in its position. For example, the United States Trade Representative is considering preparation of a World Trade Organization case focusing on the discriminatory aspects of the rule. Northwest Airlines has filed a complaint with Department of Transportation asking for retaliatory measures. Most recently, the U.S. aviation industry has asked the government to take official action under the so-called Chicago Convention, which governs many aspects of international aviation, claiming that the EU rule is not in compliance with international standards.

I do not want this issue to become the subject of a trade war. But if the EU fails to grasp the determined opposition of the U.S. aviation industry to this rule, there may be serious repercussions. I hope that this Sense of the Senate will begin to get the message to the EU that this issue cannot remain unresolved for too much longer. ●

RECOGNITION OF RASCHELLE FREEMAN, 5TH GRADE TEACHER

● Mr. GORTON. Mr. President, as the Senate debates education issues and initiatives, too often we talk in the form of numbers and statistics rather than concrete examples of excellence or success in our schools. A 5th grade teacher in the town of East Wenatchee, Washington has come to my attention for her exemplary service to her school, Lee Elementary, and to her community. Her name is Raschelle Freeman and I am pleased to present her with my Innovation in Education award.

Ms. Freeman's list of accomplishments is certainly impressive. This year she was chosen as the Washington state recipient of the prestigious Christa McAuliffe Fellowship. Last January she was one of 100 teachers nationwide to receive the Presidential Award for Excellence in Mathematics Teaching. This national recognition re-

flects the respect and admiration of those who work with Ms. Freeman each day.

The Assistant Superintendent of the Eastmont School District, Ms. Beverly Jagla, says Ms. Freeman is the "most effective" educator she has ever met—"She is energy personified." Ms. Jagla further emphasized Ms. Freeman's dedication as a member of the faculty team at Lee Elementary as well as her great skill at mathematics instruction; a talent so considerable that Ms. Freeman leads workshops for superintendents, administrators, principals, and other teachers around Washington state that emphasize "best practices" for successful math education.

Lee Elementary's former Principal, Ms. Kathy West, noted that in her 22 years in education she has never encountered a teacher who excelled in every instructional area. For example, this past year Ms. Freeman's class put on a major theater production, complete with music and costumes, that was so impressive students from other schools were bused in to see a performance. Ms. West also noted that 12 hour days are the norm for Ms. Freeman as she juggles her many pursuits. In addition to the time spent educating her students and peers, Ms. Freeman spends countless hours writing grant applications to bring more money and resources to her school district.

The final testament to Ms. Freeman's devotion is the choice she made with the \$34,000 McAuliffe Award. The funds are intended to allow the recipient to take time away from teaching to further his or her own continuing education. Ms. Freeman, however, chose to give the money to her school's Science Math with Accountability and Responsible Technology (SMART) project. The SMART program integrates reading, technical writing, math, science, and technology into an innovative model that will be used to improve the learning of students throughout Lee Elementary.

I have long been a supporter of greater flexibility for local educators. It is educators like Raschelle Freeman that demonstrate local communities really do know best. The Federal Government should provide more flexibility to promote the work of educators like Ms. Freeman. I am proud to present her with my Innovation in Education Award, and I hope my colleagues will join me in recognizing her accomplishments. ●

MEASURE PLACED ON CALENDAR—S. 1427

Mr. GORTON. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1427) to authorize the Attorney General to appoint a special counsel to investigate or prosecute a person for a possible violation of criminal law when the Attorney

General determines that the appointment of a special counsel is in the public interest.

Mr. GORTON. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

AUTHORIZING TESTIMONY BY SENATE EMPLOYEE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 162 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 162) to authorize the testimony of employee of the Senate in *State of New Mexico v. Felix Lucero Chavez*.

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

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

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

The resolution (S. Res. 162) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 162

Whereas, in the case of *State of New Mexico v. Felix Lucero Chavez*, No. CR 4646-99, pending in the Metropolitan Court for Bernalillo County, New Mexico, a subpoena has been served on Kristen Ludecke, an employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kristen Ludecke is authorized to testify in the case of *State of New Mexico v. Felix Lucero Chavez*, except concerning matters for which a privilege should be asserted.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action brought by the State of New Mexico against a resident of Bernalillo County. The State charges that, during an attempt by the Bernalillo County Sheriff's Department and juvenile probation office to execute a bench warrant for the arrest of a juvenile, as part of a law enforcement program called "Operation Night Light," the defendant created a public disturbance and obstructed the Sheriff's deputies.

An employee on Senator BINGAMAN's staff, Kristen Ludecke, was accompanying the Senator the night of this

incident on a ride-along with the Sheriff's Department to observe the Operation Night Light program. The Sheriff's Department is requesting that Ms. Ludecke testify at the hearing in this case, scheduled for August 2, about what she observed during the ride-along.

This resolution would accordingly authorize Ms. Ludecke to testify in this matter.

FEDERAL RESEARCH INVESTMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 205, S. 296.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 296) to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 296

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 Research Investment Act".

SEC. 2. GENERAL FINDINGS REGARDING FEDERAL INVESTMENT IN RESEARCH.

(a) VALUE OF RESEARCH AND DEVELOPMENT.—The Congress makes the following findings with respect to the value of research and development to the United States:

(1) Federal investment in research has resulted in the development of technology that saved lives in the United States and around the world.

(2) Research and development investment across all Federal agencies has been effective in creating technology that has enhanced the American quality of life.

(3) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.

(4) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and the quality of life for all Americans.

(5) Science, engineering, and technology play a critical role in shaping the modern world.

(6) Studies show that about half of all United States post-World War II economic growth is a direct result of technical innovation; and science, engineering, and technology contribute to the creation of new goods and services, new jobs and new capital.

(7) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.

(8) Federal programs for investment in research, which lead to technological innova-

tion and result in economic growth, should be structured to address current funding disparities and develop enhanced capability in States and regions that currently under-participate in the national science and technology enterprise.

(b) STATUS OF THE FEDERAL INVESTMENT.—The Congress makes the following findings with respect to the status of the Federal investment in research and development activities:

(1) Federal investment of approximately 13 to 14 percent of the Federal discretionary budget in research and development over the past 11 years has resulted in a doubling of the nominal amount of Federal funding.

(2) Fiscal realities now challenge Congress to steer the Federal government's role in science, engineering, and technology in a manner that ensures a prudent use of limited public resources. There is both a long-term problem—addressing the ever-increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding to an increasing range of targets in science, engineering, and technology. This confluence of increased national dependency on technology, increased targets of opportunity, and decreased fiscal flexibility has created a problem of national urgency. Many indicators show that more funding for science, engineering, and technology is needed but, even with increased funding, priorities must be established among different programs. The United States cannot afford the luxury of fully funding all deserving programs.

(3) Current projections of Federal research funding show a downward trend.

SEC. 3. SPECIAL FINDINGS REGARDING HEALTH-RELATED RESEARCH.

The Congress makes the following findings with respect to health-related research:

(1) HEALTH AND ECONOMIC BENEFITS PROVIDED BY HEALTH-RELATED RESEARCH.—*Because of health-related research, cures for many debilitating and fatal diseases have been discovered and deployed. At present, the medical research community is on the cusp of creating cures for a number of leading diseases and their associated burdens. In particular, medical research has the potential to develop treatments that can help manage the escalating costs associated with the aging of the United States population.*

(2) FUNDING OF HEALTH-RELATED RESEARCH.—*Many studies have recognized that clinical and basic science are in a state of crisis because of a failure of resources to meet the opportunity. Consequently, health-related research has emerged as a national priority and has been given significantly increased funding by Congress in fiscal year 1999. In order to continue addressing this urgent national need, the pattern of substantial budgetary expansion begun in fiscal year 1999 should be maintained.*

(3) INTERDISCIPLINARY NATURE OF HEALTH-RELATED RESEARCH.—*Because all fields of science and engineering are interdependent, full realization of the nation's historic investment in health will depend on major advances both in the biomedical sciences and in other science and engineering disciplines. Hence, the vitality of all disciplines must be preserved, even as special considerations are given to the health research field.*

[SEC. 4.] SEC. 4. ADDITIONAL FINDINGS REGARDING THE LINK BETWEEN THE RESEARCH PROCESS AND USEFUL TECHNOLOGY.

The Congress makes the following findings:

(1) FLOW OF SCIENCE, ENGINEERING, AND TECHNOLOGY.—The process of science, engineering, and technology involves many steps. The present Federal science, engineering, and technology structure reinforces the increasingly artificial distinctions between basic and applied activities. The result too often is a set of discrete programs that each